



Personnel Policies

Adopted by the Chelan Douglas Regional Port Authority

Board of Directors on February 23rd, 2021

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POLICY 100 PERSONNEL POLICIES

All employees must read the following acknowledgement, and then sign, date and return this form to the Director of Finance & Administration. The acknowledgement form (along with any subsequent form) will be placed in the employee's personnel file.

This manual includes the Chelan Douglas Regional Port Authority ("Port" or "Port Authority") personnel policies ("Personnel Policies"). It is your responsibility to read these Personnel Policies, be familiar with their terms, and ask questions about anything you do not understand. These Personnel Policies will acquaint you with your employee benefits, our personnel practices and rules, and organizational philosophy. The most current Personnel Policies will be available on the Port Authority's website.

Unless a contract for employment provides otherwise, employment with the Port Authority is "at will." This means that either the Port Authority or employee may terminate the employment relationship at any time for any or no reason. It is also important to understand that these Personnel Policies do not promise specific treatment in specific circumstances, create an employee contract, or a guarantee of employment of any specific duration between the Port Authority and its employees. These Personnel Policies are general guidelines and do not constitute promises of specific treatment in specific circumstances. Although we hope that your employment relationship with us will be long-term, we recognize that at times things do not always work out as hoped, and, since employment is "at will," either of us may decide to terminate the employment relationship at any time for any lawful reason. No elected official, Supervisor, manager, or representative of the Port Authority other than the Board of Directors has the authority to make any written or verbal statements or representations that are inconsistent with the Personnel Policies. Please note that in cases where these Personnel Policies conflict with a Port Authority resolution, state or federal law, or an individual employment agreement, the terms of the law or agreement shall prevail.

As the Port Authority grows and changes, the Personnel Policies may change. The Port Authority, therefore, reserves the right to revise, supplement, clarify, or rescind any Personnel Policy or portion of a policy when deemed appropriate by the Board of Directors. In addition, the Port Authority reserves the right to deviate from any Personnel Policy when circumstances warrant. While the Port Authority will try to provide advance notice of any policy changes, advance notice will not always be possible or practicable.

If you have questions about these Personnel Policies or any other policies of the Port Authority, please feel free to ask your Supervisor, the Director of Finance & Administration, or the Chief Executive Officer.

I have received the Personnel Policies and have read and understand the statement above. I acknowledge that it is my responsibility to read and be familiar with these policies. I further acknowledge that I have the right to request the Personnel Policies be provided to me in another language if English is not my first language.

Employee Signature

Print Name

Date _____

(Return one signed copy of this form to the Director of Finance & Administration)

POLICY 101 FUNCTIONS OF THIS MANUAL

Policy:

This Personnel Policy manual should be used as an outline of the basic personnel policies, practices, and procedures for the organization. The Chief Executive Officer and Director of Finance & Administration are responsible for implementation of this Personnel Policy manual as adopted, approved, and/or amended by the Board of Directors from time to time.

Comment:

- (1) This Personnel Policy manual contains general statements of the Port Authority personnel or employment related policies and should not be read as including all policies or all the details of each policy. However, in many cases details are provided and appropriate cross-references are made. This manual should not be interpreted as forming an express or implied contract or promise that the policies discussed in it will be applied in all cases. The Port Authority may add to, amend, revoke, modify, or make exceptions the policies in the manual from time to time. The Port Authority will try to keep this manual current, but there may be times when policy will change before material can be revised.
- (2) These Personnel Policies shall apply to all Port Authority employees. With the exception of the discrimination, harassment, and whistleblower policies, these Personnel Policies shall not apply to elected officials or independent contractors.
- (3) Except as otherwise specified in a written employment agreement, employees are terminable at-will. This means that either party may terminate the employment relationship with or without notice, and with or without cause for any legal reason.
- (4) The Director of Finance & Administration, or authorized designee, is responsible for the distribution of the Personnel Policy manual (including amendments thereto) to employees who, in turn, are responsible for inserting approved changes. The Chief Executive Officer and Management Team will continue to review and recommend changes to the Board of Directors concerning these Personnel Policies. Supervisors are encouraged to recommend changes or new policies. The Director of Finance & Administration is responsible for disseminating new policy information.
- (5) Supervisors should refer to the Personnel Policy manual whenever questions of policy interpretation or implementation arise. Issues needing clarification should be referred to the Director of Finance & Administration and/or Chief Executive Officer.

POLICY 102 EMPLOYER-EMPLOYEE RELATIONS

Policy:

The Chelan Douglas Regional Port Authority implements fair and effective Personnel Policies and requires all employees to support the Port Authority's best interests.

Comment:

- (1) The Port Authority is committed to a mutually rewarding and direct relationship with its employees. Thus, by way of illustration, the Port Authority:
 - (a) Provides equal employment opportunity and treatment regardless of race, religion, color, sex, gender identification, marital status, age, national origin, disability, pregnancy, military/veteran status, and any class protected under federal, state or local law (as existing or amended);
 - (b) Provides compensation and benefits commensurate with the work performed;
 - (c) Establishes reasonable hours of work based on the Port Authority's needs;
 - (d) Monitors and complies with the applicable federal, state, and local laws and regulations concerning employee safety;
 - (e) Offers training opportunities, as budgetary conditions allow, for those whose talents or needs justify the training;
 - (f) Is receptive to constructive suggestions about job duties, working conditions, or personnel policies; and
 - (g) Establishes appropriate means for employees to discuss matters of concern with their immediate Supervisor.
- (2) The Port Authority, as a part of its commitment to providing the public with excellent products and services, and to creating a productive work environment, expects all employees to:
 - (a) Interact with the public and vendors in a professional manner;
 - (b) Represent the Port Authority in a positive and ethical manner;
 - (c) Perform assigned tasks in an efficient manner;
 - (d) Be punctual;
 - (e) Demonstrate a considerate, friendly, and constructive attitude toward fellow employees; and
 - (f) Follow the policies adopted by the Port Authority.
- (3) Unless a contract for employment provides otherwise, all employees are considered and treated as employed "at will," meaning that either party may terminate the employee/employer relationship at any time for any or no reason.

- (4) The Port Authority retains the discretion to exercise all managerial functions, including but not limited to:
- (a) Dismiss, demote, assign, supervise, and discipline employees;
 - (b) Determine and change schedules, including starting times, quitting times, and shifts;
 - (c) Transfer employees within departments or into other departments and other classifications;
 - (d) Determine and change the size and qualifications of the workforce;
 - (e) Determine and change methods by which its operations are to be carried out, including contracting out services;
 - (f) Determine and change the nature, location, goods produced, services rendered, quantity, and continued operation of the Port Authority; and
 - (g) Assign duties and make changes to assigned duties in accordance with the Port Authority's needs and requirements, and to carry out all ordinary administrative and management functions.

POLICY 103 DEFINITIONS

Policy:

The Chelan Douglas Regional Port Authority has adopted definitions to be used throughout this manual for ease of reference and consistency. Unless a policy specifically provides a separate definition, the words and terms set forth below will be applied throughout the manual.

Comment:

- (1) Unless otherwise specifically provided in a separate policy, the following words and terms as used in this Personnel Policy manual shall have the following meanings:
 - (a) "Domestic Partner" means a person whom an employee identifies as his or her domestic partner by providing proof of registration as domestic partners with the Washington Secretary of State. Domestic partners will be provided the same consideration as an employee's "spouse" for the purpose of these policies.
 - (b) "Immediate family" means the employee's spouse, domestic partner, brother, sister, mother, father, stepmother, stepfather, child (including biological, adopted, foster, step or legal guardian), stepchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandparent, grandparent-in-law, and any other resident member of the employee's household unless otherwise specified.
 - (c) "Full-time employee" is an individual who works a normal forty-hour workweek on a regularly scheduled basis and is hired for an indefinite period. A full-time employee may be classified as either exempt or nonexempt.
 - (d) "Part-time employee" is an individual who is regularly scheduled to work less than 40 hours per week, but more than 20 hours per week, and is hired for an indefinite period. A part-time employee may be classified as either exempt or nonexempt.
 - (e) "Temporary employee" generally is an individual who is hired either part-time or full-time for a specified, limited period. A temporary employee may be classified as either exempt or nonexempt.
 - (f) "Nonexempt employee" generally is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act ("FLSA") and is typically paid either on an hourly or salary basis.
 - (g) "Exempt employee" is exempt from the provisions in the FLSA and is not entitled to overtime payments. Exempt employees are paid on a salary basis and include administrative, executive, and professional employees.
 - (h) "Protected status" has meaning set forth in Policy 201; and
 - (i) "Supervisor" means an individual with the authority to assign, direct, and review the work of one or more subordinates.

- (2) Use of the masculine or feminine gender should be interpreted to include persons of both gender.

POLICY 104 ETHICS

Policy:

The Chelan Douglas Regional Port Authority conducts its business fairly, impartially, ethically, and in compliance with all laws and regulations.

Comment:

- (1) The Port Authority is committed to conducting its business with integrity underlying all relationships, including those with citizens, customers, suppliers, communities, and among employees. The highest standards of ethical business conduct are required of Port Authority employees in performance of their responsibilities. Employees will not engage in conduct or activity that may raise questions as to the Port Authority's honesty, impartiality, reputation, or otherwise cause embarrassment to the Port Authority. Employees will avoid any action, whether or not specifically prohibited in the personnel policies, which might result in or reasonably be expected to create an appearance of:
 - (a) Using public office or public position for private gain;
 - (b) Giving preferential treatment to any person or entity;
 - (c) Losing impartiality; or
 - (d) Adversely affecting the confidence of the public in the integrity of the Port Authority.
- (2) Every employee has the responsibility to ask questions, seek guidance, report suspected violations, and express concerns regarding compliance with this policy. Retaliation against employees who use Port Authority reporting mechanisms to raise concerns in good faith will not be tolerated.

POLICY 201 EQUAL EMPLOYMENT OPPORTUNITY

Policy:

The Chelan Douglas Regional Port Authority is committed to a diverse workforce where employees are hired, paid, assigned, retained, and/or promoted based on qualifications, experience, contribution, and performance. It is the policy of the Port Authority to provide equal opportunity to all qualified employees and applicants without regard to race, religion, creed, color, sex (including pregnancy or maternity), age (being over the age of 40), sexual orientation, gender identity, political ideology, ancestry, marital status, families with children (housing only), national origin, ethnicity, veteran and/or military status, genetic information, HIV/AIDS or Hepatitis C status, disability (if the person with the disability can perform the essential functions of the position, with or without reasonable accommodation), use of guide dog or service animal due to disability, or other class of employee or applicant protected by applicable law ("Protected Status"). This commitment to provide equal opportunity encompasses all phases of employment, including but not limited to recruitment, selection, assignment, classification, promotion, demotion, transfer, layoff and recall, and selection for training. Similarly, all salaries, wages, other compensation, insurance programs, pension and other retirement programs, social and recreation programs, and all other benefits or privileges of employment will be administered in conformity with this policy.

It is the objective of the Port Authority to comply with the requirements and objectives of equal employment as set forth in applicable federal, state, and local laws and regulations, as existing or amended. It is also the Port Authority's objective to hire individuals who are qualified for positions of employment by virtue of job-related standards of education, training, and experience, as well as avoiding all unlawful employment and promotion practices.

Comment:

(1) Employees with Disabilities

- (a) The Port Authority complies fully with its duty to explore opportunities to provide reasonable accommodations, when requested, to allow an employee with physical or mental disabilities to perform essential functions of the employee's job. An employee who believes they suffer from a qualifying disability that limits their ability to perform their job should contact the Director of Finance & Administration to inform the Port Authority of their disability and request for accommodation.
- (b) In order to determine whether a reasonable accommodation is available, the Port Authority may seek to communicate with the employee's medical provider to gain a better understanding of any limitations the employee possesses, and given those limitations, the means by which accommodations would allow the employee to perform the essential functions of a position. Employees may be asked to submit to a medical examination by an independent medical provider to confirm their medical condition and resulting limitations. After returning from a disability-related leave, the Port Authority may request that an employee undergo a fitness-for-duty examination to ensure they are capable of performing the essential functions of the job.

- (c) If an employee qualifies, the Port Authority will work with the employee and their medical providers to attempt to provide the employee with reasonable accommodations so that the employee can continue to perform the job. This may include making changes to the employee's work schedule, changing some of the non-essential job duties, granting medical leave, or transferring the employee to another position that the employee is able to perform.
- (d) The Port Authority is not required to provide the requested accommodation if it would create an undue hardship or burden on the Port Authority business or operations, as determined by the Port Authority in its sole discretion. The Port Authority may provide an alternate accommodation that is less disruptive to its business or operations so long as it is reasonable.

(2) Employees Seeking Religious Accommodations

- (a) The Port Authority complies fully with its duty to explore opportunities to provide reasonable accommodations for any employee's sincerely-held religious beliefs, unless the Port Authority believes that such accommodations would create an undue hardship or is contrary to the Port Authority's commitment to equal opportunity. An employee that desires to request an accommodation due to their sincerely held religious belief must contact the Director of Finance & Administration to request accommodation.

POLICY 202 PRODUCTIVE WORK ENVIRONMENT (COMPLAINTS OF UNLAWFUL DISCRIMINATION, HARASSMENT, OR RETALIATION)

Policy:

The Chelan Douglas Regional Port Authority promotes a productive work environment and does not tolerate unlawful discrimination, harassment, including sexual harassment, or retaliation.

Comment:

- (1) The Port Authority is committed to providing a workplace that is free from unlawful discrimination. Unlawful discrimination occurs when an employee is disciplined, terminated, demoted, or suffers some other adverse employment action due to any Protected Status.
- (2) The Port Authority is committed to providing a work environment which is free from unlawful harassment, including sexual harassment. The Port Authority expressly prohibits any form of unlawful harassment by or against its employees based on any Protected Status.
- (3) Sexual harassment occurs when conduct is directed at an employee because of his or her sex, is unwelcome, and is offensive. Each Port official, Supervisor and manager has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No Port official, Supervisor or manager is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.
- (4) Sexually harassing or other unwelcome or offensive conduct in the workplace, whether committed by Supervisors, managers, non-supervisory employees, or non-employees (i.e. officials or contractors), is also prohibited. Prohibited conduct includes, but is not limited to:
 - (a) Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions;
 - (b) Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references;
 - (c) Demeaning, insulting, intimidating, or sexually suggestive objects, pictures or photographs;
 - (d) The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures or photographs; or
 - (e) Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages.

Any of the above conduct, or other offensive conduct, directed at individuals because of their Protected Status is also prohibited.

- (5) Any employee who believes that a Supervisor's, manager's, other employee's, or non-employee's actions or words constitute unlawful discrimination, harassment, or retaliation has a responsibility to report the situation immediately, or as soon as reasonably practicable. The report should be in writing and made to the Chief Executive Officer. The report should include, where possible, a description of the conduct or behavior at issue, when it occurred, and possible witnesses. If the complaint involves the Chief Executive Officer, the complaint should be made to a member of the Port Authority Board. If said Port Authority Director is unable to hear the complaint, the Director will ask another Director to hear the complaint.
- (6) Reports of discrimination, harassment, or retaliation will be handled and investigated under the Port Authority's Policy 902 – Dispute Resolution Procedure, unless special procedures are considered appropriate. All reports will be investigated promptly and in as impartial and confidential a manner as possible. Employees are required to cooperate in any investigation. A timely resolution of each report should be reached and communicated to the parties involved.
- (7) The Port Authority is committed to providing a workplace that is free from unlawful retaliation. The Port Authority prohibits any form of retaliation against an employee for good faith actions in filing a complaint under the Port Authority's Policy 204 – Whistleblower Protection Act or this discrimination and harassment policy, and for participating in the investigation of any complaint of discrimination or harassment. Improper retaliation may include, but is not limited to, discipline, termination, demotion/transfers, assignment of unfavorable duties, or treating the employee who made the complaint in a hostile manner when such action or behavior is motivated in substantial part by the employee's participation in protected activity. Employees who bring complaints may be subject to discipline if the investigation reveals that the complaint was made in bad faith.
- (8) Any employee, Supervisor, or manager who is found to have violated the anti-discrimination, harassment, or retaliation policy will be subject to appropriate disciplinary action, up to and including termination.

POLICY 203 WORKPLACE VIOLENCE

Policy:

The Chelan Douglas Regional Port Authority is committed to providing a safe workplace for its employees, guests, contractors, vendors, and the public. Therefore, in an effort to help prevent or reduce the possibility of workplace violence, the Port Authority has implemented this policy for its employees.

Comment:

- (1) **Workplace Violence Prohibition.** The Port Authority strictly prohibits threatened or actual workplace violence. This includes, but is not limited to, any of the following conduct associated in or around the workplace, or otherwise related to employment:
 - (a) Threatening injury or damage against a person or property;
 - (b) Fighting or threatening to fight with another person;
 - (c) Threatening to use a weapon on Port Authority premises or while representing the Port Authority (unless such a threat is lawful use of force by an employee required to carry a firearm or weapon as a condition of employment);
 - (d) Abusing or injuring another person;
 - (e) Abusing or damaging property;
 - (f) Using obscene or abusive language or gestures in a threatening manner; or
 - (g) Raising voices in a threatening manner.

Because of the potential for misunderstanding, joking about any of the above misconduct is also prohibited.

- (2) **Chelan Douglas Regional Port Authority “Premises”** means and includes all areas within the ownership and/or control of the Port Authority, including, but not limited to, buildings, offices, work areas, lounges, parking lots, desks, cabinets, lockers, storage areas, and any other Port Authority owned property on which employees may work. The Port Authority reserves the right to search any premises when the facility management determines that such as search is a reasonable and necessary precaution for workplace safety.
- (3) **Reporting Violent Conduct.** Any workplace violence incidents or incidents indicating a potential for violence are to be reported immediately, or as soon as reasonably practicable. The report should be in writing and addressed to the Chief Executive Officer or Director of Finance & Administration. Incident reports may be required to be completed, as deemed appropriate. If the incident involves the Chief Executive Officer, it shall be reported to a member of the Board of Directors. If said Director is unable to hear the complaint, the Director will ask another Director to hear the complaint. If the Port Authority determines that an employee has violated this policy, the employee will be subject to immediate discipline, up to and including termination. The Chief Executive Officer shall

handle concerns with members of the public or other parties as it determines under the applicable policies and procedures of the Port Authority.

- (4) **Imminent Danger/Violence Incident Procedure.** Any employee who believes that a situation with an aggressive employee, resident, guest, contractor, vendor, or other party (e.g., any person who uses obscene or abusive language or gestures, makes threats or acts in a violent or threatening manner) may immediately become violent putting the employee or others in imminent danger, should promptly leave the work area and immediately call 911 to request officer contact. No disciplinary action shall be taken against any employee who leaves a work area when the employee has reasonable belief that an emerging situation with an aggressive person is likely to turn violent at that time. The employee should coordinate the timing and circumstances of possible return to the area with police and their immediate manager.

- (5) **Security Precautions.** Port Authority's Policy 604 – Security and Policy 601- Employee Safety and the Safety Committee must be adhered to at all times. To prevent inappropriate outsider access or facility solicitation, access rules must be strictly followed. It is especially important that building security rules and procedures are specifically enforced at all times (e.g., doors locked after hours). Failure to comply with these requirements may lead to disciplinary action, up to and including termination. Employees are responsible for:
 - (a) Being familiar with all safety and health procedures relevant to the Premises and operations under their supervision;
 - (b) Inspecting their work areas periodically;
 - (c) Identifying conditions that are recognized as being unsafe; and
 - (d) Reporting accidents and injuries to the immediate manager and Chief Executive Officer immediately and ensuring that any injured employee is referred to appropriate medical care.

POLICY 204 WHISTLEBLOWER PROTECTION ACT

Policy:

The Chelan Douglas Regional Port Authority, in compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41.050, encourages employees to disclose any improper governmental action taken by Port Authority officials or employees without fear of retaliation. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the Port Authority, with a process provided for speedy dispute resolution.

Comment:

- (1) Improper Governmental action is any action by a Port Authority officer or employee that is:
 - (a) Undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and
 - (b) In violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

Improper governmental action does not include 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 violation of labor agreements or reprimands. In addition, employees are not free to disclose matters that would affect a person's right to legally protected confidential communications.

- (2) Employees who become aware of improper governmental action should follow these procedures:
 - (a) Bring the matter to the attention of the Chief Executive Officer, if non-involved, in writing that states in detail the basis for the employee's belief that an improper action has occurred. This should occur as soon as the employee becomes aware of the improper action. Where the employee believes the improper action involves the Chief Executive Officer, the employee may raise the issue directly with a member of the Board of Directors. If said Director is unable to hear the complaint, the Director will ask another Director to hear the complaint.
 - (b) The Chief Executive Officer or the Chief Executive Officer designees shall promptly investigate the report of improper government action. After the investigation is completed (within thirty (30) days of the employee's report), the employee shall be advised of the results of the investigation. Port Authority officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of their identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the

investigation. To the extent allowed under the Public Records Act, personnel actions taken as a result of the investigation may be kept confidential.

- (3) An employee who makes a good faith effort to follow this policy is entitled to protection against retaliation pursuant to RCW 42.41.030. Retaliatory Action is any material adverse change in the terms and conditions of an employee's employment
- (4) In the case of an emergency, where the employees believes that damage to persons or property may result if action is not taken immediately, the employee may bypass the above procedure and report the improper action directly to the appropriate government agency responsible for investigating the improper action. Emergency means a circumstance that if not immediately changed may cause damage to persons or property
- (5) Employees may report information about improper governmental action directly to an outside agency if the employee reasonably believes that an adequate investigation was not undertaken by the Port Authority to determine whether an improper governmental action occurred, or that insufficient action was taken by the Port Authority to address the improper action or that for other reasons the improper action is likely to recur.
- (6) It is unlawful for a local government to take retaliatory action because an employee, in good faith, provided information that improper government action occurred. An employee who believes that retaliation has occurred for reporting an improper government action should:
 - (a) Provide a written complaint to the Chief Executive Officer within thirty days of the occurrence of the alleged retaliatory action. If the Chief Executive Officer is involved, the notice should go to a member of the Board of Directors. The written charge must specify the alleged retaliatory action and the relief requested.
 - (b) The Director shall investigate the complaint and respond in writing within thirty (30) days of receipt of the written charge.
 - (c) After receiving the response of the Port Authority or thirty (30) days after the delivery of the charge to the Port Authority, 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 Chief Executive Officer within the earlier of either fifteen (15) days of delivery of the Port Authority response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the Port Authority for response.
 - (d) Within five (5) working days of receipt of a request for hearing the Port Authority shall apply to the State Office of Administrative Hearing's for an adjudicative proceeding before an administrative law judge. At the hearing, the employee must prove that a retaliatory action occurred by a preponderance of the evidence. The ALJ will issue a final decision no later than forty-five days after the date of the request for hearing, unless an extension is granted.
- (7) Additional information can be obtained on the Internet:
<https://sao.wa.gov/report-a-concern/how-to-report-a-concern/whistleblower-program/whistleblower-faqs/>

POLICY 205 HIRING

Policy:

The Chelan Douglas Regional Port Authority is an equal opportunity employer and hires individuals solely based on their qualifications and ability to do the job filled.

Comment:

(1) The Port Authority will consider a member of an employee's immediate family for employment if the applicant possesses all the qualifications for employment. An immediate family member may not be hired, however, if the employee would:

- (a) Create either a direct or indirect Supervisor/subordinate relationship with a family member; or
- (b) Create an actual conflict of interest or the appearance of a conflict of interest as further detailed in Policy 805 – Conflicts of Interest.

These criteria will also be considered when assigning, transferring, or promoting an employee. For purposes of this policy, "immediate family" is defined in Policy 103(1).

(2) Employees who marry or become members of the same household may continue employment as long as interest does not result in a violation of 1(a) or (b) above.

Should one of the above situations occur, the Port Authority would attempt to find a suitable position within the organization to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees will first be permitted to determine which of them will resign. If no agreement between the employees can be reached, the Port Authority will decide which of the employees will be terminated.

(3) Former employees who left the Port Authority in good standing may be considered for re-employment. Former employees who resigned without advance notice or who were dismissed for disciplinary reasons may not be considered for re-employment. The Port Authority is under no obligation to re-hire an employee that previously left employment with the Port.

(4) A former employee who is re-employed will be considered a new employee from the date of the re-employment unless the break in service is less than three consecutive months, in which case the employee will retain accumulated seniority. Length of service for the purpose of paid leave and/or other benefits is governed by the terms of each policy or benefit plan.

(5) Employees who retire may be eligible, in certain circumstances, to be considered for rehire or temporary contract assignments (if available); provided however, the Port Authority is under no obligation to rehire or contract with a former employee.

POLICY 206 MEDICAL EXAMINATIONS

Policy:

The Chelan Douglas Regional Port Authority may require applicants to whom a conditional offer of employment has been extended, and current employees, to undergo medical tests, procedures, or examinations whenever management determines that these are necessary for the safe or efficient operation of the organization, are job-related, and consistent with business necessity.

Comment:

- (1) Successful applicants for employment may be required, as a condition of employment, to submit to a medical examination to establish their fitness to perform the jobs for which they have applied without endangering the health and safety of themselves or others. If management determines that an examination is appropriate to a particular position, all applicants for the job to whom a conditional offer of employment has been made shall be examined.
- (2) Employees may be required to have a medical examination on other occasions when the examination is job-related and consistent with business necessity, as determined by the Port Authority management in its sole discretion. For example, a medical examination may be required when an employee is exposed to toxic or unhealthy conditions, requests an accommodation for a particular disability, returns from leave due to a medical condition, or has a questionable ability to perform essential job functions due to a medical condition.
- (3) Employees are encouraged, but not required, unless it is determined to be a condition of employment, to have physical examinations periodically during their employment. Employees are encouraged, but not required, to participate in wellness programs.
- (4) Medical examinations required by the Port Authority will be paid for by the Port Authority and will be performed by a physician or licensed medical facility designated or approved by it. Medical examinations paid for by the Port Authority are the property of the Port Authority, and the examination records will be treated as confidential and kept in separate medical files. However, records of specific examinations, if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.
- (5) Employees who need to use prescription or nonprescription legal drugs while at work must report this requirement to their Supervisor if the use might impair their ability to perform job responsibilities safely and effectively. Depending on the circumstances, employees may be reassigned, prohibited from performing certain tasks, or prohibited from working if they are determined to be unable to perform their job responsibilities safely and properly while taking prescription or nonprescription legal drugs.

- (6) The Port Authority reserves the right, to the extent permitted by law, to require acceptable confirmation of the nature and extent of any illness that requires an employee to be absent from scheduled work. The Port Authority also may require a second and, if appropriate, third medical opinion regarding an employee's absence because of illness or injury. The Port Authority will pay for any additional opinions it requires.
- (7) Employees returning from a disability leave or an absence caused by health problems may be required to provide a doctor's certification of their ability to perform their regular work satisfactorily without endangering themselves or their fellow employees.
- (8) Employees who become ill on the job or suffer any work-connected injury, no matter how minor, must report immediately to their Supervisors. The Supervisor will arrange referral for examination, treatment, and recording of the incident as necessary. Time spent waiting for and receiving medical attention for work-connected injuries or illnesses will be considered hours worked for pay purposes.
- (9) The Port Authority also may require job applicants and current employees to take a test to determine the presence of drugs, narcotics, or alcohol, unless prohibited by law.

POLICY 207 PROBATIONARY PERIOD

Policy:

The Chelan Douglas Regional Port Authority carefully monitors and evaluates all new employees and all present employees transferred or promoted to a new position or assignment during an initial probationary period. After satisfactory completion of the probationary period, those employees will be evaluated as provided for in the Performance Appraisal policy.

Comment:

- (1) The probationary period should last six (6) months but may be extended or shortened at the discretion of the Port as circumstances warrant. Supervisors should observe carefully the performance of each employee in a new position. Where appropriate, weaknesses in performance, behavior, or development should be brought to the employee's attention for correction as soon as possible and prior to the scheduled end of the probationary period.
- (2) Supervisors should prepare a written evaluation of the employee's job performance before the end of the probationary period on the new job. The evaluation should include a recommendation as to whether the employee should continue in the position. Copies of the evaluation should be forwarded to the department head and the Director of Finance & Administration for inclusion in the employee's personnel file.
- (3) Employees generally will be allowed to continue in their new positions if they are given both a satisfactory evaluation by the end of their probationary period and their Supervisor's endorsement to continue on the job. Employees who do not receive a satisfactory evaluation and endorsement may be given additional time in 30-day increments to demonstrate their ability to perform the job, if the Supervisor feels additional time is warranted in order to achieve acceptable job performance. Supervisors may recommend the termination of a newly hired employee at any time. Probationary employees are at-will employees. However, successful completion of the probationary period does not alter the employee's at-will status. A probationary employee that is failing to perform satisfactory work in their position, as determined by the Port, may be terminated or demoted at any time during the probationary period and prior to the scheduled end of such period.
- (4) At the discretion of management, transferred or promoted employees who are unable to perform satisfactorily in their new positions may be returned to their original jobs, if a vacancy exists, or may be terminated, at any time during the probationary period.

POLICY 208 INTERNAL TRANSFERS & PROMOTION

Policy:

The Chelan Douglas Regional Port Authority may, at its discretion, initiate or approve employee transfers from one position to another available position or from one location to another.

The Port Authority may also offer employees promotions to higher-level positions when appropriate. Management prefers to promote from within and may first consider current employees with the necessary qualifications and skills to fill vacancies above the entry level, unless outside recruitment is considered to be in the Port Authority's best interest.

Comment:

- (1) The Port Authority may require employees to make either a temporary or long-term position transfer in order to accommodate the Port Authority's business needs. The Port Authority will try to limit the number and duration of temporary transfers that it requests of individual employees in a twelve-month period.
- (2) Employees may request a voluntary position transfer to an available position. To be eligible for a voluntary transfer, employees normally must meet the qualifications and requirements of the new position, have held their current position for at least 12 months, have a satisfactory performance record, and have no disciplinary actions during the same period. The Port Authority may waive any qualification or requirement to facilitate a transfer if the employee is otherwise qualified for the position and the transfer is deemed to be in the best interest of the Port.
- (3) All employees are encouraged to seek advancement opportunities and to obtain promotion and career guidance from their Supervisor.
- (4) Employee eligibility for promotion will be determined by the requirements of the new job. In addition, to be considered, employees must have held their current position for at least twelve months, have a satisfactory performance record, and to have no disciplinary actions during the same period. Management retains the discretion to make exceptions to the policy.
- (5) Job openings and promotions for which management solicits candidates from within the Port Authority normally will be posted on the employee bulletin board and announced on the Port Authority's website. However, as it considers appropriate, management may fill job openings or make promotions without posting notices. When job openings or promotion opportunities are posted:
 - (a) Interested employees must complete an application form and cover letter and forward it to their Supervisor by the cut-off date specified in the posting;
 - (b) Supervisors may initiate the procedure within the same time period and propose employees for the position; and

- (c) The Port Authority management team may, at its discretion, solicit outside candidates during or after the posting period.
- (6) Employee candidates for promotion will normally be screened and selected based on attendance and work records, performance appraisals, and job-related qualifications including, in some instances, aptitude or achievement tests. In addition, employees seeking promotion may be required to have a medical examination if the examination is job-related and consistent with business necessity.
- (7) Promoted employees will be subject to the provisions of the Probationary Period policy in their new positions.

POLICY 209 HOURS OF WORK

Policy:

The Chelan Douglas Regional Port Authority establishes the time and duration of employee working hours by workload and workflow, customer service needs, the efficient management of employees, and any applicable laws.

Comment:

- (1) The normal workweek is Sunday through Saturday, beginning and ending at midnight on Saturday, and consisting of forty hours. The normal workday will consist of eight hours of work with an unpaid meal period. Different work schedules, such as in the case of security and maintenance employees, may be established by the Port Authority, permanently or from time to time, to meet job assignments and provide necessary Port Authority services. Rest or coffee breaks are considered as time worked.
- (2) Each employee's scheduled work hours will be determined by his or her Supervisor. The Supervisor, or the Supervisor's designee, will inform employees of their daily schedule of hours of work, including meal periods and rest or coffee breaks, and of any changes that are considered necessary or desirable by the Port Authority. An employee's workweek or work schedule may be changed at any time so long as the change is made in advance of performing work pursuant to the new schedule.
- (3) Supervisors may schedule overtime or extra shifts consistent with the Port's budget and as work needs necessitate from time to time. Supervisors will assign overtime to nonexempt employees as needed. Employees are not permitted to work overtime without prior approval of their Supervisor. Overtime shall apply to all worked hours in excess of forty (40) hours per week. Employees that work overtime without prior approval may be subject to disciplinary action.
- (4) Employee attendance at meetings and training programs will be considered hours of work, and therefore will be compensated time, if management requires and authorizes attendance.
- (5) Supervisors, at their discretion, may allow nonexempt employees to make-up lost time during a given workweek. However, make-up will not be allowed if the lost time is the result of conditions the employee could control, if there is no work the employee is qualified to do, or if adequate supervision is not available.
- (6) Nonexempt Timesheets

All nonexempt employees are required to complete an individual time record showing the daily hours worked. Time records cover one full month and must be completed by dates determined by the Director of Finance & Administration. The following points should be considered when filling out time records:

- (a) Employees should record their total hours worked for each workday;
- (b) Employees are not permitted to sign in or begin work before their normal starting time or sign out or stop work after their normal quitting time without prior approval of their Supervisor;

- (c) Employees are required to take scheduled lunch or meal breaks;
- (d) Employee time records should be checked and signed by the Supervisor involved. Special attention should be given to unworked time for which an employee is entitled to be paid (paid absences, paid holidays, or paid vacation time) and authorized overtime; and
- (e) Unapproved absences should not be considered as hours worked for pay purposes. Supervisors should inform employees if they will not be paid for certain hours of absence.

(7) Compensatory Time Off

Nonexempt employees can earn overtime for hours worked beyond the normal work week. Nonexempt employees will be paid overtime compensation, either in cash or compensatory time off, at the rate of one and one-half times their regular rate of pay for work in excess of forty hours during their normal workweek. If an employee elects to accrue compensatory time off in lieu of overtime pay, one and one half-hours of compensatory time-off is earned for one hour of work beyond forty hours of work in the workweek.

- (a) Maximum accruals of compensatory time shall be limited to one hundred-sixty (160) hours. After maximum accrual, overtime compensation will be paid to nonexempt employees.
- (b) Compensatory time must be used within ninety (90) days of accrual. If compensatory time is not used within such timeframe, overtime compensation will be paid to the nonexempt employee for the accrued and unused time.
- (c) Employees may use compensatory time after making a request to their Supervisor, unless doing so would unduly disrupt Port Authority operations. Compensatory time should be used for short-term absences from work during times mutually agreed to by the employee and the Supervisor.
- (d) Upon termination, employees receive compensation for their accrued compensatory time balance.

(8) Exempt Time Sheets

Personnel employed in executive management capacities generally are exempt from the provisions of the Fair Labor Standards Act.

- (a) Exempt employees are not required to complete hourly time records but must account for their daily attendance and attendance exceptions.
- (b) Exempt employees do not receive overtime compensation.

(9) Flexible Work Schedules

Employees may work a flexible schedule if the employee complies with the policies contained in this Personnel Policy manual and other applicable policies of the Port

Authority, and if the schedule is approved by the employee's Supervisor or the Chief Executive Officer.

- (a) Flexible schedules may include, but are not limited to, individual start and end times for the workday, and compressed work schedules that may be fewer than five days per week within the established work week.
- (b) Every flexible schedule must support the Port Authority's goals, including customer service, cost effectiveness, high productivity, and equitable work distribution among colleagues. Flexible schedules must not interfere with Port Authority operations, service to the public, or service to tenants. Flexible schedules may be adjusted by the Port Authority to meet changes in needs or circumstances.
- (c) Port Authority business needs require that staff be present or accessible during core periods of each workday, consisting of 8:00 a.m. to 5:00 p.m. Staff may also be required to be present during a particular day(s) of the week, such as Board of Director meeting days. There must be adequate coverage of job duties during critical times to enable employees to meet all deadlines. Consideration should also be given to the availability of internal support services (or lack thereof) for each proposed schedule.

POLICY 210 OUTSIDE EMPLOYMENT

Policy:

The Chelan Douglas Regional Port Authority allows its employees to engage in outside work or hold other jobs, subject to certain restrictions as outlined below.

Comment:

- (1) Employees are required to disclose outside work or other jobs to their Supervisors and obtain pre-approval to perform outside work or hold another job.
- (2) An employees' activities and conduct away from the job must not compete, conflict with, or compromise its interests, or adversely affect job performance and the ability to fulfill all responsibilities to the Port Authority. This requirement, for example, prohibits employees from performing any services for customers on non-working time that are normally performed by Port Authority personnel. This prohibition also extends to the unauthorized use of any Port Authority resources, including its communication systems, and the unauthorized use or application of any confidential information. In addition, employees are not to solicit or conduct any outside business during paid working time.
- (3) Employees are cautioned to consider carefully the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems, it must be discontinued. If necessary, Policy 809 – Disciplinary Procedure may be followed to deal with the specific problems.
- (4) In evaluating whether to grant approval for outside work, Supervisors, in consultation with the Chief Executive Officer, will consider whether the proposed employment:
 - (a) May reduce the employee's efficiency in working for the Port Authority;
 - (b) Involves working for an organization that does a significant amount of business with the Port Authority, such as major contractors, suppliers, and customers; or
 - (c) May adversely affect the Port Authority's image.
- (5) If employees outside employment job duties are similar or related to their Port Authority service, or if they cause the employee to deal with people or entities whom the employee deals with for Port Authority duties, the employee must be prepared to explain why no conflict exists between the outside employment and the official duties of the Port Authority.
- (6) Employees who have accepted outside employment may not use paid sick leave to work on the outside job. Fraudulent use of sick time will result in disciplinary action, up to, and including, termination.
- (7) In the event the Chief Executive Officer seeks outside employment, Board of Director approval is required.

POLICY 211 EMPLOYEE CLASSIFICATIONS

Policy:

The Chelan Douglas Regional Port Authority classifies employees as full-time, part-time, or temporary, and as exempt or nonexempt for the purposes of compensation administration. In addition, the Port Authority may supplement the regular workforce, as needed, with other forms of flexible staffing.

Comment:

- (1) The Chief Executive Officer is responsible for classifying employees. Employees generally may be categorized as follows:
 - (a) A **full-time employee** is as defined in Policy 103. A full-time employee may be classified as either exempt or nonexempt.
 - (b) A **part-time employee** is as defined in Policy 103. A part-time employee may be classified as either exempt or nonexempt. A part time employee may be entitled to certain benefits depending on full time equivalent (“FTE”) status.
 - (c) A **temporary employee** is as defined in Policy 103. A temporary employee may be classified as either exempt or nonexempt.
 - (d) Other flexible staffing classifications or arrangements may be added as needed.
- (2) An employee whose status changes from temporary or part-time to full-time will be considered as hired on the date of the change of status for purposes of eligibility for paid absences and vacation. Information concerning eligibility of other Port Authority benefits, such as the pension plan, is available from the Director of Finance & Administration.

POLICY 212 RETIREMENT

Policy:

The Chelan Douglas Regional Port Authority determines employees who are eligible for normal retirement per the guidelines described in the Washington State Department of Retirement Systems Handbook that is applicable to the employee's job description. Regular full-time and eligible part-time employees are covered under the Public Employees Retirement System (PERS). The State of Washington determines eligibility, benefit levels, and contribution rates.

Comment:

- (1) Employees who choose to take normal retirement are requested to give their Supervisor and the Director of Finance & Administration as much advance notice of their intent as possible, or at least 90 days. Employees who have given notice of either normal or early retirement may be called upon to assist in the training of their replacements.
- (2) Employees who qualify for retirement under this policy may be eligible to receive limited health and various other benefits in accordance with the provisions of the Port Authority's employee benefit plans. Retiring employees are eligible to receive pay for accrued but unused vacation. All employee benefit plans and programs are subject to amendment or termination, even after retirement, at the Port Authority's and Washington State Retirement System's discretion.
- (3) The Washington State Department of Retirement Systems administers the retirement benefits. The Director of Finance & Administration will post any notices required by law on the Port Authority's bulletin boards.

Department of Retirement Systems
P.O. Box 48380
Olympia, Washington 98505-8380
Website: <http://www.wa.gov/DRS/drs.htm>
E-mail: recep@drs.wa.gov

DRS Reception Center Phone: 1-800-547-6657

TDD Line (for the hearing impaired): 1-866-377-8895

When contacting the Washington State Department of Retirement Systems the following identifying information is necessary: your name, retirement system plan, and your social security number.

- (4) Retiring employees may be eligible to reapply for employment, and those who are interested in future temporary or part-time employment with the Port Authority should make that interest known at their exit interview. Hiring an applicant who is receiving PERS retirement benefits must comply with the State of Washington regulations. These include a prohibition of any written agreement for re-employment and an absence of at least one month prior to starting a new job with the Port Authority.

POLICY 301 PERFORMANCE APPRAISALS

Policy:

The Chelan Douglas Regional Port Authority generally evaluates the job performance of each employee periodically.

Comment:

- (1) Supervisors should complete performance appraisals upon the following occasions:
 - (a) By the end of an applicable probationary period and/or the first twelve months of employment or transfer to new position;
 - (b) On an annual basis (based on anniversary or transfer date, or in December each year).
 - (c) On an “as needed” basis to address previously identified performance deficiencies or pursuant to a performance improvement plan.

Between scheduled appraisals, Supervisors should discuss with employees on an informal basis any performance issues that require attention and should keep records of any significant incidents. Supervisors may be authorized to retain information to aid in the development of an employee’s performance appraisal.

- (2) In evaluating employees, Supervisors should consider factors such as the experience and training of the employee, the position description, and the employee’s attainment of previously set objectives and goals. Other factors that may be considered include knowledge of the position or assignment, quantity and quality of work, promptness in completing assignments, cooperation, initiative, reliability, attendance, judgment, conduct, acceptance of responsibility, and other job-related factors considered relevant by the Supervisor.
- (3) Supervisors should prepare a written appraisal of each employee’s performance. The appraisal should include the Supervisor’s comments and recommendations, an action plan for both the employee and Supervisor, and performance goals for the next evaluation period.
- (4) Department heads should review each Supervisor’s written evaluation to help assure that the evaluation function has been properly completed in as uniform, fair, and objective manner as possible.
- (5) The Supervisor and employee should meet and discuss the evaluation, assess the employee’s strengths and weaknesses in a constructive manner, and set objectives and goals for the period ahead. The employee should be given the opportunity to examine the evaluation and make written comments about any aspect of it. The employee and Supervisor should then sign and date the evaluation and forward it to the Director of Finance & Administration for review and inclusion in the employee’s personnel file. Employees may have a copy of their completed performance appraisal for their records.
- (6) Information derived from the performance appraisal may be considered when making decisions affecting training, pay, promotion, transfer, or continued employment.

- (7) The Chief Executive Officer, in consultation with Supervisors and the Board of Directors, will periodically review and adopt evaluation forms to be used for nonexempt and exempt employees.

POLICY 302 PAY PROCEDURES

Policy:

The Chelan Douglas Regional Port Authority pays employees by check or direct deposit in a manner so that the amount, method, and timing of wage payments comply with any applicable laws or regulations.

Comment:

- (1) Employees normally will be paid on the last day of the month. If the regular payday occurs on a Saturday, Sunday, or a holiday, employees will be paid on the last working day before the regular payday. Employees may also request a one-time or reoccurring monthly advance of pay to be issued on the 15th of each month. The advance request form is attached as Appendix C.
- (2) Employees on each payday will receive, in addition to their pay, a statement showing gross pay, deductions, health and welfare benefits (if applicable), and net pay. Local, state, federal, Social Security taxes, and retirement contributions shall be deducted automatically. No other deductions will be made unless required or allowed by law, contract, or employee obligation. Employees may elect to have additional deductions taken from their pay only if they authorize the deductions in writing.
- (3) Employees who discover a mistake in their paycheck, lose their paycheck, or have it stolen should notify their Supervisor immediately. In the case of a mistake by the Port Authority, the error will be remedied as promptly as reasonably possible. In the case of a loss or theft, the Director of Finance & Administration will attempt to stop payment on the check and reissue a new one to the employee. However, the employee is solely responsible for the monetary loss, and the Port Authority will not be responsible for the loss or theft of a check if it cannot stop payment on the check.
- (4) Nonexempt employees will be paid overtime compensation, either in cash or compensatory time off, at the rate of one and one-half times their regular hourly rate for work in excess of forty hours during their normal workweek. Exempt employees are not eligible for overtime and compensatory time off. After maximum accrual of compensatory time, overtime compensation will be paid to nonexempt employees. Vacation, sick, and holiday time are not included when calculating overtime or compensatory time off.
- (5) Employees should discuss any questions or concerns regarding their rate of pay and other compensation issues with their immediate Supervisor. If the employee and immediate Supervisor are not able to resolve the question, the employee should contact the Director of Finance & Administration.

POLICY 303 ON-CALL PAY FOR NON-EXEMPT EMPLOYEES

Policy:

Non-exempt employees in designated positions, as determined by the Port Authority, may be required to be “on-call” to perform work during certain periods. While in an “on-call” status, employees must be able to answer phone calls for service or respond via return phone-call within 15 minutes, and be able to be at the worksite within 30 minutes to perform the needed or requested service, unless prior approval is obtained from the employee’s Supervisor. Except in the case of an emergency, or if instruction to return to the Port Authority premises or worksite is provided by message, employees shall not automatically report to the worksite without confirming the need to report to such site via answered/return phone call. A phone call that does not result in a need to return to the worksite will not be considered a “call-out” entitling the employee to call out pay as further set forth herein. Employee’s assigned to “on call” status will be paid in amounts set forth by budget or resolution adopted from time to time by the Port Authority Board. When reporting to the worksite during a call-out, the employee will be paid a minimum of two hours at the employee’s overtime rate, regardless of the hours worked during the week. The employee shall make every effort to perform approximately two hours work, including travel time. For example, an employee called out for a 15-minute gate repair could also complete a self-inspection, stock the terminal restrooms, or complete tasks that would otherwise need to be performed while the employee is still on site.

POLICY 401 TRAVEL & MEAL REIMBURSEMENT

Policy:

Business travel, including automobile usage and meal reimbursement, shall be governed by the Chelan Douglas Regional Port Authority Policy & Procedures for Travel and Meals, as existing or amended from time to time. The Director of Finance & Administration maintains the Travel and Meals Policy. The Port Authority retains the right to amend or terminate the Travel and Meals Policy at any time.

POLICY 402 LOGO CLOTHING ALLOWANCE

Policy:

Certain employees and Board of Directors of the Chelan Douglas Regional Port Authority are expected to be actively involved in numerous activities and projects throughout Chelan and Douglas Counties and the State of Washington. The policy of the Port Authority is to have Board of Directors and Port employees readily identifiable in a variety of circumstances as working on behalf of the Port Authority. In recognition of this, the Port Authority will provide an allowance to defray the purchase of clothing intended to identify Board of Directors and employees as representatives of the Port. In addition, the Port Authority will provide uniforms for employees in certain positions to facilitate safety, identification, and/or security purposes.

Comment:

- (1) An annual logo clothing allowance of \$400 shall be available to each Board Officer and to each member of the Management Team (Chief Executive Officer, Director of Finance & Administration, Director of Economic & Business Development, Director of Airports), the Facilities and Property Development Manager, the Confluence Technology Center Manager, the Business Development Manager, and the Airport Operations Manager.

Additionally, an annual logo clothing allowance of \$250 shall be available to all other Port Authority employees. Any employee performing a job that requires boots shall be paid an annual stipend as approved in the annual Port Authority budget, which shall be deducted from and reduce their clothing allowance.

- (2) Uniforms will be issued to the Airport Maintenance and Operations (M&O) and General Aviation employees, which are required to be worn during scheduled work hours.
- (3) Unless the Board of Directors provide otherwise, the logo clothing allowance set forth in Section (1), above, renews on an annual basis (regardless as to use in the prior year) beginning January 1 of each new year. There shall be no carry-over of the allowance from year to year. Any unused portion of a logo clothing allowance expires if not used by the end of the year in which it has been made available.
- (4) Logo clothing shall be appropriate for business and business casual dress, with the official logo identifying the Port Authority prominently displayed.
- (5) The Port Authority is not responsible for cleaning, laundering, or ironing uniforms or other Port logo clothing or garments.
- (6) Appropriate discretion shall be exercised when wearing the logo clothing at times other than normal business hours.
- (7) All clothing purchased with funds provided under this policy, including boots or footwear, are the property of the Port Authority, and shall be returned to the Port Authority at the time employment or service is terminated. Upon purchase, all clothing under this policy shall be entered into the Port Authority clothing inventory. Consequently, all clothing purchased under this policy shall be returned to the Port Authority office for removal from inventory and appropriate disposal as discussed below.

- (8) Clothing items showing signs of wear or accidentally damaged shall be turned into the Port Authority office to be removed from inventory and disposed of appropriately. This policy anticipates two years' wear, on average, is a reasonable life span for an article of clothing.
- (9) In the event an employee fails to turn in logo clothing or uniforms upon termination of employment with the Port, the costs for such clothing shall be deducted from the employee's final paycheck.

POLICY 501 HEALTH AND WELFARE BENEFIT DISCLOSURE

Policy:

The Chelan Douglas Regional Port Authority provides its employees with various health and welfare benefits. Information and summaries intended to explain these benefit plans will be furnished to all plan participants and beneficiaries on a timely and continuing basis. The Port Authority reserves the right to modify, change, amend, or terminate its health and welfare benefits as they apply to all current, former, and retired employees. Additionally, the Administrator of each benefit plan has the discretionary authority to determine eligibility for benefits and to interpret the plan's terms.

Comment:

- (1) The Port Authority offers certain benefits to eligible employees, including health, life, and disability insurance and pension and retirement plans. Eligibility will depend upon the specific requirement of each benefit plan. The Port Authority also provides a number of other benefits to eligible employees including paid leaves and holidays.
- (2) The Director of Finance & Administration, or authorized designee, shall serve as the coordinator of the Port Authority's welfare and pension plans. The coordinator is responsible for communications and disclosures concerning the Port Authority's benefits and for administration in compliance with applicable laws and regulations related to such benefits. In addition, the Director of Finance & Administration is available to answer questions concerning the benefit plans or can provide employees direct contact with the plan's administrator.
- (3) Some of the Port Authority's insurance and pension plans require the employee to designate a beneficiary for the employee's death benefit. It is the employee's responsibility to make and maintain proper beneficiary designations and alert the Director of Finance & Administration to any changes in status affecting eligibility or designations.
- (4) Employees, spouses, domestic partners, and dependents covered by the Port Authority health and welfare plan will be notified, when appropriate, of the opportunity to continue their health care coverage, at their own expense, in certain specified situations including layoff, termination, reduction in hours of employment, and separation or divorce.
- (5) Health Insurance Benefits. Regular part time or full-time employees who are classified as 80% or more FTE are eligible for health and welfare benefits. Regular part-time employees who are classified as 50%-79% FTE are eligible for ½ of the employee-only medical insurance premiums provided by the Port Authority. These regular part-time employees are responsible for the remaining ½ of the employee-only medical insurance premiums. Payment of such premiums shall be deducted from the employees' regular paycheck. Regular part-time employees eligible for full or partial medical premium coverage also have the option of enrolling eligible dependents on the Port Authority's medical insurance plan during open enrollment or for a qualifying event; however, the employee is responsible for all premium expenses.

The Port Authority will select the health insurance provider at its discretion. The Port Authority may also elect to change or modify benefit eligibility requirements and contribution levels at its discretion.

- (6) Per RCW 53.08.170, the Board of Directors may be provided Port Authority benefits with coverages not to exceed that provided to full-time employees.

POLICY 502 EXERCISE AND WELLNESS PROGRAMS

Policy:

The Chelan Douglas Regional Port Authority encourages employees to participate in wellness programs.

Comment:

- (1) The Director of Finance & Administration is responsible for administering exercise and wellness programs.
- (2) Participation in the Port Authority exercise and wellness program is open to regular full-time or regular part-time employees. Temporary employees are not eligible to participate. This program is voluntary and should take place outside normal working hours.
- (3) Employees are eligible for \$50 per month fitness club stipend. To be eligible for reimbursement, the employee must use a fitness facility at least ten times per month. On employee month-end timecards, employees will be asked to check a box if enrolled in a fitness club and if used ten times during the preceding 30 days. If checked yes, the employee will receive a \$50 per month benefit. Said benefit shall be considered additional compensation and is subject to inclusion in the employee's W-2 annual report.
- (4) The Port Authority reserves the right to modify, amend, or terminate its wellness program at any time.

POLICY 504 CONTINUING EDUCATION

Policy:

The Chelan Douglas Regional Port Authority attempts to provide employees with flexible work schedules when taking approved educational courses. The Chief Executive Officer's prior approval shall be required.

Comment:

- (1) Flexible work schedules will be considered if the Port Authority determines the courses of study are directly related to the employee's present job or will enhance the employee's potential for advancement to a position within the Port Authority and to which the individual in the view of management has a reasonable expectation of advancing.
- (2) To encourage and facilitate training opportunities for all employees, staff development and training requirements will be periodically assessed and, subject to budgetary limitations, professional, technical and vocational training opportunities may be afforded to employees at the Port Authority's expense.
- (3) The Port Authority may reimburse employees for job-related professional licenses provided the license is not also used to provide personal non-Port Authority income to an employee.
- (4) The Port Authority may, in its discretion, require employees to execute a Repayment Agreement for approved training or education expenses that exceed \$1,000 per session or program. The purpose of the Repayment Agreement is to ensure that the Port Authority receives adequate return on its investment in the employee in exchange for providing the training or education to the employee. If required, the Repayment Agreement must be entered into prior to participation in the training or education program.

POLICY 505 EMPLOYEE COUNSELING

Policy:

The Chelan Douglas Regional Port Authority may assist employees with referral services that will help in solving personal problems, both on and off the job, financial planning, and/or career planning. Such assistance is subject to discretion of the Port Authority.

Comment:

- (1) The Port Authority recognizes that personal difficulties can adversely affect job performance. Accordingly, employees experiencing personal problems are encouraged to seek assistance through professional counseling. Insurance coverage may be provided within the Port Authority's health care plan. Employees should contact the Director of Finance & Administration regarding coverage.
- (2) Supervisors should be alert to signs of the existence of personal problems among their employees. Indications of personal problems include excessive absenteeism, changes in both behavior and employee attitudes, and substandard job performance. If a Supervisor believes an employee may be experiencing a personal problem impacting their work, they are encouraged to refer the employee to seek assistance through the Port's Employee Assistance Program.
- (3) Employees that need to request a leave of absence for treatment may do so in accordance with the Port Authority's leave policies, Policy 703 and 704..
- (4) Employees are required to meet satisfactory standards of job performance. Performance appraisals are to be based on factors related to job performance, regardless of whether an employee seeks counseling. In certain circumstances, however, the Port Authority may require an employee to participate in counseling as a condition of continued employment.

POLICY 506 EMPLOYEE RECOGNITION AND SERVICE AWARDS

Policy:

The purpose of this policy is to provide for the recognition of employees, elected officials, and volunteers.

Comment:

- (1) This policy shall apply to all Port Authority employees, elected officials, and volunteers. The Port Authority may provide awards and hold special events to recognize and acknowledge publicly the contribution of employees, elected officials, and volunteers to the success of the Port Authority.

Recognition events may include any of the following elements:

- (a) Public acknowledgement of excellence and/or achievement by Port Authority employees, elected officials, and volunteers;
 - (b) Presentations of individual awards such as certificates, plaques, and other recognition mementoes;
 - (c) Recognition of group success and achievement; and/or
 - (d) Meal and light refreshments whose purpose is to honor employee service, awards in recognition of exemplary service, notable achievements, i.e., course completion, length of service, outstanding safety performance, cost saving suggestions, exemplary service above and beyond the normal job requirements, and other achievements in support of the Port Authority's mission.
- (2) Such awards may be made by the Chief Executive Officer in consultation with the Board of Directors. The cost of individual awards shall not exceed \$250 each.

POLICY 601 EMPLOYEE SAFETY AND THE SAFETY COMMITTEE

Policy:

The Chelan Douglas Regional Port Authority complies with all applicable federal, state, and local health and workplace safety regulations, and strives to provide a work environment reasonably free from recognized hazards. Employees are expected to comply with all workplace safety and health requirements whether established by the Port Authority or by federal, state, or local law. The Port Authority shall appoint a Safety Committee to implement and suggest amendments to this Employee Safety Policy from time to time. The Safety Committee also maintains and updates an additional workplace safety policies and procedure and an Accident Prevention Manual.

Comment:

- (1) The Port Authority has appointed a Safety Committee to oversee the Port Authority's employee and workplace safety policies and procedures. The Airport Manager shall be the chair of the Safety Committee, unless the Chief Executive Officer appoints another member of the Management Team.
- (2) All employees are responsible for ensuring that they understand and comply with all Port Authority safety rules, regulations, and procedures. All employees are responsible for:
 - (a) Being familiar with all safety and health policies and procedures relevant to the operations under their supervision;
 - (b) Inspecting their work areas periodically;
 - (c) Identifying conditions that are recognized as being unsafe; and
 - (d) Reporting accidents and injuries to the immediate manager, department head, and/or Director of Finance & Administration immediately and ensuring that any injured employee is referred to appropriate medical care.

Supervisors should complete a Safety Orientation Checklist upon hiring a new employee and before the new employee begins working independently. This is to ensure that the employee understands and complies with the safety rules, regulations, and procedures within their department. The completed and signed form should be maintained in the employee's personnel folder.

- (3) Employees should report to their Supervisor or the Safety Committee all observed safety and health violations, potentially unsafe conditions, and any accidents resulting in injuries to employees or the public. Employees are encouraged to submit suggestions to the Safety Committee concerning safety and health matters.
- (4) Violations of Port Authority safety rules, regulations, or procedures will result in disciplinary action, up to and including termination.

- (5) CPR, First Aid, and Blood Borne Pathogen Training will be offered and may be required for Employees in certain positions.

All Port Authority employees shall be offered CPR and First Aid Training at the Port Authority's expense. Depending on the employee's job assignment, the training may be mandatory. Said determination will be made from time to time by the Chief Executive Officer. Upon adoption of this Personnel Policy manual, training shall be mandatory to the following positions: All full-time maintenance employees, the Maintenance and Operations Supervisor and the Security Coordinator.

Employees whose job descriptions warrant them to take Blood Borne Pathogen training should be scheduled to attend training as soon as possible. The Blood Borne Pathogen Site Specific Plan identifies job titles in which exposure to pathogens may exist and require training. Supervisors are responsible to ensure that their employees Blood Borne Pathogen certification remains current.

- (6) Employees who may be exposed to Hepatitis A or Hepatitis B, as disclosed in their job description, have the option to receive Hepatitis A and Hepatitis B vaccinations paid for by the Port Authority. Employees will be advised during orientation of the risks associated with their job classification and given the opportunity to accept or decline the vaccinations where appropriate.

POLICY 602 PERSONAL PROPERTY

Policy:

The Chelan Douglas Regional Port Authority asks employees to refrain from bringing unnecessary or inappropriate personal property to work.

Comment:

- (1) The Port Authority recognizes that employees may bring certain personal items to work such as family photographs, houseplants, or other small decorative items for their workspaces. However, personal property that is not related to the employee's job performance may disrupt work or pose a safety risk to other employees.
- (2) Employees are expected to exercise reasonable care to safeguard unauthorized personal items brought to work. The Port Authority is not responsible for the loss, damage, or theft of personal belongings, and employees are advised not to carry unnecessary amounts of cash or other valuables with them when they come to work.
- (3) The Port Authority may assign each employee a locker or storage area for safekeeping small personal effects during working hours. In addition, the Port Authority will provide and retain keys for file cabinets, desks, and other workstations. Employees may not place their own locks on any storage facility. Any Port Authority-provided or assigned locker, storage area, file cabinet, desk, or other workstation is the property of the Port Authority and employees have no reasonable expectation of privacy therein.
- (4) To maintain security and protect against theft, the Port Authority reserves the right to inspect, when presented with reasonable suspicion, all personal property brought onto the Port Authority's premises, including vehicles, packages, briefcases, backpacks, purses, bags, and wallets. In addition, the Port Authority may inspect the contents of its property including lockers, storage areas, file cabinets, desks, and workstations at any time and remove all Port Authority property and other items that violate the Port Authority rules and policies.
- (5) Articles of known personal property found on the premises should be returned to the owner, if known, or turned into the Director of Finance & Administration. Inquiries regarding lost property should be directed to the Director of Finance & Administration.

POLICY 603 SOLICITATION

Policy:

The Chelan Douglas Regional Port Authority prohibits solicitation and distribution on its premises by non-employees and prohibits employees from solicitation and distribution using its facilities or during hours of work.

Comment:

- (1) The Port Authority prohibits employees from using its facilities or work hours to engage in solicitation or distribution of materials because those activities can interfere with its normal operations, reduce employee efficiency, annoy customers, and pose a threat to security.
- (2) The Port Authority maintains various communication systems to communicate Port Authority information to employees and to disseminate or post notices required by law. These communication systems (including bulletin boards, electronic mail, voice mail, facsimile machines, and personal computers) are for business use only and may not be used for personal reasons, including employee solicitation or distribution of literature. The unauthorized use of the communication systems or the distribution or posting of notices, photographs, or other materials on any Port Authority property is prohibited. See Policy 803 – Use of Communication Systems for additional details.
- (3) The Director of Finance & Administration is responsible for administering this policy and enforcing its provisions. Employees will be subject to disciplinary action, up to, and including, termination for violating this policy.
- (4) Individuals not employed by the Port Authority are prohibited from soliciting funds or signatures, conducting membership drives, distributing literature or gifts, offering to sell merchandise or services (except with the Chief Executive Officers preapproval), or engaging in any other solicitation, distribution, or similar activity on Port Authority premises.

POLICY 604 SECURITY

Policy:

The Chelan Douglas Regional Port Authority makes reasonable efforts to provide for the security of its property, its employees, and visitors to its premises.

Comment:

- (1) Employees (unless required to carry a firearm or weapon as a condition of employment or in circumstances where written authorization is provided by the Chief Executive Officer (see Appendix A)), are prohibited from possessing firearms or other weapons on Port Authority property, at events sponsored by the Port Authority, or while representing the Port Authority. This policy, however, shall not prohibit employees from maintaining a personal licensed firearm in their personal vehicle while parked on Port Authority property, provided that the vehicle is locked, and the firearm is secured in an area of the vehicle that is not publicly visible. *(Note: While Washington State allows individuals the right to carry a concealed weapon, employers are able to prohibit weapons in the workplace, including in personal vehicles parked on the premises, at worksites, in employer-provided vehicles, or at employer sponsored events.)*
- (2) All personal property brought onto Port Authority premises, such as vehicles, packages, briefcases, backpacks, purses, bags, and wallets, are subject to inspection with reasonable suspicion. In addition, the Port Authority may inspect the contents of Port Authority property, including lockers, storage areas, file cabinets, desks, and workstations at any time and may remove all Port Authority property and other items that are in violation of Port Authority rules and policies.
- (3) Employees working in sensitive or high security jobs must meet any applicable special security clearance requirement specified for those jobs (for example employees that must access security sensitive aviation areas). These requirements may include more extensive background checks, fingerprinting, bonding, or other special security measures. Failure or inability to meet or comply with any special security requirements is grounds for termination of employment or rejection of an applicant.
- (4) Employees may remain at their workplace outside their normal working hours only when authorized to do so by their Supervisor.
- (5) Employees are expected to exercise reasonable care for their own protection and for that of their personal property while on the Port Authority premises and while away from the premises on business. The Port Authority assumes no responsibility for loss, damage, or theft of personal property.
- (6) Employees are expected to know and comply with Port Authority security procedures and should report any violations or potential problems to their Supervisor. Violations of Port Authority security rules or procedures will result in disciplinary action, up to and including termination.

- (7) Employees that are issued identification badges must have their badges available for display while working for and representing the Port Authority. Employees must return their badges and other access, or security device provided by the Port Authority upon termination or separation of employment from the Port.

POLICY 605 SMOKING

Policy:

The Chelan Douglas Regional Port Authority complies with all applicable federal, state, and local regulations regarding smoking in the workplace and provides a work environment that promotes productivity and the well-being of its employees.

Comment:

- (1) The use of tobacco in the workplace is now in violation of the law in the State of Washington. Accordingly, the use of smoking and smokeless tobacco products are prohibited in all of the Port Authority's premises or facilities.
- (2) Smoking, (which includes vaping), is prohibited inside all Port Authority premises or facilities, including Port-owned buildings, vehicles, and offices or other facilities rented or leased by the Port Authority, including individual employee offices. The smoking policy applies to employees during working time and to customers and visitors while on Port Authority premises.
- (3) Smoking is only allowed in designated areas located outside that are at least 25 feet from building entrances and exits, windows that open, and ventilation intakes. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of coworkers with regard to the smoking policy. Smokers have a special obligation to not abuse break and work rules and to keep smoking areas litter-free. Complaints about smoking issues should be resolved at the lowest level possible but may be processed through the Port Authority grievance procedure. Employees who violate the policy will be subject to disciplinary action.
- (4) Employees may contact the Director of Finance & Administration for information regarding the effects of smoking and the availability of smoking cessation programs.

POLICY 701 ATTENDANCE AND PUNCTUALITY

Policy:

The Chelan Douglas Regional Port Authority requires employees to report for work punctually and to work all scheduled hours, and any on-call or overtime hours as required by business necessity. Excessive tardiness and poor attendance disrupt workflow and customer service and will not be tolerated.

Comment:

- (1) Supervisors should notify employees of their starting, ending, and break times. Employees are expected to be engaged in carrying out their duties during all scheduled work time and should be ready to begin working at their scheduled starting time. Supervisors should record all absences and, for nonexempt employees, any tardiness or early departure exceeding ten minutes.
- (2) Employees should notify their Supervisor in as far advance as possible whenever they are unable to report for work, know they will be late, or must leave early. The notice should include a reason for the absence and an indication of when the employee can be expected to report for work. If the Supervisor is unavailable, notification should be made to the next level of management.
- (3) Eligible employees will be compensated during authorized absences in accordance with the applicable paid policies. Nonexempt employees will not receive compensation for time missed because of tardiness or early departure if the time missed exceeds 10 minutes after starting time or before quitting time. Failure to notify the Port Authority properly of any absence may result in loss of compensation during the absence and may be grounds for disciplinary action.
- (4) Employees who report for work without proper equipment or in improper attire may not be permitted to work. Employees who report to work in a condition considered not fit for work, whether due to illness, alcohol or drug use, or any other reason, will not be allowed to work.
- (5) Employees generally are expected to report for work during inclement weather conditions unless the Chief Executive Officer declares an emergency closing. During times of inclement weather or natural disaster, it is essential that the Port Authority continue to provide vital public services. Therefore, it is expected that employees make every reasonable effort to report to work, so long as doing so does not endanger their personal safety. An employee who is unable to get to work or leaves work early because of unusual weather conditions may charge the time missed to vacation, personal holiday, compensatory time off, or leave without pay.
- (6) Nonexempt employees will not be required or permitted to work any period of time before or after scheduled starting or quitting times for the purpose of making up time lost because of tardiness, unauthorized absence, authorized absence, or any other reason if the result will be that the employee works more than forty hours during the workweek.

- (7) Employees must report to their Supervisor after being late or absent, give an explanation of the circumstances surrounding their tardiness or absence, and, when applicable, certify that they are fit to return to work. The Supervisor should record the information in the employee's file and forward a copy to the Director of Finance & Administration. When appropriate, the Supervisor should counsel the employee on the importance of good attendance and warn that excessive tardiness or absences will lead to discipline, up to and including termination.
- (8) Employees who are frequently away from the premises for business reasons should inform their Supervisors of their whereabouts during working hours.
- (9) Unauthorized or excessive absences or tardiness will result in disciplinary action, up to and including termination. An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved.
- (10) Employees who are absent from work for three consecutive days without giving proper notice to the Port Authority will be considered as having abandoned the job. At that time, the Port Authority will formally note the termination and advise the employee of the action by certified mail to the employee's last known address.

POLICY 702 HOLIDAYS

Policy:

The Chelan Douglas Regional Port Authority designates and observes certain days each year as holidays. Except as otherwise set forth in the Comment below, eligible employees will be given a day off with pay for each holiday observed.

Comment:

- (1) The Port Authority observes the following holidays each calendar year:

New Year's Day	January 1 st
Martin Luther King Day	3 rd Monday in January
President's Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	1 st Monday in September
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas Eve (in place of Veterans Day)	December 24 th
Christmas Day	December 25 th

In addition, each employee shall receive one Floating Holiday that is lost if not taken during the calendar year. Unless otherwise agreed to by the Chief Executive Officer, in order to be eligible to use a Floating Holiday, an employee must be continuously employed by the Port Authority for more than six months. The Floating Holiday is not subject to cash out on termination.

- (2) Holidays are compensated at the rate of 8 hours per day, regardless of the employee's regular work schedule.
- (3) Full-time employees are eligible to receive their regular rate of pay for each observed holiday. Part-time employees who are scheduled to work at least 20 hours per week (1,040 per year) are entitled to holiday pay for observed holidays as further set forth herein. The amount of holiday pay is determined on the same basis as for full-time employees but is based on the employee's full-time equivalency (FTE) budget allocation. For example, an employee allocated at 65% FTE will receive 5.2 hours of holiday pay on

each Port Authority approved holiday. Temporary employees and employees on unpaid leaves of absence or on layoff at the time of the holiday are not eligible to receive holiday pay.

- (4) To receive holiday pay, an eligible employee must be at work or taking an approved absence on the workdays immediately preceding and immediately following the day on which the holiday is observed. An approved absence is a day of paid vacation or paid short-term absence. If an employee is absent on one or both of these days because of an illness or injury, the Port Authority may require verification of the reason for the absence before approving holiday pay.
- (5) With the exception of “shift” employees that are required to work on an observed holiday, a holiday that occurs on a Saturday will be observed on the preceding Friday, and a holiday that occurs on a Sunday will be observed on the following Monday. Employees that perform work on the holiday (i.e. “shift workers”) will observe holidays on the actual day it occurs.
- (6) If a holiday occurs during an employee’s vacation period, the employee will be required to record the day as holiday pay on their timesheet.
- (7) The Port Authority recognizes that some employees may wish to observe, as periods of worship or commemorations, certain days that are not included in the Port Authority’s regular holiday schedule. Employees may use accrued vacation for these occasions.
- (8) The Port Authority may schedule work on observed holidays as it considers necessary. Any employee normally eligible for holiday benefits who must work on a day designated as a holiday under the provisions of this personnel policy will be paid at one and one-half times the employee’s hourly rate for the hours worked. In addition, the employee shall receive holiday pay as described above.
- (9) Exempt employees working on an observed Port Authority holiday may designate another day as a holiday, conditioned on said holiday being used within 90 days from the date accrued. Employees may not cash out unused Port Authority holidays.
- (10) Religious Holidays
 - (a) All employees are entitled to two unpaid holidays per calendar year for a reason of faith or conscience, or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.
 - (b) The employee may select the days on which the employee desires to take the two unpaid holidays after consultation with the employee’s Supervisor. If an employee prefers to take the two unpaid holidays on specific days, then the employee will be allowed to take the unpaid holidays on the days the employee has selected unless the absence would impose an undue hardship on Port Authority operations, or the employee is necessary to maintain public safety. The term “undue hardship” has the meaning contained in the rule established by the Office of Financial Management, as such rule exists or is hereafter amended.

- (c) If possible, an employee should submit a written request for an unpaid holiday provided for by this section to the employee's Supervisor a minimum of two (2) weeks prior to the requested day. The unpaid holiday leave shall not be deemed approved unless it has been authorized in writing by the employee's Supervisor. The employee's Supervisor shall evaluate requests by considering the meaning of "undue hardship" developed by rule of the Office of Financial Management, as such rule exists or is hereafter amended.

- (d) The two unpaid holidays allowed by this section must be taken during the calendar year, if at all, and do not carry over from one year to the next.

POLICY 703 VACATION LEAVE

Policy:

The Chelan Douglas Regional Port Authority grants annual vacation leave with pay to regular full-time and regular part-time employees in accordance with the guidelines established below.

Comment:

- (1) Vacation leave is accrued or earned based on the employee's length of service and on the time actually worked. Vacation leave does accrue while on paid leave status.
- (2) Full-time employees will accrue paid vacation according to the following schedule:

<u>Service Period</u>	<u>Vacation Accrual</u>	<u>Maximum Accrual</u>
First Calendar Year through 5	10 working days (80 hours) per year	240 hours
Calendar Years 6 through 10	15 working days (120 hours) per year	240 hours
Calendar Years 11 thereafter	20 working days (160 hours) per year	240 hours

- (3) Vacation leave cannot be taken until hours are accrued. Employees are responsible to monitor their accrual balance. Employees who have reached the maximum accrual will be allowed to continue to accrue vacation leave benefits and to sell back accrued and unused vacation leave, in one week increments only. Vacation sell back shall not exceed two weeks per calendar year. At the end of each calendar year, Employees may also request approval from the Chief Executive Officer to carry over to the next calendar year up to forty (40) hours of accrued and unused vacation leave. This sell back option is not intended to replace employee vacation leave. Employees are encouraged to use their vacation time for vacation in order to obtain the rest and relaxation that vacations are intended for.
- (4) Regular part-time employees whose full-time equivalency is 50% or more are entitled to accrue vacation leave on a pro-rata basis. Regular part-time employees shall earn vacation leave proportionate to the number of hours that they work in a pay period divided by the number of hours a full-time employee works in the same pay period. Part-time employees working less than 20 hours per week and temporary employees do not receive paid vacation.
- (5) An employee must be continuously employed for six months in order to be eligible to use accumulated vacation leave days. These accruals may, at the discretion of the Chief Executive Officer, be adjusted in order to recruit experienced personnel.
- (6) Employees who feel that there is a discrepancy in the calculation of their vacation leave pay, accrual, or eligibility may request a review of that calculation by the Director of Finance & Administration.

- (7) Vacation leave pay for full-time and part-time employees will consist of the employee's regular rate of pay for the vacation period.
- (8) Generally, employees should submit vacation plans to their Supervisor at least three weeks in advance of the requested vacation date. Management reserves the right to approve when vacations are taken. Supervisors are responsible for ensuring adequate staffing levels and should attempt, when feasible, to resolve vacation scheduling conflicts based on length of service. However, employees who want to change their plans after the vacation schedule has been approved lose their seniority consideration.
- (9) In the event an employee fails to complete one full year of employment with the Port Authority, any accrued vacation leave shall be forfeited upon separation or termination and the employee shall not be entitled to receive a lump sum payment of accrued but unused vacation upon termination or separation. Employees that have completed at least one full year of employment with the Port Authority shall be eligible to receive a lump sum payout of their accrued but unused vacation leave upon termination of employment (including resignation or retirement), unless such termination is due to misconduct as determined by the Port Authority in its sole discretion, up to the maximum amount of 240 hours (30 days). Employees terminated for misconduct shall not be entitled to receive a lump sum payment of accrued but unused vacation.
- (10) The Board of Directors may, in its sole discretion, review and adjust the vacation or annual leave accrual of the Chief Executive Officer. The Chief Executive Officer may, upon the approval of the Board of Directors, review and adjust the vacation or annual leave accrual of exempt employees.

POLICY 704 OTHER TYPES OF LEAVE

Policy:

The Chelan Douglas Regional Port Authority permits employees to be absent from work on an authorized basis for a variety of reasons, including serious illness or injury. To help employees maintain their income during certain authorized absences, the Port Authority provides compensation according to the guidelines below.

Comment:

(1) Paid Sick leave

(a) Application of Paid Sick leave

Regular, full-time employees accrue paid sick leave at the rate of eight hours per calendar month of continuous employment. Regular part time employees whose full-time equivalency is 50% or more are entitled to sick leave accrual on the greater of a pro-rata basis or one hour for every forty (40) hours worked. Temporary employees (full time and part time) and part-time employees who are regularly scheduled to work less than 20 hours per week accrue one hour of sick leave for every 40 hours worked. Employees may only accrue sick leave benefits for actual hours worked or during paid leave.

There is no cap on the number of paid sick leave hours that may be accrued in a year, which accrual year is the calendar year, January 1st to December 31st. The maximum number of hours of sick leave that an employee can annually carry over is four hundred eighty (480) hours (referred to as “maximum sick leave balance”). The maximum sick leave balance includes the forty hours of accrued sick leave an employee may carry over each year pursuant to Washington law if accrued and unused (referred to as “mandated carry over hours”) and is not in addition to the mandated carry over hours.

Paid sick leave begins accruing on the date of hire, but may not be used until 90 days after their date of hire. Part Time, Temporary and other employees are not entitled to cash out sick leave upon termination or separation of employment with the Port Authority.

(b) Use of Paid Sick Leave

Paid sick leave is available for employees to care for their health and the health of their immediate family members. Sick leave may be used for the following:

- i. Care or treatment of the employee’s own health condition (mental or physical illness, injury, or other health condition);
- ii. Caring for an immediate family member as defined in Policy 103, with a mental or physical illness, injury, or serious health condition;
- iii. Preventative medical, dental, or optical appointments for the employee or immediate family member, provided the employee must make a reasonable effort to schedule such appointments at times which have the least interference with the workday;

- iv. To attend the birth or adoption of the employees' child;
- v. Closure of the Port Authority or the employee's child's school/place of care by order of a public official for any health-related reasons;
- vi. For domestic violence or sexual assault as provided pursuant to this Policy 704, below; and
- vii. Any other condition required by state law as existing or amended.

(c) Advance Notice.

Employees must provide reasonable advance notice to their Supervisor or authorized designee of an absence from work for the use of paid sick leave to care for themselves or a family member. If an absence is foreseeable, the employee must provide notice to his/her Supervisor at least ten (10) days, before the first day paid sick leave is used. If possible, notification should include the expected duration of the absence. If an absence is unforeseeable, the employee must contact his/her Supervisor as soon as possible. In the event it is not possible to provide notice of an unforeseeable absence, a person, on the employee's behalf, may provide such notice. If possible, the notification should include the expected duration of the absence.

(d) Certification.

The Port Authority may request, at its discretion, that employees provide documentation from their health care provider to support any request for sick leave extending in excess of three (3) workdays, or if a pattern of abuse is apparent. The Port Authority may also request the opinion of a second doctor, at the Port Authority's expense, to determine whether the employee suffers from a chronic physical or mental condition, which impairs the employee's ability to perform the essential functions of the employee's job. Any failure to give notice or file a physician's certificate as required herein may be cause for denial of sick leave with pay for the period of absence.

(e) VEBA Contributions

The Port Authority makes the following contributions to a Health Reimbursement Arrangement – Voluntary Employee's Beneficiary Association (VEBA), account on behalf of its employees: (1) if an employee retires under the Public Employees Retirement System (PERS) at the time of termination of employment from the Port Authority, then the Port Authority will contribute the Trust identified by Resolution adopted by the Board of Directors from time to time, 25% of the value of the employee's existing accrued, unused sick leave at the average hourly rate of pay of such employee during the last full calendar year of employment with the Port Authority; and (2) if an employee's sick leave balance exceeds 480 hours at the end of the same year, then 25% of the hours in excess of 480 hours of sick leave (computed at the average hourly rate of pay for that employee during the same year) shall be contributed to the Trust identified in said Resolution. The employee will then start the next year with 480 hours of accrued sick leave available for use.

(2) **Medical Leave**

(a) The Family and Medical Leave Act (“FMLA”) provides up to 12 weeks of unpaid leave every 12 months to eligible employees for certain family and medical reasons. To be eligible an employee must have worked for the Port for at least one year, and for 1,250 hours over the previous 12 months.

- i. Reasons for Taking Leave. Unpaid FMLA leave may be granted for any of the following reasons:
 1. To care for a child after birth or placement for adoption or foster care.
 2. To care for an employee's spouse, son, daughter or parent who has a serious health condition.
 3. For a serious health condition that makes an employee unable to perform the essential functions of his/her job.
 4. For a qualifying exigency while the employee's spouse, child or parent who is a military member is on covered active duty or call.
- ii. Leave to care for a child after birth or placement for adoption or foster care must be concluded within 12 months of the birth or placement.
- iii. An eligible employee is entitled to up to 26 weeks of leave to care for a covered military service member with a serious injury or illness during a single 12-month period.
- iv. Under some circumstances, FMLA leave may be taken intermittently - - which means taking leave in blocks of time, or by reducing an employee's normal weekly or daily work schedule -- if medically necessary because of a serious health condition. If an employee is granted intermittent leave or works a reduced schedule, he/she may be required to provide a written certification from his/her health care provider that includes the projected dates and duration of treatment and a statement of the medical necessity for taking intermittent leave or working a reduced schedule.
- v. The Port may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced work schedule.
- vi. If FMLA leave is taken for the birth or placement for adoption or foster care, use of intermittent leave is subject to the Port's prior approval.
- vii. Substitution of Paid Leave.

1. At the employee's request or at the Port's discretion, certain kinds of paid leave may be substituted for unpaid FMLA leave.
 2. The Port may require an employee to use accrued sick leave or vacation as part of the employee's FMLA entitlement. For example, if an employee wishes to take 12 weeks of FMLA leave due to his/her own serious illness and he/she has accrued two weeks of sick leave and two weeks of vacation, the employee would first take two weeks of sick, then two weeks of vacation, in that order, and would then have eight weeks of unpaid FMLA leave available.
- viii. Advance Notice and Medical Certifications. The Port requires that an employee provide the Port with advance leave notice, with medical certification of the need for a leave related to a serious health condition, and with medical certification of the employee's fitness to return to duty after medical leave. Taking leave, or reinstatement after leave, may be denied if the following requirements are not met:
1. An employee must give the Port at least 30 days' advance notice of his/her request for leave if the reason for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment. If 30 days' notice is not practicable, then the employee must give the Port notice as soon as practicable, usually within one or two business days of when the need for leave becomes known to the employee. If the employee does not give the Port 30 days' advance notice, and if the employee is able to foresee the need for the leave and the approximate date of the leave, the Port may deny the employee's request for leave until at least 30 days after the date the employee gives the Port such notice.
 2. The Port requires that employees provide a medical certification to support a request for leave because of a serious health condition (the employee's, employee's child's, spouse's or parent's) whenever the leave is expected to extend beyond 5 consecutive working days or will involve intermittent or part-time leave. The Port may require second or third opinions, at the Port's option and expense.
 3. The Port requires employees provide a medical certification of their fitness for duty to return to work after a medical leave that extends beyond 10 consecutive working days, or that involves a mental disability or substance abuse, or where the medical condition and the employee's job are such that the Port believes the employee may present a serious risk of injury to the employee or others if the employee is not fit to return to work.
- ix. Periodic Reporting. If an employee takes FMLA leave for more than 10 consecutive days, the Port requires that the employee report in, to

the Port Chief Executive Officer or authorized designee, at least every two weeks regarding the employee's status and intent to return to work.

x. Insurance.

1. If the employee is covered by the Port's group health plan (medical, dental, or vision), the Port will continue to pay its pro-rata share of the employee's health insurance during the employee's FMLA leave on the same basis as during the employee's regular employment. However, if the employee does not return to work after the leave, the employee may be required to pay the Port back for the Port's portion of the insurance premiums, unless the employee's failure to return to work was beyond his/her control.
2. If the employee is covered by other insurance plans through the Port, such as life or disability insurance, those coverages will continue during the employee's paid leave on the same basis as during his/her regular employment. If the employee takes unpaid FMLA leave, he/she will be responsible during the period of such unpaid leave to pay for the portion of the premiums the employee normally pays for, plus the portion of the premiums the Port normally pays for the employee. If the employee does not pay these premiums, the Port may choose to pay them for the employee, to keep his/her coverage from lapsing, but the employee will be responsible for repaying the Port whether or not he/she returns to work.
3. Employees may be eligible to apply for Washington Paid Family Leave pursuant to section (b), below.

- xi. Couples Employed by the Port. If both the employee and the employee's spouse work for the Port and the employee requests leave for the birth, adoption or foster care placement of a child, to care for a new child, or to care for a sick parent, the total annual FMLA leave available to both individuals for those purposes is 12 weeks.
- xii. Determining Leave Availability. FMLA leave is available for up to 12 weeks during a 12-month period. For purposes of calculating leave availability, the "12-month period" is a rolling 12-month period measured backwards from the date the employee uses any FMLA leave.
- xiii. Leave Related to Pregnancy. Leave related to pregnancy will be provided according to state and federal parenting leave requirements. For example, if an employee takes eight weeks leave for childbirth or to recover from childbirth, as authorized by the WLAD, the employee may still be entitled to 12 weeks of FMLA leave to care for the

employee's new child (provided however, in no case shall the FMLA leave extend more than 12 months after the child's birth or adoption).

- xiv. Reinstatement Rights. If an employee takes leave under this policy, he/she will be able to return to the same or similar job with equivalent status, pay, and benefits, and one which entails substantially equivalent skill, effort, responsibility and authority. However, the Port may choose to exempt certain highly paid employees from the right to return to the same or similar position.

(b) Washington Paid Family Leave

Pursuant to WAC192-520-010, as existing or amended, effective January 1, 2020, Port Authority employees who worked 820 hours during the previous year are entitled to apply for up to 12 weeks of partial wage replacement for qualifying family and medical leave (WPFML). Paid family leave is meant to partially replace wages while on qualifying family leave.

WPFML leave can be taken for the employee's own medical condition, bonding with a child (birth, foster or adoption), caring for family members and certain military-related events consistent with FMLA leave.

The availability and use of WPFML will be administered in accord with state law as existing or hereafter amended.

Employees that experience multiple events in one year may be eligible to receive up to 16 weeks of WPFML, and employees that experience a serious health condition during pregnancy that results in incapacity may be entitled to receive 18 weeks of paid leave, all in accord with state law, as existing or amended.

Premium payments for the WPFML program will be paid or contributed by the Port Authority and employee as required by and pursuant to state law, as existing or amended. The employees' portion of the premium payment will be deducted or withheld from the employee's paycheck during each pay period along with other usual and standard deductions. Deductions and withholdings for paid family leave apply to all employees, regardless as to the employee's future or anticipated eligibility to use the paid leave benefits.

(c) Supplemental Benefits

A supplemental benefit is a payment from the Port Authority to an employee who is taking leave under the WPFML program to make up the difference between their regular wage and the benefit paid by the WPFML. The Port Authority has designated certain types of paid leave: 1) vacation leave, and 2) paid sick leave, as supplemental benefits. This means employees can choose to use accrued vacation leave or paid sick leave to supplement or "top up" the money they receive as partial wage replacement while on a WPFML leave. Employees can receive both paid time off from the Port Authority and the WPFML benefit for the same period.

Employees are not required to take accrued vacation leave or paid sick leave before, in place of, or at the same time as WPFML benefits. Employees decide whether or not to use supplemental benefits. However, if an employee elects to use supplemental benefits, the employee must notify the Port Authority Director of Finance & Administration at the start of his/her WPFML. Once the employee elects to use supplemental benefits, the employee may not reverse the election.

(d) Unpaid Leave

Subject to operation and other considerations, the Chief Executive Officer may grant an unpaid medical leave as a reasonable accommodation to enable an employee to return to work and perform the essential functions of their position with or without additional reasonable accommodation. Any available accrued leave must be exhausted before the unpaid leave will be approved.

(3) Family Care/Use of Accrued Leave to Care for Sick Family Member

Consistent with the Washington Family Care Act, employees may use their choice of any accrued leave that they have available for their own use in order to care for their immediate family as described below.

An employee may use available paid time off to care for their child where the child has a health condition requiring treatment, supervision, or where the child needs preventative care (such as medical, dental, optical, or immunization services).

An employee may use available paid time off when a spouse, domestic partner, parent, parent-in-law, or grandparent has a "serious or emergency health condition" which are conditions:

- (a) Requiring an overnight stay in a hospital or other medical-care facility;
- (b) Resulting in any period of incapacity or treatment or recovery following inpatient care;
- (c) Involving continuing treatment under the care of a health services provider that includes any period of incapacity to work or attend to regular daily activities; or
- (d) Involving an emergency (i.e., demanding immediate action).

Where the need for family care leave is unexpected, the Port Authority understands that advance approval of the use of leave (as is required by certain kinds of accrued leave) may not be possible. Employees are required, however, to notify their Supervisor of the need to take time off to care for a family member as soon as the need for leave becomes known. The Port Authority reserves the right to require verification or documentation confirming that a family member has or has had a "serious or emergency" health condition when available leave is used to care for that family member.

(4) Pregnancy Disability and to Care for a Newborn

Under *Washington State Law*, pregnant employees are entitled to unpaid leave for the period of time that the female employee is physically disabled due to the pregnancy and/or childbirth. The period of temporary disability normally lasts six to eight weeks if the pregnancy and childbirth are without complications. With complications, such as required bed rest before childbirth, the period of temporary disability can last longer.

Male employees may use sick leave to care for a newborn or adopted child in accordance with the Washington Family Care Act.

(5) Jury or Witness Duty

Employees who are required by law to render jury service will be granted time off during the period of jury duty. Employees will continue to receive regular wages when called to jury duty during regular working hours, up to forty (40) hours per year. Any county, state or federal compensation paid to a Port Authority employee for the time served on a jury shall be reimbursed to the Port Authority toward wages already paid by the Port Authority to the employee during jury service. Expense reimbursements, such as mileage, do not need to be paid to the Port Authority. Employees should notify their Supervisors as soon as possible after receipt of a juror summons so that operational adjustments can be made as needed during the employee's absence. A copy of the juror summons must be provided to the Supervisor. If an employee is summoned for jury service during a critical work period, the Port Authority may ask the employee to request a waiver from jury duty; in such cases, the Port Authority will provide documentation to the relevant court supporting the waiver request. Employees should contact their Supervisor for instruction if there is a break greater than four hours during jury duty where the employee is not required to report to the court. Depending on the circumstances, an employee may be required to return to work during such a period.

An employee subpoenaed to testify in court will be granted time off for the period served as a witness. In general, leave for witness duty is unpaid unless the employee has been called as a witness by the Port Authority.

(6) Military Leave

The Port provides military leave for employees while performing military service in accordance with federal and state law. Military service includes active military duty and reserve or National Guard training. An employee must provide his/her Supervisor with copies of his/her military orders as soon as possible after he/she receives those orders. Reinstatement upon return from military service is determined in accordance with applicable federal and state law.

(7) **Leave for Spouses of Military Personnel (Non-FMLA)**

The Port Authority also provides leave for spouses of military personnel as required by law. During a period of military conflict declared by President of Congress, an employee who is the spouse of a member of the Armed Forces, National Guard or Reserves is entitled to up to 15 days of unpaid leave while their spouse is on leave from deployment, or before and up to deployment. An employee must work an average of 20 hours per week to be eligible for this family military leave.

(8) **Bereavement Leave**

In the event of the death of an employee's immediate family member, time off with pay for employee's regular scheduled workday will be granted to regular full-time employees. The phrase "immediate family" for the purposes of the bereavement policy is as defined in Policy 103(1).

Three consecutive workdays off with pay will be approved to attend the funeral or memorial service (maximum 24 hours).

Two additional consecutive days off with pay will be approved for travel from the employee's home to the funeral or memorial services if the travel exceeds two hundred (200) miles each way (maximum 16 hours).

Regular part-time employees who are scheduled to work twenty or more hours per week are eligible to receive Bereavement Leave. The amount of leave allowed will be pro-rated for regular part-time employees.

(9) **Domestic Violence/Sexual Assault Leave**

This leave is available to employees who are victims of domestic violence, sexual assault, or stalking. It is also available to employees with a family member (child, spouse, domestic partner, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship) who is a victim of domestic violence, sexual assault, or stalking. The leave may be taken in blocks, intermittently, or on a reduced leave schedule. The amount of leave that an employee may take is limited to a "reasonable" amount. Domestic violence/assault leave is unpaid, although an employee may elect to use the employee's accrued paid leave (e.g. vacation, compensatory time, or sick leave if it qualifies) in connection with such leave.

Domestic Violence/Sexual Assault leave may be taken for the following purposes:

- (a) To seek law enforcement or legal assistance or to prepare for or participate in any legal proceeding related to domestic violence, sexual assault or stalking;

- (b) To seek health care treatment for physical or mental injuries from domestic violence, sexual assault, or stalking, or attend to such health care treatment for a family member;
- (c) To obtain (or assist a family member in obtaining) mental health counseling related to domestic violence, sexual assault, or stalking; or
- (d) To participate in safely planning, to temporarily or permanently relocate, or to take other actions to increase safety of the employee or family member relating to domestic violence, sexual assault, or stalking.

When possible, employees must give advance notice of the intention to take leave under this policy. If advance notice is not possible, employees (or their designees) must give notice of the need for this leave no later than the end of the first day the employee takes the leave. The Port Authority may require verification to support the need for the leave. Depending on the situation, verification can take the form of police reports, court documents, or employee's own written statement of the need for the leave. Except where disclosure is authorized or required by law, the Port Authority will maintain confidentiality of all information provided by the employee in conjunction with the Domestic Violence/Sexual Assault Leave.

(10) Leave Share Program

- (a) Eligible employees may donate accrued sick or vacation leave for use by another employee who is suffering from an extraordinary medical emergency. Employees are eligible to receive shared leave when the severity of the emergency would cause the employee to take leave without pay or to terminate employment without shared leave. Employees who donate leave waive all rights to the donated leave.
- (b) Employees may request a leave donation when they have or expect to use all of their accrued leave (including vacation, sick, personal days, and compensatory time) and would otherwise be on a leave without pay and have been found to be ineligible to receive industrial insurance benefits. The employee receiving a sick leave donation is required to provide medical justification and documentation both of the necessity for the leave and the length of time the employee reasonably can be expected to be absent due to the condition. While an employee is receiving shared leave, the employee continues to be classified as a Port Authority employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using the employee's own accrued leave except that the shared hours received are not eligible for retirement benefits.
- (c) The maximum number of days an employee can receive of donated leave is 90 days per calendar year. The Chief Executive Officer shall retain discretion to determine the eligibility to receive donated leave.

- (d) The maximum amount of sick leave that can be donated per request, per calendar year is 40 hours. The donating employees' sick leave balance may not fall below 480 hours. Donations and use of leave are on an hour-for-hour basis, without conversion for differentials between rates of pay received by the donors and the recipients.

(11) Coordination of Wages with Worker's Compensation

Employees receiving salary continuation through Workers Compensation who are still receiving their regular wages from the Port Authority by usage of their accrued sick leave, must return their Workers Compensation payment to the Director of Finance & Administration. The Port Authority Auditor/Treasurer will then use the check amount to reinstate the employee's sick leave balance at the employee's current rate of pay. Vacation, compensatory time, or shared leave should not be used during a work-related injury or illness.

(12) Administrative Leave

On a case by case basis, the Chief Executive Officer may place an employee on administrative leave with or without pay for an indefinite period of time. Administrative leave may be used when it is in the Port Authority's best interest, such as during the pendency of an investigation.

(13) Benefits During Leave

Employees who are on a paid leave of absence shall continue to receive benefits they were entitled to prior to the start of their leave, including the accrual of vacation, sick leave, holidays, retirement, and health insurance benefits. Unless stated otherwise in these policies, benefits that accrue according to length of service, such as paid vacation, holiday, and sick days, do not accrue during periods of unpaid leave or during periods in which the employee receives workers' compensation. In certain cases, self-payment of insurance premiums may apply.

POLICY 705 REST BREAKS

Policy:

The Chelan Douglas Regional Port Authority provides rest breaks during the course of each workday. Washington State law requires that employees receive a paid rest break of at least ten minutes for every four hours worked. The Port Authority currently provides employees with fifteen-minute rest breaks, but reserves the right to reduce this time to the minimum required by state law at any time at its discretion.

Comment:

- (1) Nonexempt employees are entitled to receive a rest break of fifteen minutes for every four hours of work that is not interrupted by a meal period. Where the nature of the work permits or necessitates intermittent rest periods equivalent to fifteen minutes every four hours, scheduled rest periods are not required. Break periods cannot be accrued, consolidated, or waived. Employees who do not believe they are receiving adequate rest break periods during their workday should advise their Supervisor.
- (2) Supervisors are responsible for scheduling nonexempt employees' rest breaks and should consider the workload and the nature of the job performed. Whenever necessary, the frequency and time of rest breaks may be changed.
- (3) Time spent on rest breaks will be compensated as working time. However, employees are expected to be punctual in starting and ending their breaks and may be disciplined for tardiness.
- (4) Employees are expected to take rest breaks. Employees who choose to remain at their workstations during rest breaks are expected to take their rest break shortly thereafter, and are not entitled to arrive later than the scheduled starting time or leave before the normal quitting time.
- (5) Employees on rest breaks may not interfere with other employees who are continuing to work.

POLICY 706 MEAL BREAKS

Policy:

The Chelan Douglas Regional Port Authority provides meal breaks during the course of each workday.

Comment:

- (1) Full-time employees are allowed a meal break near the middle of the workday. In departments operating on single shifts, the breaks will be sixty minutes.
- (2) Part-time employees scheduled to work more than five consecutive hours during any workday will receive a meal break of the same duration as full-time employees in their department.
- (3) Supervisors are responsible for balancing workloads and scheduling meal breaks and should take into consideration the workload and the nature of the job performed. Whenever necessary, the duration and time of meal periods may be changed.
- (4) Employees required to work more than ten hours in any workday will be allowed a second meal break no later than six hours after returning from their first meal break.
- (5) Nonexempt employees will not be compensated for their meal breaks unless they are required to work during their breaks.
- (6) Employees on meal breaks are not permitted to interfere with other employees who are continuing to work.

POLICY 801 EMPLOYEE CODE OF CONDUCT

Policy:

The Chelan Douglas Regional Port Authority finds that certain rules and regulations regarding employee conduct or behavior are necessary for efficient business operations and for the benefit and safety of all employees. Conduct that interferes with operations, discredits the Port Authority, or is offensive to customers or coworkers will not be tolerated.

Comment:

- (1) Employees are expected at all times to conduct themselves in a positive manner in order to promote the best interests of the Port Authority. Appropriate conduct includes but is not limited to:
 - (a) Treating all customers, visitors, and coworkers in a courteous manner;
 - (b) Refraining from behavior or conduct that is offensive or undesirable, or which is contrary to the Port Authority's best interest;
 - (c) Reporting to management suspicious, unethical or illegal conduct by coworkers, customers, or suppliers;
 - (d) Reporting to the Chief Executive Officer any threatening or potentially violent behavior of coworkers;
 - (e) Cooperating with Port Authority investigations;
 - (f) Complying with all Port Authority safety and securing regulations;
 - (g) Wearing clothing appropriate for the work being performed;
 - (h) Performing assigned tasks efficiently and in accord with established quality standards;
 - (i) Reporting to work punctually as scheduled and being at the proper workstation ready for work, at the assigned starting time;
 - (j) Giving proper advance notice whenever you are unable to work or report on time;
 - (k) Smoking only at times and in places not prohibited by Port Authority rules or local ordinances; and
 - (l) Maintaining cleanliness and order in the workplace and work areas.
- (2) The following are examples of conduct that is prohibited. Individuals engaged in prohibited conduct will be subject to discipline, up to and including termination:

- (a) Possessing firearms or other weapons on Port Authority property (unless employee is required to carry a firearm or other weapon as a condition of employment);
- (b) Fighting or assaulting a coworker or customer;
- (c) Threatening or intimidating coworkers, customers, or guests;
- (d) Engaging in any form of discrimination, sexual or other harassment, or retaliation;
- (e) Reporting to work under the influence of alcohol, illegal drugs, controlled substances, or narcotics or using, selling, dispensing, or possessing alcohol, illegal drugs, or narcotics on Port Authority premises;
- (f) Disclosing confidential Port Authority information;
- (g) Falsifying or altering any Port Authority record or report, such as an employment application, medical reports, production records, time records, expense accounts, absentee reports, or shipping and receiving records;
- (h) Stealing, destroying, defacing, or misusing Port Authority property or another employee's or customer's property;
- (i) Misusing Port Authority communications systems, including electronic mail, computers, internet access, and telephones;
- (j) Refusing to follow management's instructions concerning a job-related matter or being insubordinate;
- (k) Failing to wear assigned safety equipment or failing to abide by safety rules and policies;
- (l) Soliciting or distributing materials in violation of Port Authority policies;
- (m) Smoking where prohibited by local ordinance or Port Authority rules;
- (n) Using profanity or abusive language;
- (o) Sleeping on the job without authorization;
- (p) Gambling on Port Authority property;
- (q) Playing pranks or engaging in horseplay;
- (r) Wearing improper attire or having an inappropriate personal appearance; and

- (s) Engaging in off-duty misconduct that interferes with an employee's ability to do his/her job or reflects negatively on the Port Authority (for example, a traffic citation that results in the loss of the employee's driver's license which is needed to perform job duties or a publicized off-duty misconduct that would cause embarrassment to the Port).
- (3) The example of impermissible behavior described in Comment (2), above, are not intended to be an all-inclusive list. At management's discretion, any violation of the Port Authority policies or any conduct considered inappropriate or unsatisfactory may subject the employee to disciplinary action. Questions about this policy should be directed to a Supervisor, Director of Finance & Administration, and/or the Chief Executive Officer.

POLICY 802 PERSONAL APPEARANCE OF EMPLOYEES

Policy:

The Chelan Douglas Regional Port Authority requires each employee's dress, grooming, and personal hygiene to be appropriate to the work situation. Employees are expected at all times to present a professional image.

Comment:

- (1) Employees are expected at all times to present a professional image to customers and the public. Professional personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the Port Authority. Radical departures from personal grooming and hygiene standards are not permitted.
- (2) Office workers and any employees who have regular contact with the public must comply with the following personal appearance standards and are expected to dress in a manner that is considered professional attire in similar business establishments. Employees should not wear suggestive attire or athletic clothing, and similar items of casual attire that do not present a professional appearance.
- (3) Employees who do not regularly meet the public should follow basic requirements of safety and comfort but should still be as neat and professional as working conditions permit.
- (4) Certain employees may be required to meet special dress, grooming, and hygiene standards, such as wearing uniforms, depending on the nature of their position.
- (5) On Fridays, the Port Authority allows employees (who are not required to wear a uniform) to dress in a more casual fashion than is normally required; however, employees are still expected to present a neat appearance and are not permitted to wear ripped or disheveled clothing, athletic wear, or similarly inappropriate clothing.
- (6) An employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Non-exempt employees will not be compensated for any work time missed because of failure to comply with this policy. Violations of this policy also may result in disciplinary action.

POLICY 803 USE OF COMMUNICATION SYSTEMS

Policy:

The Chelan Douglas Regional Port Authority provides or contracts for communication systems and equipment necessary to promote the efficient conduct of business.

Comment:

- (1) Communication systems and equipment are provided by the Port Authority to facilitate the performance of Port Authority work. Incidental personal use is secondary, should not interfere or conflict with business or job performance, should clearly indicate that it is personal usage, and is subject to regulation for cost controls required by the Port Authority. All communication systems must be used in compliance with applicable statutes, regulations, and the Port Authority's policies, including those that require a work environment free from discrimination and harassment. Employees are expected to use common sense and sound judgment to avoid any communication which is disrespectful, offensive, or illegal.
- (2) All Port Authority communication systems and equipment, including the messages transmitted or stored by them, is the sole property of the Port Authority. Supervisors and Managers may access and monitor employee communications and files. Communication systems and equipment include, among other things: mail, electronic mail ("e-mail"), instant messaging, courier services, facsimiles, telephone systems, personal computers, computer networks, on-line services, internet connections, intranets, computer files, video equipment and tapes, tape recorders and recordings, pagers, cellular phones, text messages, voice mail, and bulletin boards.
- (3) The Port Authority, as provider of access to communication systems, reserves the right to specify how the Port Authority's network resources will be used and administered to comply with this policy. Message content sent from Port Authority communication systems reflects the Port Authority's image, both positively and negatively. Employees may be subject to disciplinary action for using these resources in a manner other than for the intended purposes. The information sources available via the internet are worldwide and constantly growing in kind and number. It is not possible for any organization to fully manage the types and content of information accessed by its systems and users. Nonetheless, the Port Authority reserves the right to restrict access to any data source if/when, in its sole discretion and after appropriate review; the Port Authority determines such a source to be problematic. These restrictions do not constitute an implication of approval of other non-restricted sources.

Without exhausting all the possibilities, the following are examples of inappropriate use of Port Authority communication systems:

- (a) Accessing, receiving or sending pornographic, sexually explicit or indecent materials, including materials which are offensive, obscene or in poor taste. This

includes information which could create an intimidating, offensive, threatening, or hostile work environment;

- (b) Any use that may for a reasonable person create or further a hostile attitude or give offense on the basis of any protected class including sex, race, color, religion, national origin, genetic information, pregnancy, age, marital status, gender identification, disability, military status or any other characteristic protected by law;
 - (c) Communication of confidential Port Authority information to unauthorized individuals within or outside the Port Authority;
 - (d) Sending messages or information which is in conflict with applicable law or Port Authority policies, rules, or procedures;
 - (e) Unauthorized attempts to access data or break into any Port Authority or non-Port Authority system. This includes accessing employees' email without their knowledge;
 - (f) Theft or unauthorized copying of electronic files or data including documents, photographs, and music or video files; or
 - (g) Intentional misrepresentation of one's identity for improper or illegal acts.
- (4) Port Authority communication systems or equipment may not be removed from the premises without written authorization from the employee's Supervisor. Some resources (designated laptop computers and audio-visual equipment) are made available through a reservation system and may not require supervisory approval. In addition, employees should keep use of personal cell phones or other personal handheld communication devices to a minimum so that their use does not interfere with the employee's work or the Port Authority's operations.
- (5) Employees should ensure that no personal correspondence appears to be a communication by or on behalf of the Port Authority. Employees may be perceived as representatives of the Port Authority and, therefore, damage or create liability for the Port Authority. All outgoing messages, whether by mail, facsimile, e-mail, internet transmission, or any other means, must be accurate, appropriate, and work-related, except for incidental personal use consistent with this policy. Employees may not use a Port Authority address for receiving personal mail or use Port Authority stationery or postage for personal letters. Only the Port Authority may issue personalized stationery and business cards bearing the Port Authority's logo.
- (6) Employees must bear in mind that email is not private, and its source is clearly identifiable. E-mail messages may remain part of Port Authority business records long after they have been deleted. Electronic records, including e-mail messages, are public records subject to Washington State's Public Disclosure Records Act, and will be disclosed upon request unless an exemption to disclosure is found to apply. In general, e-mail is subject to discovery in civil lawsuits.

- (7) E-mail may not be used for spam (unsolicited bulk e-mail) or to send or post chain letters, messages of a political or religious nature, or messages that contain obscene, profane, or otherwise offensive material or language.
- (8) Employees who do not have direct access to a Port Authority telephone should make provisions to have emergency or other necessary incoming calls routed to a department approved telephone or to the Director of Finance & Administration. Although the Port Authority will attempt to deliver personal messages to employees, it cannot and does not accept responsibility for the prompt or accurate relay of these messages.
- (9) Improper use of Port Authority communication systems and equipment or any other violations of this policy will result in discipline, up to and including termination. Improper use includes any misuse as described in this policy, any misuse that would result in violations of other Port Authority policies, as well as any harassing, offensive, demeaning, insulting, defaming, intimidating, sexually suggestive, or otherwise inappropriate written, recorded, or electronically transmitted communications.

POLICY 804 CELL PHONE USAGE POLICY

Policy:

Cell phones may be needed by certain Port Authority officials and employees in order to increase the efficiency of the individual's workload or to provide a tool to be used in cases of emergencies.

Comment:

- (1) The Port Authority will provide a payroll stipend to the Board of Directors and Port Authority employees in exchange for those individuals providing and utilizing a cell phone during normal business activities conducted for the Port Authority. The payroll stipend will be provided to all Board of Directors and staff, based on usage and availability outside of Port Authority regular business hours. Board of Directors and employees electing to receive a cell phone stipend will be required to complete the Cell Phone Stipend Agreement, a copy of which is attached to this policy as Appendix B.
- (2) The Port Authority is a public entity subject to the requirements of the Washington State Public Records Act, Chapter 42.56 RCW ("Act"). Any voice or text messages sent or received by any Board Member or Port Authority employee on any cell phone pertaining to business of the Port Authority are subject to retention, review, and disclosure under the Act. As a result, each Board Member and Port Authority employee is responsible for complying with the Act.
- (3) Unless authorized in advance by the Chief Executive Officer, individuals (i.e. Board Members or Port Authority employees) that do not receive a cell phone stipend are prohibited from using a personal call phone to conduct Port Authority related business. In the event an individual that does not receive a stipend receives messages on a personal cell phone related to Port Authority business, the individual should direct the contacting party to use a Port Authority business telephone number or e-mail to contact the individual. In addition, the individual must forward any messages to the individual's Port-issued e-mail account and comply with all processes and requirements of the Port Authority applicable to individuals that use personal cell phones for Port Authority related business, including the process and requirements set forth below.

- (4) Unless the individual is subscribed to or receives the capture services described below, any individual that uses a personal cell phone to conduct Port Authority related business must promptly forward any Port Authority business related voice or text messages sent or received on the personal cell phone to the individual's Port-issued e-mail account for review and retention by the Port Authority. Individuals may be required to submit affidavits or declarations to facilitate the Port Authority's response to requests for public records related to the individual's use of a personal cell phone for Port Authority business. Individuals shall not delete Port Authority business related voice or text messages sent or received on a personal cell phone unless those messages have been transferred to the Port Authority for retention. In the event an individual improperly deletes, withholds or destroys, or is reasonably suspected of deleting, withholding or destroying, a text or voice message on the individual's personal cell phone pertaining to Port Authority business, the individual may be required by the Port Authority Chief Executive Officer, or authorized designee, to submit their cell phone to the Port, or the Port Authority's contractor, for forensic retrieval of any such messages.
- (5) The Port Authority may elect to subscribe to a service or program capable of capturing, searching, and retaining all voice and/or text messages sent or received on any personal cell phone ("capture service"). The primary purpose for such service is to facilitate the Port Authority's retention and production of public records as required by the Act. If the Port Authority elects to subscribe to a capture service, individuals that are provided with a cell phone stipend will be required to have the capture service installed on the individual's personal cell phone. Once the capture service has been installed, all voice and/or text messages (as applicable depending on the scope of the capture service) sent or received on or from the individual's cell phone, including personal messages, will be captured and retained by the capture service until destroyed as authorized by the Port Authority Chief Executive Officer or authorized designee. Any messages received and retained by the capture service may be accessed, searched, reviewed, and produced by authorized Port Authority employee, or the Port Authority's authorized contractors, for any authorized purpose, including, but not limited to, in response to a request for records under the Act. Individuals required to subscribe to the capture service shall not tamper with, disable, or circumvent use of the capture service by any means. The Port Authority may add to, change, or modify the scope of the capture service (i.e. text only, voicemail only, text and voicemail, e-mail, etc.) at any time without notice to the subscribing individual. A refusal to subscribe to the capture service will result in termination or forfeiture of the stipend.
- (6) The Port Authority does not prohibit employees from using personal cell phones for personal (non-Port Authority related calls). However, all personal cell phone use should occur in private (i.e. not in front of Port Authority customers) and should not interfere with the employee's work for the Port Authority. Whether an employee's personal use of a cell phone is interfering with the employee's work will be solely determined by Port Authority management.

- (7) Directors and employees shall refrain from using cell phones while operating vehicles in the performance of Port Authority related business or during applicable work hours, except with the use of a hands-free device and in accordance with applicable laws. Every effort should be made to pull to the side of the road or other safe location prior to answering or initiating cell phone calls. Individuals shall not review, type, send, or otherwise engage in text messaging while operating a vehicle during the performance of Port Authority related business or during applicable work hours.
- (8) Any Director or Port Authority employee who is charged with traffic violations resulting from the use of their cell phone while operating a vehicle will be solely responsible for all liabilities that result from such actions.
- (9) Port Authority employees that use a cell phone in violation of this policy, or that otherwise fail to comply with this policy, may be subject to discipline up to, and including, termination.
- (10) As with any policy contained herein, the Port Authority reserves the right to modify, amend, or terminate its cellular phone policy at any time.

POLICY 805 CONFLICTS OF INTEREST

Policy:

The Chelan Douglas Regional Port Authority prohibits its employees from engaging in any activity, practice, or conduct which conflicts with, or appears to conflict with, the interests of the Port Authority. Since it is impossible to describe all of the situations that may cause or give the appearance of a conflict of interest, the prohibitions included in this policy are not intended to be exhaustive and include only some of the more clear-cut examples of impermissible conflicts of interest.

Comment:

- (1) Employees are expected to represent the Port Authority in a positive and ethical manner. Thus, employees have an obligation to avoid conflicts of interest and to refer questions and concerns about potential conflicts to their Supervisor.
- (2) Employees may not, directly or indirectly, whether on or off the job, engage in any conduct that is disruptive or damaging to the Port Authority.
- (3) Employees and their immediate family may not accept gifts, except those of nominal (i.e. less than \$50) value, or any special discounts or loans from any person or firm doing, or seeking to do, business with the Port Authority. The meaning of gifts for purposes of this policy includes the acceptance of entertainment and free travel and lodging.
- (4) Employees may not give, offer, or promise, directly or indirectly, anything of value to any representative or any entity in connection with any transaction or business that the Port Authority may have.
- (5) Employees may not accept any employment relationship with any organization that does business with the Port Authority. This prohibition on employment includes serving as an advisor or consultant to any organization of that type, unless the activity is conducted as an assigned representative of the Port Authority.
- (6) Any conflict or potential conflict of interest must be disclosed to the Port Authority. Failure to do so will result in discipline, up to and including termination.
- (7) It is acknowledged that the Port Authority has promotional hosting authority per RCW 53.36 and may exercise said authority consistent with the Port Authority Promotional Hosting Policy, as existing or as may be amended in the future. The Promotional Hosting Policy is available for review on the Port Authority website.

POLICY 806 MEDIA INQUIRIES

Policy:

All media inquiries and other inquiries of a general nature should be referred to the Chief Executive Officer. In addition, the Chief Executive Officer must approve all press releases, publications, speeches, or other official declarations. The Chief Executive Officer may authorize specific employees to respond to media inquiries without prior approval. Questions about employee references or other information concerning current or former employees should be referred to the Director of Finance & Administration.

POLICY 807 POLITICAL ACTIVITIES

Policy:

Port Authority employees may participate in political or partisan activities of their choosing provided that Port Authority resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions.

COMMENT:

- (1) Employees may not campaign on Port Authority time, in a Port Authority uniform, or while representing the Port Authority in any way. Employees may not allow others to use Port Authority facilities or funds for political activities.
- (2) Any Port Authority employee who meets with or may be observed by the public or otherwise represents the Port Authority to the public while performing that employee's regular duties may not wear or display any button, badge or other advertisement about any candidate or ballot issue during work hours.
- (3) Employees shall not solicit contributions for partisan political cause on Port Authority property or Port Authority time.
- (4) Employees may not represent themselves as a Port Authority official in connection with any political campaign.

POLICY 808 DRUGS, NARCOTICS, AND ALCOHOL

Policy:

The Chelan Douglas Regional Port Authority is dedicated to providing safe, dependable, and economical services to its community. The purpose of this policy is to ensure employees fitness for duty and to protect them and the Public from risks associated with the abuse of alcohol and/or drugs.

Comment:

(1) This policy applies to all employees. Parts of this policy relating to drug and alcohol testing apply only to those employees who have been deemed to work in a safety-sensitive position, including public safety employees and employees required to hold a Commercial Driver's License (CDL).

(2) **DEFINITIONS** – The following definitions are provided for clarity:

(a) **Safety Sensitive Function:** An employee who must hold a CDL to perform their job or an employee in a safety sensitive position, such as a public safety or maintenance employee.

(b) **Prohibited Drugs:** Any illegal drug or substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812) and as further defined by 21 CFR 1308.11 through 1308.15. This includes but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, the misuse of legally prescribed drugs, or the use of illegally obtained prescription drugs.

(c) **Allowable Drugs or Substances:** A legally prescribed drug designated by prescription or other written approval, in the employee's name, from a physician for the use of the drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization.

The use of any substance that carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to supervisory personnel prior to performing duties. It is the employee's responsibility to read warning labels and/or to seek medical advice from a physician when appropriate. It is also the responsibility of employees to remove themselves from service if they are experiencing any adverse effects from medication. Use of legal drugs that may adversely affect job performance or the misuse or abuse of legal drugs while performing business is prohibited.

(d) **Drug Test:** The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. An initial drug screen will be conducted on

each urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (CG/MS) test will be performed.

- (e) **Prohibited Alcohol:** Beverages or other substances containing alcohol, including any medication, mouthwash, food, candy or any other substance, such that alcohol is present in the body while on Port Authority property, time or in other circumstance that might adversely affect operations, safety or job performance is prohibited.
 - (f) **Alcohol Test:** A breath alcohol concentration test will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved evidential breath device (EBT) operated by a trained breath alcohol technician (BAT). If the initial test indicates an alcohol concentration of point zero two (.02) or greater, a second test will be performed to confirm the results of the initial test. Any employee who has a confirmed alcohol concentration of point zero two (.02) or greater but less than point zero four (.04) will be removed from their position for twenty-four (24) hours and considered to be in violation of this policy and subject to discipline. An alcohol concentration of point zero four (.04) or greater will be considered a positive alcohol test and in violation of this policy and a violation of the requirements set forth in federal regulations for safety-sensitive employees. Alcohol testing should be performed within two (2) hours of an accident or a determination of reasonable suspicion, or the Port Authority must maintain a record stating the reasons the test was not promptly administered. Alcohol testing may not take place more than eight (8) hours after an accident or determination of reasonable suspicion.
- (3) Violation of the following provisions is prohibited and punishable by disciplinary action up to and including termination:
- (a) **Manufacturing, Trafficking, Possession and Use:** Employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of prohibited substances on Port Authority premises, in Port Authority vehicles or while on Port Authority business. Employees who violate this provision will be subject to discipline, up to and including termination.
 - (b) **Drug and Alcohol Use:** Employees must not report for work or continue to work if they are not fit for duty because of the presence of prohibited substances or alcohol in their system. Any employee who is reasonably suspected of being not fit for duty due to drug or alcohol use shall be suspended from duties pending an investigation of condition.
 - (c) **Positive Drug Test:** The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended. Any employee that has a verified positive drug test will be removed from their position immediately. The person will be informed of education and rehabilitation programs available and referred to a Substance Abuse Professional (SAP) for assessment.

- (d) **Positive Alcohol Test:** An alcohol test is considered positive if the individual is found to have a quantifiable presence or a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended. Any employee who tests positive for alcohol at point zero four (.04) or higher will be removed from the position immediately and referred to a Substance Abuse Professional. Any safety-sensitive employee who tests positive for alcohol at a confirmed level between point zero two (.02) – point zero three nine (.039) will be removed from their position for twenty-four (24) hours.
- (4) **Failure to Comply with Testing Requirements:** Any employee who refuses to comply with a request for testing shall be removed from duty. Such refusals will be recorded as a positive test. Refusal can include an inability to provide a sufficient urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, physical absence resulting in the inability to conduct the test, or any other acts constituting refusal under 49 C.F.R. part 40.
 - (a) Any employee who is suspected of providing false information in connection with a test, or who is suspected of falsifying test results through tampering, contamination, adulteration or substitution will be required to undergo an observed collection by medical personnel and may be disciplined.
- (5) **Notification of Criminal or DWI Convictions:** All employees are required to notify the Port Authority of any criminal drug statute conviction for a violation within five days after such conviction. Failure to report such conviction or any moving violation causing the loss of driver's license by state or local law enforcement involving drugs or alcohol, shall result in discipline, up to and including termination.
- (6) **Failure to Comply with Treatment Requirements:** Employees are encouraged to make use of the available resources for treatment of alcohol misuse and illegal drug use problems. Under certain circumstances, employees may be required to undergo treatment for substance abuse or alcohol misuse. Any employee who refuses or fails to comply with Port Authority requirements shall be subject to discipline, up to and including termination.
- (7) **Testing Procedures:** The testing process will insure protection of individual dignity, privacy and confidentiality. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities that have been approved by the U.S. Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended.

Analytical urine drug testing and breath testing for alcohol may be conducted when circumstances warrant or as required by Federal regulations. All CDL holders and employees in safety sensitive positions shall be subject to testing prior to employment, for reasonable suspicion, random testing, and following an accident. All employees shall be subject to testing for reasonable suspicion and following an accident. In addition, all employees will be tested prior to returning to duty after failing a drug or alcohol test and after completion of the Substance Abuse Professional's recommended treatment program. Employees who perform CDL or safety sensitive functions shall also be subject to follow-up testing on a random, unannounced basis. Follow-up testing will be conducted for a period of one to five years, with at least six tests performed during the first year.

Employees should note that direct observation for collection is a federal requirement for all follow-up and return-to-duty testing conducted on or after August 31, 2009.

- (8) **Pre-employment Testing:** All safety-sensitive and CDL position applicants shall undergo urine drug testing immediately following a conditional offer of employment or transfer into a safety-sensitive position and prior to performing any safety sensitive functions. The employment offer is contingent upon successful test results. Receipt by the Port Authority of a negative drug test is required prior to employment. Applicants testing positive will not be eligible to be considered for employment for a period of twelve (12) months, and must provide proof of evaluation, referral and satisfactory completion of an approved treatment program. Applicants for DOT regulated positions may also be asked to authorize the Port Authority to contact prior DOT regulated employers for whom the applicant has worked during the last two (2) years to determine if the applicant has violated DOT regulations in prior employment.
- (9) **Reasonable Suspicion Testing:** All employees may be subject to urine and/or breath testing when there are reasons to believe they are not fit for duty immediately prior to, during, or immediately after performing job duties or while on Port Authority property.

Reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances that are consistent with the short-term effects of substance abuse.

Reasonable suspicion referrals must be made by a Supervisor who is trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in their work performance due to possible prohibited substance misuse.

- (10) **Post-Accident Testing:** All employees in safety sensitive and CDL positions will be required to undergo urine and/or breath testing if they are involved in an accident with a Port Authority vehicle that results in a fatality. This includes all surviving employees who are operating the vehicle and any others whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or one or more vehicles incur disabling damage that requires towing from the site, unless, by the evidence available at the scene, the operator can be completely discounted as a contributing factor to the accident. All other employees may be tested after an accident if there are factors in the accident giving rise to reasonable suspicion that drugs or alcohol were involved.

Following an accident, the employee will be tested as soon as possible, but not to exceed eight (8) hours for alcohol testing and thirty-two (32) hours for drug testing. Any employee involved in an accident (as defined above) must refrain from alcohol use for eight (8) hours following the accident or until they undergo a post-accident alcohol test. Any employee who leaves the scene of the accident without justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test. Employees tested under this provision will include not only the operations personnel, but also any other employees whose performance could have contributed to the accident.

- (11) **Random Testing:** Employees in safety sensitive and CDL positions will be subject to random, unannounced urine and breath testing. The selection of eligible employees for random drug and alcohol testing will be made using a scientifically valid method that ensures each covered employee will have an equal chance of being selected each time selections are made. The random tests will be unannounced and spread throughout the year.
- (12) **Return to Duty Testing:** All employees who previously tested positive on an alcohol and/or drug test and remain in the Port Authority's employ must test negative for drugs and alcohol, and be evaluated and released for duty by the Substance Abuse Professional before returning to work.
- (13) **Follow-up Testing:** Employees who previously tested positive and remained employed with the Port Authority will be required to undergo frequent unannounced, random urine and/or breath testing following their return to duty. The follow-up testing will be performed for a period of one to five years (based on the Substance Abuse Professional's recommendation), with six (6) tests to be performed during the first year.
- (14) **Employee Requested Testing:** Any employee who questions the results of a required drug test, may request that an additional test be conducted. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. The employee pays all costs for such testing unless the result of the split sample test invalidates the result of the original test. The method of collecting, storing and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer (MRO) within seventy-two (72) hours of notice of the original sample verified test result. Requests after seventy-two (72) hours will only be accepted if the delay was due to documented facts that were beyond the control of the employee.

- (15) **Assessment/Assistance Referrals:** Employees are encouraged to seek treatment voluntarily. Any employee who comes forth and notifies the Port Authority of alcohol or drug abuse problems will be given the assistance extended to employees with any other illness. Any such program, however, may not interfere with the tests required by these rules. For example, a CDL driver may not identify himself/herself as unfit to drive after having been notified of a random or reasonable suspicion test and expect to avoid the consequences for a positive test or a refusal to test. In addition, voluntarily seeking assistance does not excuse any failure to comply with all of the provisions of this policy.
- (16) Sick leave, vacation time, or leave of absence without pay may be granted for treatment and rehabilitation as in other illnesses. Insurance coverage for treatment will be provided to the extent said coverage is within the Port Authority's health care plan. Confidentiality of information will be maintained as much as possible at all times.
- (17) Any employee who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended, will be provided a list of Substance Abuse Professionals (SAP) to whom they can go for evaluation.
- (a) A SAP is a licensed or certified physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with the prohibited drug use or alcohol misuse.
 - (b) If an employee is allowed to return to duty, they must properly follow the rehabilitation program prescribed by the SAP, the employee must have a negative return-to-duty drug and alcohol test and be subject to unannounced follow-up tests for a period of one to five years. The cost of any treatment or rehabilitation services is the responsibility of the employee.
- (18) **Record Retention:** All records related to drug and alcohol testing will be maintained in a secure location with controlled access. These records will be kept separate from records pertaining to all other employees.
- (19) **Education and Training:** Employees subject to this policy pursuant to federal regulations will be provided with this policy and information on signs and effects of alcohol and/or drug abuse. Supervisory level staff will receive at least two (2) hours of instruction on how to identify the signs of drug and/or alcohol used or impairment and what to do in reasonable suspicion cases.
- (20) **Changes in Testing Procedures:** Should there be improvements in the technology of testing procedures providing more accurate testing the Port Authority will consider utilizing the new testing procedures.

POLICY 809 DISCIPLINARY PROCEDURE

Policy:

The Chelan Douglas Regional Port Authority expects that all employees comply with the Port Authority's standards of behavior and performance and that noncompliance with these standards must be corrected.

Comment:

- (1) Under many circumstances, the Port Authority may attempt to employ progressive discipline to provide employees with notice of deficiencies and an opportunity to improve. However, unless a specific written contract or agreement provides otherwise, the Port Authority is not required to implement progressive discipline and retains the right and discretion to administer discipline in any manner it sees fit, and to terminate employees at-will, with or without cause.
- (2) Depending on the circumstances, the Port Authority may utilize one or all of the following procedures:
 - (a) Verbal Counseling. If an employee is not meeting Port Authority standards of behavior or performance, the employee's Supervisor may take the following action:
 - (i) Meet with the employee to discuss the matter; and
 - (ii) Inform the employee the nature of the problem and the action necessary to correct it.
 - (b) Written Reprimand. Depending on the seriousness of the violation or if violations persist following verbal coaching, a Supervisor may hold another meeting with the employee and take the following action:
 - (i) Issue a written reprimand to the employee (the Chief Executive Officer should assist in the preparation of the written reprimand);
 - (ii) Warn the employee that a third incident will result in more severe disciplinary action; and
 - (iii) Prepare and forward to the Chief Executive Officer a written report describing the first and second incidents and summarizing the action taken during the meeting with the employee. The information will be included in the employee's personnel file.
 - (c) If there are additional occurrences or if the occurrence involves serious misconduct, the Supervisor may take the following action depending on the severity of the conduct:
 - (i) Issue or implement a, demotion, suspension, or termination;

- (ii) The employee may be placed on administrative leave immediately pending an investigation of the incidents.
- (3) The progressive disciplinary procedures described above, may also be applied to an employee who is experiencing a series of unrelated problems involving job performance or behavior.
- (4) The degree of disciplinary action administered depends on the severity of the infraction and will be carried out in accordance with this policy. It is the responsibility of management to evaluate the circumstances and facts thoroughly and objectively. In cases involving serious misconduct, or any time the Supervisor determines it is appropriate a demotion, suspension, or termination may be issued for the first offense. The Supervisor may also immediately place the employee on administrative leave pending an investigation.

THE LIST OF POSSIBLE DISCIPLINE SET FORTH ABOVE IS BY WAY OF ILLUSTRATION AND NOT LIMITATION. THE CHOICE OF WHAT DISCIPLINE TO APPLY IN ANY PARTICULAR CASE IS SOLELY THE PORT AUTHORITY'S. THE USE OF ANY FORM OF PROGRESSIVE DISCIPLINE OR OTHER DISCIPLINARY ACTS SHALL NOT AFFECT OR CHANGE AN EMPLOYEE'S AT-WILL EMPLOYMENT STATUS, NOR IS IT REQUIRED PRIOR TO TERMINATING AN EMPLOYEE. THE PORT AUTHORITY IS NOT REQUIRED TO FOLLOW PROGRESSIVE DISCIPLINE.

(5) Discipline Procedures

The Port Authority is committed to establish and maintain standards of conduct and supervisory practices which will support effective business operation and an environment which promotes reciprocal respect and dignity. Port employees are at-will employees and may be discharged at any time and for any reason that does not violate State or Federal law. The Port Authority recognizes, however, that it has a significant investment in the training and retention of employees and therefore will attempt, as circumstances allow, to follow disciplinary practices which best recognize this investment.

Because Port Authority employees do not have a property interest in their employment as at-will employees, pre-disciplinary meetings are not constitutionally required. However, the Port Authority will attempt, when circumstances allow, to schedule a pre-disciplinary meeting to permit the employee to respond to a notice of discipline which could reasonably result in a loss of pay and/or termination. Prior to or at the beginning of the pre-disciplinary meeting, the Port Authority will describe the disciplinary action which is being considered and the general reasons for taking the proposed action. The primary purpose of the pre-disciplinary meeting, however, is to listen to the employee prior to making a final disciplinary decision.

POLICY 810 TERMINATION OF EMPLOYMENT

Policy:

The Chelan Douglas Regional Port Authority may terminate employment because of an employee's resignation, discharge, or retirement, the expiration of an employment contract, or a permanent reduction in the workforce. Unless a written contract or agreement provides otherwise, employment is "at will." The Port Authority reserves the right to terminate employment at any time, with or without notice and with or without cause for any lawful reason. Likewise, in the absence of a specific written agreement providing otherwise, employees are free to resign at any time for any reason.

Comment:

- (1) Employees are requested to give advance written notice of their intent to resign including the anticipated last date of employment. Failure to give advance written notice may result in ineligibility for re-employment. The following "advance notice" guidelines are suggested:
 - (a) Supervisors and managerial employees should give at least three weeks' notice; and
 - (b) All other employees should give at least two weeks' notice.
- (2) Employees who are absent from work for three consecutive days without being excused or giving proper notice will be considered as having voluntarily quit.
- (3) The Director of Finance & Administration is responsible for notifying terminated employees, who are covered by the Port Authority's group health plan, of their right to continue coverage under that plan.
- (4) Supervisors should send notice of resignation and recommendations for termination to the Chief Executive Officer for review. This information should be accompanied by any needed supporting documents, such as performance appraisals or disciplinary reports, if any.
- (5) Requests for employment references should be made in writing to the Chief Executive Officer and should include an authorization by the employee for the release of the requested information. Generally, the Port Authority will not release reference information without the employee's authorization or will limit the information to verification of the employee's position, job location, and dates of employment with the Port Authority. Employees may request that their Supervisor provide a letter of recommendation. The Supervisors must first obtain the approval of the Chief Executive Officer to provide a letter of recommendation. A copy of the letter of recommendation is to be placed in the employee's personnel file.

POLICY 901 PERSONNEL RECORDS

Policy:

The Chelan Douglas Regional Port Authority maintains personnel records for applicants, employees, and past employees in order to document employment-related decisions, evaluate and assess policies, and comply with government record keeping and reporting requirements.

Comment:

- (1) The Port Authority tries to balance its need to obtain, use, and retain employment information with a concern for each individual's privacy. To this end, it attempts to maintain only the personnel information that is necessary for the conduct of its business or required by federal, state, or local law.
- (2) The Director of Finance & Administration is responsible for overseeing record keeping for all personnel information and will specify what information should be collected and how it should be stored and secured.
- (3) Employees have a responsibility to keep their personnel records up to date and should notify the Director of Finance & Administration in writing of any changes in at least the following:
 - (a) Name;
 - (b) Address;
 - (c) Telephone number;
 - (d) Marital Status (for benefits and tax withholding purposes only);
 - (e) Number of dependents;
 - (f) Addresses and telephone numbers of dependents and spouse or domestic partner, or former spouse or domestic partner (for insurance purposes only);
 - (g) Beneficiary designations for any of the Port Authority insurance, disability plans, and for the Washington State Department of Retirement Systems;
 - (h) Persons to be notified in case of emergency; and
 - (i) In addition, employees who have a change in the number of dependents or marital status should complete a new Form W-4 for income tax withholding purposes.
- (4) Employees may inspect their own personnel records and may copy, but not remove, documents in the file. Inspections by employees must be arranged with the Director of Finance & Administration and will be scheduled at a mutually convenient time. All inspections must be conducted in the presence of the Director of Finance & Administration and/or designee.

- (5) Employees who believe that any file material is incomplete, inaccurate, or irrelevant may submit a written request for file revisions to the Director of Finance & Administration. If the request is not granted, the employee may place a written statement of disagreement in the file and make a complaint using the regular grievance procedure.
- (6) Only supervisory and management employees who have an employment related need-to-know for information about another employee may inspect the files of that employee.
- (7) Employees should refer all requests from outside the Port Authority for personnel information concerning applicants, employees, and past employees to the Director of Finance & Administration. The Director of Finance & Administration normally will release personnel information only in writing and only after obtaining the written consent of the individual involved. Exceptions may be made to cooperate with legal, safety, and medical officials who need specific employee information. In addition, exceptions may be made to release limited general information, such as the following: employment dates, position held, and location of job site.

POLICY 902 DISPUTE RESOLUTION PROCEDURE

Policy:

The Chelan Douglas Regional Port Authority believes that employees should have an opportunity to present their work-related complaints and to appeal management decisions through a dispute resolution procedure. The Port Authority will attempt to resolve promptly all disputes that are appropriate for handling under the Personnel Policy manual.

Comment:

- (1) An appropriate dispute is defined as an employee's expressed dissatisfaction concerning any interpretation or application of a work-related policy by management, Supervisors, or other employees. Examples of matters that may be considered appropriate disputes under this policy include:
 - (a) A belief that Port Authority policies, practices, rules, regulations, or procedures have been applied inconsistently to an employee;
 - (b) Treatment considered unfair by an employee, such as coercion, reprisal, harassment (including sexual harassment), intimidation, or retaliation;
 - (c) Alleged discrimination because of race, color, sex, age, religion, national origin, marital status, gender identification, disability, or any other class protected by law; and
 - (d) Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, salary, or seniority.
- (2) If the employee seeks to complain about harassment, discrimination, or retaliation, this complaint should be directed to the Chief Executive Officer. If the employee believes that the Chief Executive Officer is involved, the employee should direct the complaint to a member of the Board of Directors. If said Director is unable to hear the complaint, the Director will ask another Director to hear the complaint. While employees are encouraged to have their concerns addressed internally, they may also direct these concerns to the Washington Human Rights Commission, the Equal Opportunity Commission, or any other government agency that receives and handles such complaints. For internal complaints, the Chief Executive Officer or President of the Board of Directors will apply this dispute resolution process beginning at Comment (3).

- (3) For all other types of complaints, the dispute resolution procedure is the exclusive remedy for employees with appropriate complaints. Employees should notify the Port Authority in a timely fashion of any dispute considered appropriate for handling under this policy. As used in this policy, the term “timely fashion” generally will mean ten working days from the date the employee knew or reasonably should have known of the incident giving rise to the dispute. Under no circumstances shall an employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to the employee unless otherwise allowed by law.
- (4) The dispute resolution procedure has a maximum of two steps, but disputes may be resolved at any step in the process. Disputes will be processed until the employee is satisfied, does not file a timely appeal, or exhausts the right of appeal under the policy. A decision becomes binding on all parties whenever an employee does not file a timely appeal or when a decision is made in the final step and the right of appeal no longer exists.
- (5) Employees who feel they have an appropriate dispute should proceed as follows:
 - (a) Step One - Promptly bring the complaint to the attention of the immediate Supervisor. If the dispute involves the Supervisor, then the employee may proceed directly to Step Two. The Supervisor, if authorized, should investigate the complaint or refer it to the Chief Executive Officer for handling, attempt to resolve it, and give a decision to the employee within a reasonable time. The Supervisor should prepare a written and dated summary of the dispute and decision or proposed resolution.
 - (b) Step Two - Appeal the decision to the Chief Executive Officer, if dissatisfied with the Supervisor’s decision, or initiate the procedure with the Chief Executive Officer if Step One has been bypassed. This appeal or initial dispute notification must be made in a timely fashion using a written form provided for this purpose. The Supervisor’s version of the dispute and decision will then be submitted using a similar written form. The Chief Executive Officer will, in a timely fashion, confer with the employee, the Supervisor, and any other members of management considered appropriate; investigate the issues; and communicate a decision in writing to all the parties involved.
- (6) Final decisions on disputes will not be precedent-setting or binding on future disputes unless they are officially stated as Port Authority policy. When appropriate, the decisions will be retroactive to the date of the employee’s original dispute notification.
- (7) Information concerning an employee dispute should be confidential to the extent possible. The employee shall not disclose to other employees the dispute as a means to get other employees to take a side. Supervisors and other members of management who investigate a complaint may discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information or advice.

- (8) Time spent by employees in dispute discussions with management during their normal working hours will be considered hours worked for pay purposes.
- (9) Employees will not be penalized for proper use of the dispute resolution procedure. However, it is not considered proper use if an employee raises complaints in bad faith or solely for the purposes of delay or harassment or repeatedly raises meritless disputes. Implementation of the dispute resolution procedure by an employee does not limit the right of the Port Authority to proceed with any disciplinary action that is not in retaliation for the use of the dispute resolution procedure. In addition, employees and Supervisors are prohibited from retaliating against an employee who properly uses the dispute resolution procedure.
- (10) The Port Authority may, at its discretion, refuse to proceed with any dispute it determines is improper under this policy.

POLICY 903 AMENDMENTS

Policy:

The Chelan Douglas Regional Port Authority Board of Directors may amend, change, and /or revise this Port Authority Personnel Policy manual.

Comment:

- (1) The Chief Executive Officer may suggest amendments, changes or revisions to this Port Authority Personnel Policy manual to the Board of Directors.
- (2) All proposed amendments will be provided to the Chief Executive Officer who will then put the proposals in writing and provide them to the Board of Directors for consideration. The Board of Directors will review and discuss the proposed amendments at a Board of Directors meeting in draft form. In the event the Board of Directors determines the proposed amendments have merit, they will establish a date and time the amendments will be considered for final adoption. Prior to the Board of Directors taking final action, the Chief Executive Officer shall inform all Port Authority employees of the proposed amendments and seek review by legal counsel.
- (3) When possible, proposed amendments should come before the Board of Directors no more frequently than twice per calendar year unless amendments are needed in response to changes in local, state, or federal employment laws.
- (4) Saving Claus. If any section, subsection, paragraph, sentence or phrase of the Personnel Policy manual is found by a court to be invalid or unconstitutional, such finding shall not affect the remainder of this Personnel Policy manual.

APPENDICES

APPENDIX A LIABILITY WAIVER

I am requesting authorization to possess a firearm during non-scheduled work hours on Chelan Douglas Regional Port Authority property when responding to an emergency call. I acknowledge and agree to fully comply with the Personnel Policies in all respects, including the prohibition on possession of firearm or weapon when on Port Authority property, or while representing the Port Authority during regularly scheduled work hours. This request only pertains to non-scheduled work hours when I am required to report to Port Authority property in response to an emergency call.

In making this request, I acknowledge the following:

- I have a current license to carry the firearm and have attended firearm classes;
- I understand and acknowledge that I may not use or threaten to use my firearm or any other weapon in the course of my employment with or on behalf of the Port Authority. I further understand and acknowledge that any action taken or threatened to be taken using the firearm is performed solely in my personal capacity, and should not and will not be considered for any purpose to have been performed in the course of my employment with or on behalf of the Port Authority;
- I accept full and exclusive responsibility for any claim, demand or liability associated with the possession or use of my personal firearm or weapon, even if such use takes place on Port Authority property. I further agree to release, indemnify and hold the Regional Port harmless from and against all loss, cost or expense whatsoever resulting from any claim, demand, action, cause of action or suit arising from or relating to the use of the firearm any manner whatsoever. I shall also pay all costs, damages, expenses and reasonable attorney's fees incurred by the Regional Port in connection with any such claims and shall not settle any such claim against the Regional Port without the consent of the Regional Port, which consent shall not be unreasonably withheld
- I am not taking any medication that would impair my ability to safely operate a firearm while on Port Authority property;

I hereby acknowledge that the above information is true and correct and agree to immediately notify the Port Authority of any changes that may affect the accurateness or completeness of the information I have verified in this document. I understand that any misrepresentation of the information provided herein and any failure to immediately notify the Port Authority of changes to this information will lead to disciplinary action up to and including termination. I have read and agree to the above. I sign this waiver and release willingly and of my own volition.

Employee Signature

Date

Approved:

Chief Executive Officer

Date

APPENDIX B CELL PHONE STIPEND AGREEMENT

By signing this Cell Phone Stipend Agreement (“Agreement”), Director and/or employee acknowledges that they have read and understand the terms and conditions of this Agreement and the Personnel Policies regarding cell phone use. Director and/or employee further understands that any messages regarding Port Authority business that are sent or received on a personal cell phone may be subject to inspection, retrieval, storage, and/or disclosure by the Port Authority pursuant to the Public Records Act.

The Port Authority will provide a payroll stipend to Directors and eligible Port Authority employees (collectively referred to herein as “Employee”) in exchange for Employee providing and utilizing a cell phone during normal business activities conducted for the Port Authority. Prior to stipend commencement, the Employee must read and acknowledge the terms as outlined below:

- Employee has read, understands, and agrees to be bound by the Port Authority’s Cell Phone Use Policy.
- Employee will be responsible for entering into a contract for cellular service with a provider of Employee’s choice. Cellular Service must reasonably cover the greater Wenatchee area. Except as specifically provided for herein, the Port Authority will **not** be responsible in any way for Employee’s personal cell phone and/or associated service, regardless of the type of use, including inappropriate charges, a lost/stolen phone or delinquent payments. The Port Authority may accept responsibility for a cell phone that is damaged during the normal course of work for the Port Authority, with appropriate supporting documentation.
- Employee will immediately report the Employee’s cell phone number to the Auditor and understands that failure to maintain a cell phone contract will result in stipend termination. Employee will immediately notify the Auditor if the Employee’s cell phone service is cancelled for any reason.
- Unless or until Employee’s personal cell phone is installed with or subscribed to the “capture service,” defined below, Employee shall promptly forward all Port Authority related business voice and text messages to the Employee’s Port-issued email account. Employee shall comply with all requests of the Port Authority for access to Port Authority business related messages on Employee’s personal cell phone, which may include requests to submit an affidavit regarding Employee’s use of personal cell phones to conduct Port Authority business and transfer of business related messages and/or to submit the cell phone to the Port Authority, or the Port Authority’s contractor, for further review (including forensic) and retrieval of any business related messages. Failure to transfer Port Authority business related messages or comply with the Port Authority’s requests to prepare an affidavit, allow inspection, or otherwise ensure transfer of Port Authority related business messages from the Employee’s personal cell phone will result in termination of the stipend.

- Upon request by the Port Authority, Employee will subscribe to, install, and/or participate in any “capture service,” as defined in the Cell Phone Use Policy, purchased or contracted by the Port Authority to retain texts or other recorded messages sent or received by personal cell phone to ensure that any such messages pertaining to business of the Port Authority are retained and made available as required by state law. Employee shall allow access by the Port Authority and/or its contracted service provider to any and all voice, text and other recorded messages sent or received by Employee on the Employee’s cell phone for purposes of storage, retention, review and production by the Port Authority of any messages pertaining to business of the Port Authority. Employee acknowledges that personal text and recorded messages of the Employee will be included in the messages that are retained by the capture service. Employee shall not intentionally cancel, disable, re-program, tamper with, or otherwise circumvent use of the capture service. Failure to use or subscribe to the capture service will result in termination of the stipend.
- Employee expressly acknowledges and agrees that Employee’s personal cell phone may be subject to review by Port Authority staff or authorized contractors for purposes of locating and retrieving Port Authority business related messages. Employee acknowledges that, due to Employee’s use of a personal cell phone for Port Authority related business, Employee has a reduced expectation of privacy in Employee’s personal cell phone.
- Employee shall password protect any cell phone with email access to the Port Authority’s network and/or servers.
- While operating a motor vehicle in the performance of Port Authority business, Employee will either refrain from cell phone use altogether, use hands-free equipment that allows both hands to stay on the wheel, or pull over to the side of the road before making or accepting a call. Employees shall not review, type, send, or otherwise engage in text messaging while operating a motor vehicle during the performance of Port Authority related assignments.
- The Port Authority retains the right to periodically review the stipend need and allocation levels for appropriateness. The Port Authority may change or cancel such allocation as deemed reasonable due to business usage and/or Employee work-related responsibilities. Any stipend allocation adjustment/cancellation will be by approval of the Chief Executive Officer and Auditor.
- Stipend amounts are subject to FICA and Medicare deductions, and are considered income for federal tax purposes.

Stipend Level Requested: \$40 \$75

Stipend Justification: _____

By signing this Agreement, Employee acknowledges that they have read and understand the terms and conditions of this Agreement. Employee further understands that entering into this Agreement is voluntary and may have tax implications. This Agreement, in whole or in part, is not a condition of employment and can be terminated by either side upon written notice.

THE CATEGORIES AN EMPLOYEE MAY BE APPROVED FOR ARE AS FOLLOWS:

Category I Allocation \$40:

Available to all Port staff, conditioned on availability during off business hours and participating in "capture service" as required by the Port Authority.

Category II Allocation \$75:

Directors, Chief Executive Officer, and management team as authorized by the Chief Executive Officer.

Employee Cell Phone Number

Date

Signature

Printed Name

Approved by:

Chief Executive Officer

APPENDIX C PAYROLL ADVANCE REQUEST

Chelan Douglas Regional Port Authority

PAYROLL ADVANCE REQUEST

Name: _____ Today's Date: _____

This is a:

One-time advance request.

Re-occurring mid-month advance until _____ or cancelled in writing.

Re-occurring mid-month advance until cancelled in writing.

Requested monthly advance amount: \$ _____
(Cannot exceed 50% of average net monthly earnings.)

Signed: _____
Employee's Signature

This request must be completed and turned into the Director of Finance & Administration for approval by the second Tuesday of the month the advance is requested.

Below Completed by Director of Finance & Administration:

A) Average Net Monthly Earnings: \$ _____

B) 50% of Average Net Monthly Earnings: \$ _____

C) Requested Amount less than or equal to B), then acceptable.

Approved: _____
Director of Finance & Administration