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## Human Resources Policy Manual

CLARK COUNTY  
WASHINGTON

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### **PURPOSE**

The county's duty to its citizens and customers requires that we establish and maintain the highest standards of job performance and conduct of our employees. This policy establishes standards and expectations for maintaining a high level of professional conduct and work performance, and is subject to enhancement, clarification and interpretation at the department or elected official level.

### **SCOPE**

The policy applies to all county employees, temporary employees, volunteers, and those representing the county unless prohibited by law or superseded by a provision in a collective bargaining agreement. These standards are not all-inclusive and the county may establish or revise standards to ensure the effective operation of county government.

#### **13.1 ETHICAL CONDUCT**

The County expects the highest standards of integrity, honesty and ethical conduct of its employees. This section sets forth standards and guidelines to assist managers, employees and the public in understanding the meaning and importance of ethical conduct in all aspects of County government.

This policy is intended to amplify, clarify and expand upon the provisions of RCW 42.23 regarding ethical standards for county officials and employees in the state of Washington.

These standards and guidelines are subject to interpretation, clarification and application at the department level. Countywide standards are necessarily general and designed to put forth overall principles. What is or is not ethical will often be determined in the context of specific departments, work units and job categories.

1. **Definitions:** Integrity, honesty and ethical conduct are closely related. The following definitions may assist in understanding the goals of this policy.
  - a) Ethics and Ethical. Ethics generally refers to a conflict between personal interests and job requirements. Unethical behaviors are those in which the professional role is used to pursue a personal interest. This may range from personal use of an office phone to steering a major construction contract to a friend or relative.
  - b) Integrity. Integrity is firm adherence to a set of moral values or standards. It emphasizes consistency — following your beliefs, values, the County’s policies and rules even when the outcome is unpleasant. As an example, a person with integrity follows a job application rating system, even when it screens out a friend.
  - c) Honesty. Honesty means free from fraud and deception. Being honest means telling the truth but also not withholding information in order to deceive or protect personal interests. It means being forthright.

## 2. Policy

Employees shall not solicit or accept any benefit, profit or advantage, directly or indirectly, from or by reason of the discharge of his or her responsibilities and duties as a county employee. Further, an employee may not use his or her position to secure special privileges or exemptions for himself/herself or others nor shall he/she be influenced by or act upon the basis of any personal or non job-related influence or interest — financial or otherwise.

The core of the County’s expectations is expressed in the “Code of Ethics” statement included at the end of this policy section. The end of the section also includes a list of examples illustrating ethical and unethical behavior.

Interpretation and application of this policy should be guided primarily by four factors:

- a) The degree to which the employee benefited personally — financially or otherwise
- b) The degree to which a friend or relative benefited by the actions of the employee
- c) The degree to which a decision or action was or might be influenced by personal interest
- d) The degree to which the consideration was solicited by the employee

Particularly stringent standards apply to employees in the Purchasing division or other officers and employees authorized to enter into contractual relationships with vendors, consultants or contractors or otherwise grant favor or consideration to any external enterprise or individual. For these employees, any solicitation or acceptance of any gift or other consideration of value is strictly prohibited.

### 3. **Duty to Disclose**

All employees shall disclose to their Department Head or Elected Official any situation in which there is an apparent or potential conflict of or the appearance of a conflict between their personal and occupational interests or responsibilities. The Department Head or Elected Official, in consultation with the Prosecuting Attorney’s Office and Human Resources, shall determine whether such a conflict exists and determine an appropriate remedy. The appropriate remedy may include a disqualification of the employee from participation in the decision, job reassignment or other measures to prevent an actual or perceived conflict.

### 4. **Exceptions/de minimis Situations**

This policy is not intended to ban customary and usual business practices or substitute for reasonable judgment. Examples that are not viewed as inappropriate or unethical include attending a hosted hospitality suite at a professional conference allowing a person who has a continuing business relationship with the county to “pick up the tab” at a luncheon meeting so long as the situations cannot be construed as an attempt to buy favor or influence, and the hosting is infrequent.

County-authorized programs that are available to all or to specific groups of employees are acceptable. Examples include travel discounts, memberships, etc.

Additionally, the standards shall not be construed to apply to “de minimis” situations in which an employee receives a product or consideration of minimal or inconsequential value or influence. For example, the County does not expect employees to disclose receipt of or return unsolicited items of no significant material value such as office trinkets, calendars, food gifts, note pads and the like. Generally, those items should be shared by others in the work unit or department.

Corrective or disciplinary action for violations of this policy may range from counseling to termination and must take into account all of the factors appropriate to adverse personnel decisions, including a penalty appropriate to the offense. Serious ethical violations, especially on the part of officials and managers, could result in immediate termination.

***Code of Ethics***  
***Clark County Government***

Seek no favor	I will not seek or accept favored treatment, privilege or financial consideration based on the exercise of my duties and responsibilities. I will not attempt to exercise influence on behalf of personal interests, nor will I accept or yield to such efforts on the part of others.
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Integrity	I will support and follow the rules, policies and tenets of my employer, my profession and my job, and will do so even when the outcome is unfavorable to my professional or personal interests.
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Honesty	I will be honest and forthright in my dealings with others, while respecting and adhering to necessary principles of tact, diplomacy and confidentiality.
Merit Principle	To the extent I am empowered to make or implement personnel decisions, I will be guided and influenced only by merit and will exclude from consideration all non-job related matters.
Professional Standards	I will support, promote, and abide by the generally accepted standards of my profession. My decisions and actions shall be based entirely on professional, not personal, judgments, considerations and factors.
Disclosure	I agree to disclose to my superiors any situation in which there is the fact, appearance or possibility of a conflict of interest between my interests and those of the organization. I also accept the responsibility and duty to disclose or refuse to conceal acts of wrongdoing of which I may have knowledge. I will make appropriate judgments as to how, when, and to who these disclosures shall be made.

**EXAMPLES OF UNETHICAL OR BORDERLINE BEHAVIORS**

- An employee attempts to intervene or influence the outcome of a personnel decision regarding a friend or relative
- A buyer accepts sports tickets from a potential vendor
- A building inspector “looks the other way” on code violation involving the home of a high ranking County official, or inspects his or her own home
- An employee accepts a donation from an outside contractor for a County sponsored event such as a golf tournament.
- A supervisor grants an early salary increase to the employee because they are close friends
- An employee accepts a stipend for a speaking engagement done as a representative of the County
- Work time is spent doing work for a separate, outside employer
- A supervisor “strongly encourages” his staff to donate to a charitable organization he supports
- An employee uses County bulletin boards and mail systems to advertise a private business
- A County manager uses contacts and influence to obtain a vehicle registration without having to wait in line with the public
- Work assignments in a unit are based on who the supervisor “likes” the most
- An employee tells a friend who is applying for a job what the interview questions might be
- An employee signs up for a professional conference because he has family in the town, not based on the content of the program
- An employee sends personal correspondence on county/department letterhead or uses an envelope with a county/department logo, giving the impression of county authority

## **13.2 EMPLOYEE USE OF COUNTY AND PERSONAL PROPERTY**

This policy addresses personal usage of County equipment or services and damage to personal property occurring at work. Other related policies, for example those governing business travel, are governed by County policies and directives published by the Auditor's Office. Departments — appointed and elected — may publish detailed policies and procedures for administering this policy at the department level.

1. Use of County equipment, work time and supplies for personal use or any other non-county business use is prohibited except as provided herein. This includes long distance telephone usage, copiers, fax machines, computers, vehicles, office supplies and other County property. Violations may result in disciplinary action up to and including termination. Use of County equipment or work time for private business enterprises or personal financial gain is strictly prohibited.
2. The County recognizes the pressures of balancing work and family issues. Employees will not be disciplined for negligible and minor personal use of County time and equipment such as copying a short personal document, inadvertently taking home a county pen or infrequent and incidental telephone use. Employees may make and receive occasional personal phone calls as necessary to attend to pressing personal matters. However, employees must reimburse the County for expenses incurred.
3. When personal activities cannot be avoided, the activity should be approved in advance by the applicable Department Head or Elected Official and the employee must reimburse the County for its cost. Additionally, the activity should be conducted on the employee's own time — breaks, lunch or paid leave.
4. Use of Personal Property and Equipment for Business Purposes

This section addresses authorizations, prohibitions and reimbursements for the use of personal property for business purposes and job responsibilities. Examples include use of personally owned computers or software, home and cellular telephones and personal vehicle usage for business travel. The following sections are provided for illustration and are not inclusive of all possible applications of this policy.

- a) Generally, the County will provide employees with the resources necessary to accomplish their jobs. However, employees may be permitted, and in some cases required, to use personal property in connection with their positions.
- b) The use of personal property for business purposes is subject to specific County and departmental policies and procedures. Department managers and Elected Officials should set clear policies and expectations in this area. Unless authorized in advance by the Department Head or Elected Official, business use of personal property, for example using privately owned software applications on County computers, is prohibited.
- c) Expenses are reimbursable only to the extent specifically authorized by County and departmental policy. Authorization for use of personal property does not necessarily qualify the expense for reimbursement. For example employees using personal

organizers may be expected to do so at their own expense but departments may authorize reimbursement for annual calendars or specific tools and forms of value to job performance.

#### 5. Loss of or Damage to Personal Equipment

- a) The County is not responsible for loss, theft or damage to personal property occurring at work. This includes automobiles, clothing, tools, eyeglasses, jewelry and other personal property.
- b) Exceptions may be allowed when the incident involved personal equipment which was authorized for use and which was lost or damaged through no fault of the employee. When authorized, reimbursement will be based on the present value (not replacement value) of the item. Reimbursement will also be limited to a reasonable value and employees who wear or use expensive items — e.g. Rolex watches — do so at their own risk.

### **13.3 ELECTRONIC COMMUNICATIONS STANDARD**

#### **PURPOSE**

This policy sets forth the County's general standards regarding use of electronic communication, primarily electronic mail and the Internet. The policy exists to ensure that the County's use of these forms of communications is professional and appropriate and contributes to organizational effectiveness.

#### **SCOPE**

This policy is primarily directed toward use of Email and external communications through the Internet or other on-line services. To the extent that other applications (e.g. Scheduler) provide electronic communications capability its provisions apply to them as well.

The policy addresses three core areas:

- Propriety standards — inappropriate materials and communications.
- Personal usage standards — restrictions on use of these media for personal communications.
- Productivity standards — ensuring time and activities devoted to electronic communications, especially the Internet, are appropriate in light of other duties and responsibilities.

The policy applies to all employees — management, union and temporary as well as consultants, contractors, volunteers, or others who are acting as agents of the County in their communications.

## Background

As most users have discovered, communications with others via electronic mail takes on a far less formal tone than business communications via memoranda, reports and letters or even the telephone. Email is analogous to leaving a note, albeit an electronic one. It can cause users to share thoughts they otherwise wouldn't or to express them in informal and sometimes inappropriate ways.

Secondly, the ease and speed of Email provides the opportunity and temptation to make use of the medium for personal communications or inappropriate materials — off color jokes for example. Internet connections create easy access to materials that range from being inappropriate in the work place to obscene or unlawful.

Finally, access to the Internet and World Wide Web creates time management challenges in that time devoted to these activities must be balanced with other priorities. Employees and their managers must exercise caution as to the relative priority of external electronic communications in relation to other work demands.

## Official Materials

Electronic communications and electronic files are considered official, business communications and are the property of the County — not the employee. Additionally, unless they deal with matters exempted by state law, they are considered public records. They are not considered to be private or personal property. Even deleted messages are recoverable, often months or years after the communication.

Employees are accountable for their use of electronic communications just as they are for other conduct and communications at the workplace. The County will view the propriety or impropriety of any communications on the basis of how it would have been perceived and dealt with had it been conducted by phone, in-person or “paper” communications.

## Propriety Standards

Employees are prohibited from communicating via electronic media in a way that would be unacceptable in other official communications forums such as use of inappropriate language. While language standards may vary somewhat from unit to unit within the County, those standards apply equally to electronic communications.

Employees are also prohibited from sending messages or possessing material that would generally be considered to be inappropriate in the workplace. This includes any material of a sexual nature such as jokes, posters, pictures or sexual communications.

Employees may not access or download materials from Internet sites that are inappropriate based on the above standards.

Finally, communications which would be inappropriate under other policies — sexual harassment, racial comments, religious or political solicitations, insubordination, breaches of confidentiality and so forth — are equally unacceptable if delivered via electronic communication.

## Personal Usage Standards

The County's policies regarding personal use of Email and other electronic communications tools and channels are the same as those that are applicable to traditional written communications tools and resources — computers, the intra-county mail system, bulletin boards etc. That policy prohibits personal use of County equipment, work time and supplies. However, it provides that “employees will not be disciplined for negligible and minor personal use of County time and equipment and reasonable judgment should be applied to individual circumstances.” The same policy applies to Email.

The “de minimis” (too minor to warrant concern) standard would mean that some personal communications, while not sanctioned, are not prohibited by the policy. Generally, this would include such uses as adding a personal comment to an official Email, sending a short personal note to a few colleagues or other personal interactions that are routinely a part of day to day business interaction and the only change is the use of electronic media.

The appropriateness of any particular communication should be measured by three factors —the number of addressees, the scope of the message and the content or purpose of the communication. Use of mass mailings to distribute a personal announcement would be inappropriate, as would extended personal messages to a single or small group of users.

## Productivity Standards

Employees are generally accountable to their supervisors and managers as to the allocation of their time and the prioritization of work activities. Electronic communications and particularly Internet access can create opportunities and temptations and these activities must be prioritized and managed in relation to other work demands. While exploring the Internet for professional resources may qualify as “County business,” the types of activities and the proportion of time devoted to them are subject to management review and approval. As these vehicles become available, managers should set and communicate standards and expectations at the department and employee level relative to Internet and Email activities.

## Monitoring Policy

Workplace technology tools are provided to employees at taxpayer expense for business purposes. The County reserves the right to monitor the use of these tools to ensure they are used for both proper and productive purposes.

To that end, this policy describes, in general terms, the means and extent to which the County will monitor employees' electronic communications activities, especially use of the Internet. As used in this policy, “monitor” includes:

- Electronic tracking of sites accessed and time spent
- Maintenance of records
- Internal reporting of Internet access



- Using electronic means to block access to certain Internet sites
- Public disclosure of records
- Filtering or screening of e-mail

Nothing in this policy should be construed to limit the County's right and authority to engage in additional monitoring activities as are appropriate and consistent with its responsibilities to provide government services.

The monitoring techniques and procedures are the responsibility of the Department of Information Services. That department will develop and administer the specific monitoring and reporting activities.

## **POLICY**

### 1. Blocking

The County will use the monitoring software to block access to sex/porn/adult sites and such other sites as it determines to be clearly inappropriate. All other sites will be accessible but that does not mean their use is authorized. Within the limits of the monitoring software, departments, such as those in law enforcement may remove the blocking feature for access to sites needed in the conduct of investigative activities.

### 2. Tracking

The monitoring software will record access to sites based on their category or purpose — sports, entertainment, news, etc. — and seeming value or relationship to county services. This feature will allow the County to assess the value and productivity of Internet access and time spent at sites with a marginal business value. It will also allow tracking of the total amount or percentage of time spent by employees, individually and collectively, on the Internet. All determinations as to how productive or wasteful these types of activities are remain within the jurisdiction of the employee's department management.

### 3. Reporting and Access

The IS department will produce or maintain records and reports of employee Internet access. Elected officials and department heads may request reports and can determine who, within their departments, is authorized access to the information. Except for staff in Human Resources and Information Services with a "need-to-know," no information will be released to managers or employees without the authorization of the applicable elected official or department head. The information available through the reports or other tracking techniques will include:

- Sites visited, employee and/or PC involved, date and time of access, length of visit, path, (means of getting there such as referring link or search query) etc

- Productivity type reports indicating amount of Internet access, date and time patterns, types/categories of sites visited etc. consistent with the capabilities and features of the monitoring software
- Special purpose or ad hoc reports prepared in response to specific requests or situations

#### 4. Records

The County will maintain active records for two-week time periods. After that time records will be archived or destroyed at the discretion of the County.

#### 5. Employee Notice and Consent

All employees with access to computers, Email and the Internet must be notified of the County's rights and intentions to monitor and sign a statement acknowledging same. The acknowledgement form is located at K:/county/hrcounty/forms/Electronic Communications Acknowledgement.

#### 6. E-mail

The County will also take appropriate measures to ensure the proper use of the County's e-mail system. As of the date of this policy, there is no routine screening of e-mail communications, from the outside or between employees. However, e-mail communications are considered the property of the County and are subject to search and retrieval at any time. Employees who are the recipient of inappropriate e-mails should notify Human Resources, Information Services or both. The County will make every effort to correct the problem and take appropriate action.

#### 7. Discipline and Accountability

It is the policy of the County that there should be some standardization of penalties and sanctions across departmental lines for violations of this policy. A similar violation, in similar circumstances by an employee with a similar employment history should be treated approximately the same by the County. However, it is understood that many factors will come into play — and some distinctions may be appropriate.

Managers must exercise extreme care in responding to what may appear to be inappropriate activity. The ability to determine the facts of the situation, the motives of the employee or even the simple question of guilt or innocence may be clouded by the complexities of the technology, the Internet or the monitoring software. For example, what may appear to be a visit to a non-business or inappropriate web site may not be that at all — it might have been another employee, an accidental error or a misreading of computer output.

Departments should work very closely with their assigned HR representative at the earliest, investigative stages in any situation that may warrant corrective action. The tests of whether discipline was properly imposed in technological misdeeds are as rigorous as other areas but the factual situations will likely be more complex.

## **13.4 SUBSTANCE ABUSE FREE WORKPLACE**

### **Statement of Principle**

Clark County Government, in keeping with the provisions of the Drug-Free Workplaces Act of 1988, is committed to providing and maintaining a substance abuse-free working environment for the safety, physical and mental health of all employees and the public whom we serve.

Any unlawful manufacture, distribution, dispensation, possession, use or working under the influence of an illegal drug or controlled substance in or on any County facility, vehicle or while on County business is strictly prohibited. Consumption of alcohol is prohibited for employees while on duty (including any breaks, lunches, etc.) or while in a designated "on-call" status or eight (8) hours following an accident or incident (unless a breath alcohol test has already been performed).

Clark County has established a drug awareness program which includes, but is not limited to, the following confidential employee services:

1. Drug counseling and rehabilitation available through the County's medical insurance plans
2. Employee Assistance Program (EAP) that may assist in counseling employees with substance/alcohol abuse problems
3. Clark County Department. of Community Services: Alcohol and Drug Services Program

Any employee found to be in violation of the County's Substance Abuse Free Workplace Policy may be subject to a requirement to participate satisfactorily in an abuse assistance or rehabilitation program approved for such purposes by a federal, state, local health, or appropriate agency approved by Clark County, and/or discipline up to and including termination.

### **Covered Classifications**

All classifications are covered by this policy.

## **DRUG OR ALCOHOL TESTS REQUIRED**

### **Reasonable Suspicion**

To be conducted when a supervisor becomes aware of specific indicators characteristic of prohibited drug (including alcohol) use or possession, which may include:

1. Direct observation of drug use or possession

2. Direct observation of the physical symptoms of being under the influence of a drug, such as motor functions or speech, abnormal conduct or erratic behavior which may or may not be preceded by:
  - a) An on-the-job accident resulting in an injury to the employee or others requiring medical attention beyond first aid and/or results in significant property damage to county or others' property
  - b) An on-the-job unsafe practice that endangers the employee or others or risks significant property damage to county or others' property
3. An arrest for a drug-related offense
4. Information that is provided by reliable and credible sources and has been independently corroborated
5. Evidence that the employee tampered with a previous drug test
6. The opinion of a medical/substance abuse/chemical dependency professional employed at the worksite that an employee is using an illegal controlled substance

The supervisor will request another supervisor's (management and/or HR) opinion (both supervisors must agree) prior to requesting an employee to take a reasonable suspicion drug/alcohol test. This will not be construed as an opportunity for an employee to delay testing. Employees may not operate county motor vehicles or equipment after being notified that a reasonable suspicion test is warranted. Additionally, employees believed to be under the influence or impaired for any reason shall be tested at the job site, collector's office or medical facility (transportation, if necessary, will be provided to the testing site). Following the testing, the employee will be transported home via a local cab company, at the County's expense, or provided the opportunity to contact a non-duty-employee or non employee for a ride. The employee will be informed that the law enforcement authorities shall be notified of his/her vehicle license number if the employee insists on driving. In no case will a supervisor or other on-duty employee transport the employee.

Testing shall take place as soon as practicable. An employee subject to such testing is expected to remain readily available to undergo the tests. However, this should not be construed to require the delay of necessary medical attention for injuries or to prohibit an employee from leaving the scene of an accident or incident if necessary to obtain assistance to respond to the accident or incident or to obtain emergency medical care. In all circumstances the employee will be transported to the testing site. An employee waiting to be tested will remain in paid status from the time of the accident/incident until testing is completed.

Employees who test negative will be transported back to the duty station and remain on paid status for the completion of the shift or if normal work hours are exceeded, until leaving the normal place of work. Employees whose tests are not immediately available will be transported from the test site to their residence via a local cab company at the County's expense. Employees, who leave the scene of an accident or incident inappropriately, will be considered to have refused to test and will be subject to discipline up to and including termination.

## Random Testing

Employees required to have a Commercial Drivers License (CDL) will be selected for testing on an unannounced, random basis throughout the year and may be selected for either drug testing alone or both drug and alcohol testing. Selection will be done via a computer based random number generator and will be made at the rate of fifty percent (50%) of covered employees for drug testing and ten percent (10%) of covered employees for alcohol testing. Every employee will have an equal chance of being selected every time a selection is made. Employees will be notified of their selection during their shift and will be expected to submit at that time to the drug/alcohol testing. Employees need not be escorted by supervisors to the testing site.

## Refusal to Test

Refusing or failing to submit an adequate specimen for drug or alcohol testing or specimen tampering during specimen collection, as defined by the **Medical Review Officer (MRO)**, constitutes insubordination and will be treated as if the employee has tested positive. The employee will be evaluated by a **Substance Abuse Professional (SAP)** or **Chemical Dependency Professional (CDP)** and will be subject to discipline up to and including termination.

### Refusal to test includes:

- Refusal to take a drug or alcohol test
- Tampering with or attempting to adulterate the specimen or collection procedure
- Not reporting to the collection site in the time allotted, or
- Leaving the scene of an accident or incident without a valid reason before testing
- Providing false or inaccurate information

## Drug/Alcohol Testing Processes

Drug and alcohol testing shall be conducted in strict accordance with federal regulations to ensure accuracy, reliability, and confidentiality. Testing records and results will be released only to those authorized by the federal drug and alcohol testing rules to receive such information. Clark County will make every appropriate effort to protect the employee's privacy and dignity during the sample collection, testing and notification process.

## Drug Testing

Specimen collection for drug testing will conform to the standards of 49CFR part 40 to maintain documented chain of custody and assure sample reliability. Drug test collections may be conducted at the work site, collector's office or medical facility. The specific procedure used for testing is as follows:

- The collection site personnel will obtain the appropriate urine custody and control forms and inspect the collection room.

- The donor will be asked to present picture identification to the collection site person.
- The donor will check belongings and remove unnecessary outer garments.
- Donor will wash hands, take the collection cup and enter the privacy enclosure to collect at least forty-five (45) milliliters of specimen unobserved.
- The collector records the temperature of the specimen.
- The collector will split the specimen into two bottles.
- The collector will label and seal both bottles in front of the donor.
- The custody and control form will be completed, transferring custody from the donor through the collector to the laboratory courier.
- The split specimen will be placed in secure storage until shipped for analysis.

The integrity of the testing process is ensured through a variety of methods. The collection site is secured when not in use, access to the site is restricted during specimen collection, water sources are controlled to discourage specimen adulteration, trained site collection personnel carefully follow prescribed procedures, specimens are labeled and sealed in front of the donor, custody and control forms are used, specimens are left in locked storage, and the laboratories used for analysis must meet strict standards to be certified by the U.S. Department of Health and Human Services.

The initial drug screen shall use the Immunoassay (EMIT) process and the confirmatory test will be by gas chromatography/mass spectrometry. The drug testing results will be reviewed and positive tests interpreted by the MRO. The following tests and positive test levels shall be used:

	<u>Initial</u>	<u>Confirmation</u>
Marijuana and metabolites	50 ng/ml	15 ng/ml
Cocaine and metabolites	150 ng/ml	100 ng/ml
Amphetamines and metabolites	500 ng/ml	250 ng/ml
Opiates	2000 ng/ml	2000 ng/ml
Phencyclidine (PCP)	25 ng/ml	25 ng/ml

**Alcohol Testing**

The alcohol test will be performed using an **Evidential Breath Testing (EBT)** device that is approved by the **National Highway Traffic Safety Administration (NHTSA)** and administered by a trained **Breath Alcohol Technician (BAT)**.

The alcohol testing process will consist of the following steps:

1. Upon arrival, the employee will be shown to the testing site. The site will afford the employee privacy during the process.
2. The employee will provide picture identification to the BAT for inspection
3. The BAT will explain the test process and will, with the employee, complete the Alcohol Testing Form.
4. The BAT will open a sealed disposable mouthpiece in view of the employee and attach it to the EBT device for a screening test.
5. The employee will blow forcefully into the mouthpiece and be shown the result.
6. If the test result is less than .04\_(non-DOT) and .02 (DOT) the test will be recorded as negative.
7. If the initial test indicates an alcohol concentration of .04 (non-DOT) and .02 (DOT) or greater, a second confirmatory test will be conducted at least 15 minutes, but not more than 30 minutes, after the initial test.
8. Before the confirmatory test is conducted, the BAT shall conduct an airblank test which must read 0.00 to proceed.
9. The confirmatory test will be conducted using the same procedures as the screening test with the exception of the post-test airblank.
10. The result of the confirmatory test is considered to be the final result.

The integrity of the alcohol testing process is ensured through the external calibration checks required on the EBT device, the security of the testing site and EBT device, and the strict testing procedures required to produce a valid test.

### **Positive Test Results**

An employee who tested .04 (.02 if CDL) or greater for alcohol or fails to pass a drug test will be removed from the performance of his/her job for a minimum of 24 hours, and evaluated by a substance abuse professional. An employee may substitute any available vacation, floating holiday or comp time for the non-pay status.

An employee who tests positive for illegal drugs or controlled substances will be removed from the performance of his/her job and evaluated by a Substance Abuse Professional (SAP) or Chemical Dependency Professional (CDP).

An employee who tests positive for drugs shall have the right to challenge the accuracy of the test results. The employee may request that the original sample be analyzed again. Such request must be made within 72 hours of when the MRO made the employee aware of the original test results.

**Pay Status**

If an employee is removed from his/her job prior to or during an investigation, they shall be in a pay status pending outcome of the investigation and/or disciplinary action.

Employees who have satisfied any disciplinary action and who are in a recognized treatment program for a drug or alcohol problem may use available sick leave, floating holiday, accrued vacation or comp time for counseling and treatment.

**Return to Duty and Follow-up Testing**

An employee who tests positive for an illegal drug, controlled substance and/or alcohol will generally be allowed to return to duty following compliance with all treatment recommendations of the SAP or CDP. Employees who test positive a second time for an illegal drug, controlled substance or alcohol or who fail to comply with treatment requirements (as determined by the SAP or CDP) will be subject to discipline up to and including termination.

Follow up testing will be conducted when an individual who has violated the prohibited substance abuse conduct standards returns to work. Follow-up tests are unannounced and will be conducted-as recommended by the SAP or CDP. Follow-up testing of CDL drivers must conform to DOT standards. Employees testing positive during the follow-up testing period will be subject to discipline up to and including termination.

**Employee Rights and Responsibilities**

The County will keep confidential all testing results.

If at any point the results of the testing procedures specified in the Drug & Alcohol Testing Processes section of this are negative, all further testing shall be discontinued. The employee will be provided a copy of the results and all other copies of the results (including the original) will be maintained in the Human Resources Department.

An employee, who voluntarily seeks assistance concerning a drug or alcohol problem, prior to reasonable suspicion, shall not be disciplined by the employer and will be immediately referred to the County's EAP. Employees may use available sick leave, floating holiday, accrued vacation or comp time for counseling and treatment.

An employee not designated "on-call" and requested to report to work shall inform their supervisor of any inability to work due to the consumption of alcohol or drugs which may impair the employee's ability to safely perform his/her job. Under this Section, an employee will not be subject to discipline for advising the employee's supervisor of his/her inability to work.

All employees who must use a prescription drug that causes or results in adverse side effects (e.g., drowsiness or impaired reflexes or reaction time) shall inform their supervisor that they are taking such medication according to the advice of a physician. Such employees are responsible for informing their supervisor of the possible effects of the drug and their performance and expected duration of its use. If the prescription drug use could cause productivity or safety problems, a supervisor may grant the employee sick leave or temporarily assign the employee different duties, if available.



Employees are required, in compliance with this Substance Abuse Free Workplace Policy, to notify the County of any criminal statute conviction for a substance abuse related violation occurring in the workplace no later than five (5) working days after such conviction.

### **Education and Training**

All supervisors and first level managers will be required to attend a training course which will cover this policy, the effects of illegal drugs, controlled substances and/or alcohol abuse in the workplace, behavioral symptoms of being under the influence of drugs and alcohol, and rehabilitation services available. Union/Guild shop stewards will be invited to attend the above training. Employees attending the training will be on paid status. Refresher courses will be offered periodically and will also be on paid status.

All employees will receive a copy of this policy, informational materials about the effects of controlled substances/alcohol in the workplace and rehabilitation services available.

### **Record Retention**

The drug and alcohol records will be maintained in the Human Resources department in a secure location with controlled access, in accordance with HIPAA guidelines. The following records shall be maintained for five (5) years:

- Records of alcohol test results indicating an alcohol concentration of .04 or greater.
- Records of verified positive drug test results.
- Documentation of refusal to take a required alcohol/drug tests.
- Drug and Alcohol related evaluations and referrals.

Records of negative and canceled drug tests and alcohol test results with a concentration of less than .04 shall be expunged immediately unless following a valid positive test and in that case subject to the same retention as the positive test.

The County shall provide copies of these records to other employers when former County employees have applied for employment with those employers and have written and signed a release form authorizing the County to release such information.

### **Laws & Regulations**

Should the federal or state government requirements change, the County's policy will be revised accordingly.

### **13.5 OUTSIDE EMPLOYMENT**

Outside employment is permitted to the extent that it does not present an actual or potential conflict of interest or the appearance of a conflict. Additionally, the outside employment must have no negative impact on the employee's job performance or effectiveness in their County role. The following restrictions and procedures apply:

1. The hours of work must not infringe upon or overlap the assigned hours of work for the County position.
2. County equipment, supplies or working time must not be used.
3. No conflict can exist between the purpose or duties of the outside employment and the position held with the County or the interests of the County department.
4. Employees engaged in or contemplating outside employment which is potentially in violation of this policy must notify their Department Head or Elected Official of the role and organization for which they are employed or contemplating employment. The Appointing Authority may request information as necessary to determine whether the employment represents a conflict, potential conflict, or the appearance of a conflict as provided herein.
5. If, in the judgment of the Appointing Authority, a conflict is determined to exist the employee shall be notified of the disapproval and may be subject to disciplinary action if he/she continues to engage in the outside employment. Conflicts may be remedied through mutually acceptable changes in the hours, duties or role of the employee in his/her County or outside employment.

### **13.6 POLITICAL ACTIVITY**

Political activity shall not be permitted on County time nor shall any County employee be required or permitted to expend any time, effort or money on any political activity as a condition of employment.

No person shall solicit any financial contribution or other support from County employees on County property, during working hours or through the use of County equipment and facilities.

Discrimination for or against a County employee based upon political views or affiliations is prohibited unless such affiliation or support is found to be a bona fide consideration in the quality and effectiveness of their job performance and contribution to the organization.

## **13.7 CHARITABLE ACTIVITIES AND SOLICITATIONS**

### **SCOPE:**

This policy addresses solicitations of employees for charitable and non-profit organizations

### **PURPOSE AND GOAL**

The core elements of this policy are necessary and appropriate to:

1. Prevent disruption of employees and departments in their core work activities
2. Limit and manage the conduct of non-County business on County time
3. Ensure reasonably equal and fair access of outside organizations to our employees at the workplace

### **Policy Statement**

Generally, charitable solicitations are considered for approval at a level corresponding with the extent of their impact. Countywide solicitations must be approved at the County Administrator level, department-wide solicitations must be approved at the Elected Official or Department Head level and solicitations within a work unit may be approved at the unit manager level. The approval criteria will include the amount of time or resources involved, the legitimacy of the organization or cause and the degree of disruption to employee activities.

The County exists and is funded to provide certain governmental services and functions, and as such, any charitable activity or politicization must be appropriate in a governmental workplace. The County does not permit solicitations that are religious, political, or controversial or result in personal gain. For example, employees may not sell products or services at the workplace.

### **Definitions and Scope**

1. Charity or charitable cause: any organization or cause with a charitable or humanitarian purpose. Not all tax-exempt or non-profit organizations qualify as charities and not all charitable causes are managed by a qualifying organization. For example, a parent/employee raising funds for a child's youth group, while not a charity, falls under the umbrella of this policy.
2. Fund raising: raising money or supporting activities for the charity. This includes volunteering time, donating goods and materials, endorsing it (such as passing along a flyer) or supporting the organization in some other means. Examples include blood drives, bone marrow donor searches, soliciting for volunteers, etc.
3. County time and staff: any use of paid hours to pursue the activity other than leave time. Leave hours are those which the employee is free to use for any purpose such as vacation, compensatory time off, observed or floating holidays. Lunch periods which are unpaid are considered personal, not County time. Special circumstances apply to breaks and sick leave.

4. County resources: E-mail, internal mail system, copying machines, fax machines, phones, bulletin boards, computers, supplies, buildings and facilities or other related resources.
5. Solicitation: any activity promoting or in support of the organization or cause. In addition to direct mail, phone or in-person solicitations, this would include use of bulletin boards, leafleting cars in parking lots or any other use of the workplace or County resources to promote the activity.

### **Procedures and approvals for charitable activities and solicitations**

Any proposed charitable solicitation should be requested and approved in writing before it is undertaken. The request must include or clearly indicate the following information.

1. The organization involved — name, address and phone, nature of incorporation, purpose, product or service, tax exempt status, if any, and contact personnel.
2. The type of solicitation proposed including communications tools, department(s) affected, target audience and duration.
3. Other required County resources — employee time, facilities, etc.
4. The mission, goal or benefit to be gained by the organization, the County or the affected employees

Where the solicitation is proposed to be contained entirely within a single County department, the request must be submitted to the first level manager and then, through channels, to the Department Head or Elected Official. When it is from an outside organization the request may be submitted directly to the Department Head or Elected Official.

Where the solicitation is proposed to be conducted on a countywide basis or involves multiple departments, the request must be submitted to Human Resources who will review the request and make a recommendation to the County Administrator. County Administrator approval is required for all cross-department solicitations.

The County Administrator may appoint a committee to oversee operation of this policy and to consult or control approval of solicitations at the County level. In addition, the County may elect at any time to revisit the list of officially sponsored charities.

Except for the authorizations herein, no person or organization has authority or access to distribute materials or otherwise solicit employees for non-County purposes using any County resources. Further, the County reserves the right to reject any and all materials or offerings.

Departments are responsible for assuring that employees are informed of this general policy and the particular restrictions, allowances and procedures at the department level for promotion of charitable causes. Employees who violate this or department policies are subject to corrective action. The level of discipline imposed will depend on the facts and circumstances of the particular case.

Use of County time or resources for charitable causes must be pre-approved as follows:

<b>Charity Type</b>	<b>Approvals and Policies</b>
Endorsed charities. Charities that the County has adopted, sponsors and supports. As of the date of this policy, those are the United Way Campaign, the Children’s Sharing Tree Project, Youth Foundation, and Red Cross blood drives.	<p>Official sponsorship of the charity authorizes full use of County resources to support it. Employees may spend work time on the campaign, use mail and email to promote the program, hold meetings on County time and use County facilities. When a charity has official sponsorship, cross-department promotion and solicitation is permitted. Coordinators can, for example, send broadcast emails to the full workforce soliciting funds.</p> <p>The County Administrator’s approval is required to officially sponsor a charitable cause.</p>
Internal Charities. Programs run by County departments that support human service or charitable goals, such as drunk driving program, food warehouse, victims’ assistance and others.	<p>County Administrator approval is required for these programs to solicit funds, donations, and volunteers on a countywide basis.</p> <p>Employees within the program may undertake activities that support the program, using County time, resources, within the limits of their position.</p>
Department Level charities – charitable activities occurring entirely within a department — not involving any countywide or cross-department solicitations.	<p>Approval of the responsible Elected Official or Department Head is required. The approval does not authorize any cross-departmental solicitation. When approval is obtained, it authorizes use of resources such as internal mail, Email and bulletin boards within the department only.</p>
Employee-level charities — small scale efforts initiated by employees such as selling raffle tickets or candy for a child’s school or youth group. Pledge drives also fall in this category.	<p>Must be approved by employee’s first level manager (not lead or bargaining unit supervisor) and should be done on the employee’s own time or with limited use of county time or resources. Email solicitations are permitted provided there are few of them and they are directed to a small group of employees. Employees should not be made to feel pressured or uncomfortable by the solicitation.</p>

**13.8 SOLICITATIONS FOR COMMERCIAL AND NON-CHARITABLE ORGANIZATIONS**

Commercial solicitations are defined as solicitations on behalf of businesses, employees or other groups where the purpose or result is financial or personal gain. Generally, the County does not permit use of County work time, equipment, facilities or resources for personal or commercial activities. Any exceptions to this must be pre-approved to allow for fairness among like organizations and to limit the amount of county resources expended on these activities. The following describes the level of access and the general approval:

<b>Level of Access</b>	<b>Activity types/Approvals</b>
Mass distributions/solicitations via email, voicemail, internal mail system, or direct contact, including both countywide and department-wide solicitations.	Generally prohibited. May be considered if the product or service is restricted to government employees, is of significant value to the county or its employees and it presents no fairness concerns (there are no comparable organizations that could seek the same treatment or other business that can provide a similar opportunity).  The County Administrator’s approval is required.
Posting or displaying materials on employee bulletin boards or break areas	Allowed for employee-initiated activities such as classified ad type sales and certain, one time, commercial solicitations where there is a benefit to an employee. Not permitted for political, religious or other potentially sensitive or controversial solicitations.  The Department Head’s approval is required.
Distribution of materials through/by the Human Resources department, in new employee orientation or the Human Resources reception area.	Generally reserved for officially endorsed and approved organizations such as Magic Kingdom Club, Costco discounted rates at local health clubs, and certain credit unions.  The County Administrator’s approval is required.

**13.9 HEALTH AND SAFETY**

Clark County recognizes the need to maintain a healthy and safe working environment for all employees. Responsibility for health and safety matters are shared between the County’s designated safety official and the respective Department Heads and Elected Officials. Detailed and specific policies are located on the county’s intranet Occupational Health & Safety under [“Health and Safety Manual.”](#)

**13.10 NEPOTISM**

The County will not permit employment situations in which a conflict of interest is created based upon family or personal relationships. A conflict of interest shall be deemed to exist when any employee has the authority or practical power to exert favorable or unfavorable influence over the employment, or terms and conditions, of a relative or other personal relationship. This

includes the authority to supervise, appoint, terminate, discipline or to review or audit the work. For the purposes of this section a conflict may be determined to exist based upon an actual or potential conflict or the appearance thereof.

Employees who become related or otherwise involved in a personal relationship that creates an actual or potential conflict of interest must notify their respective Department Head or Elected Official. The responsible official shall make such changes as are necessary to preclude the conflict of interest and the employees will be given a "grace period" in which to change work responsibilities, supervisors, or positions in order to comply with the intent of the policy. The grace period shall be for no longer than ninety (90) days.

Additionally, all employees are prohibited from attempting to intervene in or influence the County's treatment of other employees or applicants for employment with whom they have a family or personal relationship. Similarly, the County will deal directly with and only with its employees or applicants and will not handle employment issues or disagreements with anyone other than the employee/applicant, or, if authorized, his/her official representative.

### **13.11 TOBACCO**

Smoking is prohibited within 25 feet of all entrances and exits, windows that open, and ventilation intakes, and inside all County facilities and buildings. Use of tobacco products in County vehicles is not permitted with the following exception:

- Open air equipment such as backhoes, loaders, paving equipment, and mowers.

### **13.12 POSSESSION OF FIREARMS**

Detailed and specific policies regarding possession of firearms are located in the county's intranet Health and Safety Manual under "[Workplace Violence](#)."

### **13.13 EMPLOYEE INDEMNIFICATION**

Clark County shall protect, defend, hold harmless and indemnify for any damages, including court ordered attorney's fees, all current and past officers, employees, Elected Officials and their respective marital communities against any and all claims or causes of action which arise as a result of alleged acts or errors and omission occurring within the scope of their duties and responsibilities or employment with Clark County. Provided, the County may elect not to provide indemnification for acts not undertaken in good faith, official acts or misconduct, for the defense of the right to hold office or if the employee fails to fully cooperate with the defense of such action. If the Board of County Commissioners makes such determination, the employee, officer or Elected Official shall be notified of such decision and shall have a right to meet with the Board prior to the decision being final.

Legal services will be provided by the office of the Prosecuting Attorney. Should the Prosecuting Attorney's Office have a conflict of interest, appointment of legal counsel shall be in accordance with RCW 36.27.030.

**13.14 BULLETIN BOARDS**

County bulletin boards are designated for the official business use of the County and the County retains the exclusive right to determine the appropriateness of any use of same or the materials to be posted. Use of bulletin boards for commercial, political, religious, or other potentially sensitive or controversial solicitations is prohibited. All other uses require the approval of the responsible Department Head or Elected Official or his/her designee.