



# **Port Of Allyn**

## **Employee Policies and Procedures Manual**

**Adopted December 12, 2015**

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## AT WILL STATEMENT

All employees at **Port of Allyn** are employed "at will." This means that both the employee and **Port of Allyn** are free to terminate the employment relationship at their discretion with or without cause at any time. No single Port Commissioner or other Port representative has the authority to alter this at-will relationship, and employees should never interpret any such person's remarks as a guarantee of continued employment. Such agreements must be in writing to be enforceable. The Port's policy on separations is set forth more fully later in this handbook.

From time to time, conditions or circumstances may require the Port to change, modify, amend or delete the work rules, policies and benefits outlined in this handbook and the Port may make such modifications. When changes are made, employees will be notified of the new or revised policy.

This handbook supersedes all previous policies, agreements, and representations, oral or written, on the subjects covered. However, it does not supersede the individual employment agreements signed by the Port Commissioners, The Port's written resolutions, or state or federal law. In the event of conflict between any of these sources and this manual, the employment contract, resolution, or law shall control.

## THIS MANUAL IS NOT A CONTRACT

### PROFESSIONAL INTEGRITY

All employees, in order to achieve the goals and purposes of **Port of Allyn** and to assure exemplary business relationships, will hereby agree to:

- Show evidence of a genuine interest in helping our clients, and dedication to providing the best in service and products.
- Demonstrate the ability to maintain the confidentiality of all records, materials, procedures and communications concerning internal Port business, our clients and their business.
- Show the ability to work under supervision and to cooperate with other personnel as well as function effectively on one's own.
- Maintain an ability to assess one's own personal and vocational strengths and limitations, biases and effectiveness and be able or willing to recognize when it is in the client's and the Port's best interest to refer him/her to another business or individual that better suits their needs.
- Show responsibility for self-evaluation and continued growth through further education and training.
- Show respect for the Port's clients by avoiding the intrusion into the client's personal life outside of a professional relationship.
- Show respect for the rights and reputations of other employees and businesses.
- Show no discrimination among clients, vendors, suppliers or fellow employees on the basis of race, color, religion, sex, sexual orientation, national origin, age or physical challenge.
- Refrain during work hours and work-related hours (pre-working hours and lunch) from the use of alcoholic beverages, marijuana, and/or other legal and/or non-legal mind-altering substances.
- Refrain from acting as a spokesperson or agent of **Port of Allyn** (i.e.: sign for documents, speak to press, obligate the Port, etc.) unless prior authorization is received from the Port Commissioners.

## **1. HIRING PROCEDURES**

### **1.1 SELECTION OF EMPLOYEES**

The Commissioners of **Port of Allyn** will prepare all staff descriptions, qualifications, salary guidelines and policies where applicable. These will be revised when necessary to reflect changes in function, responsibility, duties and business conditions.

Each employee will agree to fulfill the responsibilities and duties of their specific staff position as set forth in this agreement and to abide by all the terms, conditions and policies set forth herein. Each position will have a written description of the qualifications and requirements expected of any employee occupying that position and will be signed by both the employee and the Port Commissioners.

The progress of our organization is enhanced when our staffing disregards race, color, religion, sex, sexual orientation, national origin, age, or physical challenge. To deny one's contribution to our efforts because he or she is a member of a minority and/or underrepresented group is an injustice, not only to the individual but to the Port and its taxpayers..

Each employee has a right to work in an environment free from all forms of unlawful discrimination. It is the policy of this Port to grant equal employment opportunity. All employees will be treated without regard to race, color, religion, sex, sexual orientation, national origin, citizenship status, marital status, the presence of any physical or mental disability, military status, age, or any other bases protected by applicable local, state and federal law.

### **1.2 SELECTION PROCEDURES**

1. Review of applications/resumes
  - a. scheduling of preliminary interviews
  - b. appreciation letters sent to unacceptable applicants
2. Preliminary interview
  - a. Interview with the Executive Director and/or Port Commissioners, if deemed necessary; initial test(s) if applicable, are administered; review of tests and interview scores; background checks; scheduling of secondary interview; appreciation letters sent to unacceptable applicants.
3. Secondary interview
  - a. interview with Executive Director and/or Port Commissioners, if applicable
  - b. secondary test(s), if applicable, are administered
  - c. review tests and interview scores
  - d. drug test scheduled if warranted
  - e. individual(s) hired
  - f. final appreciation letters sent to unacceptable applicants

Employees are selected on the basis of immediate qualification, character, and aptitude. Qualifications for the job at hand as well as future advancement possibilities are given prime consideration. Vacancies are generally filled by promotion from within the Port whenever practical. If a suitable candidate is not available on the staff, a new employee will be secured utilizing the above stated guidelines.

#### **1.2.1. Executive Director**

The position of Executive Director will be recruited, screened, interviewed and hired by the Port Commissioners. The Executive Director will serve as the General Manager of all of the Port's business operations, and also serve as the Harbormaster for all Port marine facilities and General Manager of its water utility. Final choice of Executive Director will be made by the Port Commissioners and confirmed by them at a regularly scheduled Port Commission meeting.

#### **1.2.2. Operations Manager**

The Operations Manager will be recruited, screened, interviewed, hired by, and report to, the Executive Director. This position includes serving as the primary bookkeeper and Chief Financial Officer for the Port and may be combined with duties as the administrative assistant to the Executive Director and other responsibilities as deemed necessary by the Executive Director and/or Port Commissioners. Final choice of Operations Manager will be made by the Executive

Director and confirmed by the Port Commissioners at a regularly scheduled Port Commission meeting.

#### **1.2.3. Maintenance Staff**

The Executive Director shall be responsible for recruiting, screening and interviewing all Maintenance Staff members. Final choice of Maintenance Staff will be made by the Executive Director and confirmed by the Port Commissioners at a regularly scheduled Port Commission meeting.

#### **1.2.4. Security Staff**

The Executive Director shall be responsible for recruiting, screening and interviewing all Security Staff members. Final choice of Security Staff will be made by the Executive Director and confirmed by the Port Commissioners at a regularly scheduled Port Commission meeting.

#### **1.2.5. Clerical and Support Staff**

The Executive Director shall be responsible for recruiting, screening and interviewing all clerical and support staff. Final choice of Clerical and Support Staff will be made by the Executive Director, who may collaborate with the Operations Manager, and be confirmed by the Port Commissioners at a regularly scheduled Port Commission meeting.

#### **1.2.6. Additional Staff**

The Executive Director shall be responsible for recruiting, screening and interviewing all additional staff as needed. These positions may be employee and/or independent contractor positions and are subject to all applicable federal, state, and local laws governing such positions.

In addition, if they are to be Independent Contractor positions, a written Independent Contractor Agreement between the Port of Allyn and any independent contractor, including non-disclosure clauses will be signed by both parties prior to the beginning any work and/or probationary period.

Final choice of Additional Staff will be made by the Executive Director and confirmed by the Port Commissioners at a regularly scheduled Port Commission meeting.

### **1.3 REHIRES**

Employees who have left Port of Allyn for any reason and are rehired will be treated as a new hire. Salary, longevity, benefits, orientation period, etc., will be the same as any new employee. Final choice of rehired employees will be made by the Executive Director and confirmed by the Port Commissioners at a regularly scheduled Port Commission meeting.

## **2. PROBATIONARY PERIOD**

### **2.1. OBJECTIVE**

The probationary period shall be utilized for closely observing the new employee's work, for securing the most effective adjustment of a new employee to the position and for rejecting any employee whose performance is not satisfactory.

### **2.2. DURATION**

The probationary period of new employees shall be of 90 days duration for all position classes. The probationary period may be extended with the concurrence of the employee, supervisor and corporate management.

### **2.4. PROMOTIONAL APPOINTMENTS**

The probationary period shall be utilized in connection with promotional appointments in the same manner as it is used for original appointments. If a person is removed during the probationary period following a promotion, except when disciplined, the employee may be entitled to re-employment rights at the former level at the discretion of the Executive Director with the approval of the Port Commissioners.

## **2.5. PAY SCALE**

Generally, a new employee will be paid the minimum rate of pay for that classification. Exceptions may be granted by the Executive Director with the approval of the Port Commissioners in the following cases:

2.5.1. The minimum rate for each position is based upon the assumption that a new employee meets the minimum qualifications stated in the job description. If it becomes necessary to appoint a new employee of lesser qualifications, the starting salary will be at one or possibly two steps below the minimum rate for that position.

2.5.2. If a selectee for employment more than meets the minimum qualifications and will not accept appointment at the minimum rate for the position, the appointment may be made at the second step or higher. Cases will be handled individually and measured against objective standards. Every effort will be made to recruit a qualified employee who will accept appointment at the minimum rate of the position.

## **2.6. PROBATIONARY EVALUATION**

A preliminary evaluation will be given after six weeks of employment. A comprehensive follow-up evaluation will be held at the end of 90 days of employment. In the event the probationary period is extended past 90 days, further evaluations will be scheduled with the employee prior to a determination of continued employment being made. The Executive Director will prepare a Performance Evaluation Report that will indicate:

- That the employee has been advised of his/her accomplishments, failures, strengths and weaknesses.
- Whether the employee is performing satisfactory work.
- Whether the employee should be retained in the position.
- Whether the employee, if a new appointee, should be dismissed.
- Whether the employee, if going through probation following a promotion, should be reinstated in his/her former position.
- Whether the employee should have the probationary period extended a given number of months, not to exceed a total of six months.

The Operations Manager will also provide employees with any and all required federal state and Port forms and other information concerning Port policies and procedures regarding benefits.

## **3. TIME AND PAY**

### **3.1. STANDARD WORKING HOURS**

Normal business hours are 9:00 a.m. to 5:00 p.m., Monday through Friday. The times that each employee works may be different, depending on position and business needs. All schedule changes must be approved by the Executive Director and/or the Port Commissioners.

Employees who work five (5) hours in a workday are entitled to an unpaid 30-minute lunch period approximately midway through the day. Employees who work more than ten (10) hours in a workday are entitled to an additional unpaid 30-minute lunch period. Lunch may be enjoyed outside the office, or at the Port facilities. Employees will not be allowed to eat or drink at any of the computer workstations. The Port will make every attempt to relieve employees of all active responsibility and restrictions during lunch periods. Meal breaks may be paid if employees are on duty and are authorized by the Executive Director and/or the Port Commissioners.

Except as otherwise provided by applicable law, employees are also entitled to a paid 10 minute break during each four hours worked, unless the position allows the equivalent (e.g., 10 minutes) of intermittent rest for each four hours worked. Rest breaks ordinarily will be provided in the middle of the work period.

This policy applies to all salaried and hourly employees alike. Exceptions to this policy will be handled on a case-by-case basis at the discretion of the Executive Director and requires advance notice.

### 3.2. MEETINGS

Employees will receive compensatory time off for time spent in regularly scheduled Port Commission meetings which occur outside normal working hours. Employees will not be paid for time voluntarily spent at Port functions which take place outside the office during non-normal working hours, such as promotional events, dinners, parties etc. since attendance is voluntary, and encouraged, but not mandatory.

### 3.3. OVERTIME POLICY

Employees required to work hours outside of their regular schedule may have their schedule adjusted within the workweek. Overtime is paid to non-exempt employees after 40 hours are actually worked in any given workweek. For the purpose of calculating overtime, the standard workweek is Sunday morning (12:01 a.m.) to midnight the following Saturday. Vacation Pay, Paid Holidays or any other pay granted and paid for hours not actually worked, are not counted as hours worked when calculating overtime pay.

The Executive Director, and/or any other exempt employees are expected to perform their job, regardless of if the number of hours required exceeds 40. These employees are exempt from the overtime provisions of the Fair Labor Standards Act of 1938 and subsequent amendments but can accrue compensatory time for hours worked in excess of the standard workweek. Employees who are not exempt from the overtime provisions of the Fair Labor Standards Act of 1938 and subsequent amendments (i.e.: clerical staff, etc.) may also accrue compensatory time in lieu of overtime.

**Any hourly employee may refuse such overtime work.**

### 3.4. EMERGENCY SHUTDOWNS

When authorized by the Executive Director, in case of an emergency shutdown due to bad weather, power failure, natural disaster or some other unforeseen problem, hourly employees will be paid at their regular wage for a maximum of one day. Exempt employees will be paid their regular salaried amounts. Whenever possible, all employees will be notified in advance of the closure by the Executive Director, who will also notify the Port Commissioners.

### 3.5. COMPENSATION PLAN

The official pay plan for Port of Allyn employees shall consist of a schedule agreed upon by the employee and the Port Commissioners in all cases. Exempt employees will have a written employment agreement. **All rates and schedules of compensation are confidential. Any breach of this confidentiality may be deemed reason for immediate dismissal without the possibility of being rehired at a later time.**

3.5.1. Pay periods begin on the first day of each month and end on the last day of the month.

3.5.2. Paychecks are processed by the Mason County Auditor's Office, and are picked up by a Port employee from that office when the Port is notified they are ready for delivery. Employee checks will be hand delivered on the same day they are picked up from the Auditor's Office. Employee checks that can't be hand delivered by management will be mailed on the same day they are picked up.

### 3.6. SALARY INCREASES

Salary increases are not based upon length of service but are considered annually and awarded on a merit basis based upon documentation contained in each employee's Performance Evaluation Report. A merit increase is based upon job performance of a superior nature and incorporates a series of factors including, but not limited to, attendance, attitude, willingness to learn and proficiency in job performance as a whole. Salary increases will be analyzed by the Executive Director and a recommendation made to the Port Commissioners for action at a regularly scheduled Port Commission meeting. The Port Commissioners will evaluate the Executive Director and decide upon any merit increases.

### **3.10. ADMINISTRATIVE SALARY ADJUSTMENTS**

3.10.1. The salary of each employee shall be reviewed annually by the Port Commissioners as part of the budget process for the purpose of making recommendations for the following fiscal year. In the event an employee has saved the Port a significant amount of money on a project(s) or through suggesting a change in procedure(s), that employee may be allowed to receive a one-time salary adjustment.

Any such adjustment must be approved by the Port Commissioners, will be taxed as wages, and will be paid as part of the employee's last paycheck of the year.

All personnel records, performance of the employee and overall Port profitability shall be considered in making the salary recommendations, with the main emphasis placed on objective evaluations of employee's performance.

3.10.2. Salary adjustments become effective on the first working day of any new year, or an alternative date determined at the discretion of the Port Commissioners.

## **4. LEAVE POLICY**

### **4.1. VACATION**

4.1.1. Vacation is accumulated as follows and credited on the anniversary date of the employee's employment. Upon completion of the first year of continuous employment, employees shall be entitled to receive five vacation days per year which are credited (or earned) at the rate of 3.3 hours per month.

4.1.2. Upon completion of two years of continuous full-time employment, employees will earn ten vacation days per year accumulated at the rate of 6.6 hours per month.

4.1.3. If a Port recognized holiday falls within an employee's authorized vacation period, an extra day of vacation will be added to compensate for the holiday.

4.1.4. Vacation time of three days or less must be scheduled with the Executive Director.

4.1.5. Requests for vacation time must be submitted to the Executive Director and scheduled to minimize any disruption of Port operations.

4.1.6. Vacation time for the Executive Director must be scheduled with the Port Commissioners.

4.1.7. Vacation time not used during the year earned may be accumulated from year to year for a period not to exceed four years. Exceptions to this policy will be handled on a case-by-case basis at the discretion of the Executive Director and/or the Commissioners.

4.1.8. Vacation time will not be credited in advance.

### **4.2. PAID SICK LEAVE**

4.2.1. Paid Sick Leave is provided for all employees at the rate of one hour for every 40 hours worked. Employees begin accruing Paid Sick Leave as soon as they begin working. At the end of each calendar year, up to 40 hours of accrued and unused Paid Sick Leave will carry over into the next anniversary year. All additional accrued and unused Paid Sick Leave will be forfeited. Accrued Sick Leave hours will be printed on the employee's pay stubs, including hours used and hours available.

4.2.2. Beginning with the 90<sup>th</sup> calendar day after the commencement of employment, the use of Paid Sick Leave will be accounted for in 15-minute increments. While using Paid Sick Leave, the employee will receive compensation based on their normal hourly rate. Use of Paid Sick Leave is not considered hours worked for purposes of accrual or calculating overtime.

4.2.3. Employees may use Paid Sick Leave in the following situations:

- To care for themselves or a family member for a physical or mental health condition, including a need for diagnosis or a doctor appointment.
- To care for a newborn, newly adopted, or newly placed child under 18 years of age, or for an adopted or foster child older than 18 years of age if the child is incapable of self-care because of a mental or physical disability.

- To care for themselves, a family member, or a household member for reasons related to domestic violence, sexual assault, or stalking.
- When their family member's school or place of care has been closed.
- When their place of business has been closed by order of a public official for health reasons, or they have been excluded from the workplace under any law or rule that requires the employer to exclude the employee for health reasons.
- For absences related to the death of a family member, including attending a funeral or memorial service, making arrangements, or grieving.

A “family member” is defined as a child, grandparent, grandchild, parent, parent-in-law, sibling, spouse, or registered domestic partner. “Child” includes a biological child, adopted child, foster child, stepchild, or a child for whom an employee stands in loco parentis, is a legal guardian, or is a de facto parent. “Parent” includes a biological parent, adoptive parent, de facto parent, foster parent, stepparent, or legal guardian of an employee or the employee’s spouse or registered partner, or a person who stood in loco parentis when the employee was a minor.

4.2.4. The employee is required to give 10-days’ notice to the Executive Director of their intent to use this leave when the leave is foreseeable. Unforeseen leave situations should be reported to the Executive Director or Operations Manager as soon as possible before the expected beginning of the employee’s time off, unless impracticable. In either case, the employee is authorized to have someone else report the employee’s need to use Paid Sick Leave if they are unable to do so themselves. When Leave is used under the State’s Domestic Violence Leave Act, the notice rules do not apply.

4.2.5. A doctor’s statement may be required, at the discretion of the Executive Director, for Paid Sick Leave absences of more than three consecutive days.

4.2.6. Paid Sick Leave may not be used as extra vacation time to be taken at the option of the employee.

4.2.7. Paid Sick Leave will not be paid out to employees upon termination of employment. If an employee is rehired within 12 months of termination, their accrued and unused sick leave will be reinstated. However, if the calendar year ended between termination and rehire, then only the unused sick leave that would have been carried over into the next year will be reinstated. The rehired employee’s prior period of employment will count towards their eligibility to use accrued sick leave.

4.2.8. Employees will not be subjected to retaliation for using Paid Sick Leave as permitted under the applicable law and in accordance with these policies. If an employee ever feels that they have been discriminated or retaliated against based on their use of sick leave or have any questions about how sick leave works, the employee should contact the Executive Director or Operations Manager for assistance.

### **4.3. WASHINGTON FAMILY CARE ACT**

4.3.1 In accordance with the Washington Family Care Act (FCA), employees who are eligible for paid time off, including time allowed under certain disability policies, may use that time for family care purposes. Paid time off may be used (1) to care for a child with a health condition that requires supervision or treatment, or (2) to care for a spouse, parent, parent in-law or grandparent with a serious health condition or emergency medical condition. The amount of time off is limited to actual accrued paid time off; employees cannot take advances on their PTO under this policy.

- A “child” means a biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis, who is either under 18 years of age or incapable of self-care.
- An “emergency medical condition” means a health condition that is a sudden, generally unexpected occurrence or set of circumstances relating to a person’s health and demanding immediate action.
- A “serious health condition” is an illness, injury, impairment or physical or mental condition that involves (a) any period of incapacity and medical treatment involving inpatient hospital care, as well as recovery time after such inpatient treatment, or (b) any period of incapacity that involves continuing medical treatment by a healthcare provider or service



This policy does not provide employees with any additional time off. It simply allows employees who have accrued paid time off to use it for any of the qualifying reasons under the policy. Employees are expected to comply with the notice provisions of the paid time off the employee wishes to use. Except for emergency situations, employees must give as much notice as possible, including the reason for the time off and the expected duration. In emergency situations, the employee must provide as much notice as soon as possible.

#### **4.4. BEREAVEMENT LEAVE**

Time off with pay will be granted to full time employees for three days when there is a death in the immediate family (parent, spouse, sibling, child or parent-in-law). Any additional days will be deducted from vacation at the Executive Director's discretion. Time off for the death of other family members and friends will be deducted from vacation time.

#### **4.5. DOMESTIC VIOLENCE LEAVE**

If an employee or employee's family member is a victim of domestic violence, sexual assault, or stalking, an employee may take reasonable leave from work as a block of days, intermittently, or through a reduced schedule to:

- Seek legal or law enforcement assistance to ensure the health and safety of you or your family member;
- Seek medical treatment for physical or mental injuries or to attend treatment for a family member;
- Obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program;
- Obtain, or assist a family member in obtaining, mental health counseling related to an incident in which you or your family member was a victim; or
- Participate in safety planning, temporarily or permanently relocate, or take other actions to increase your safety or the safety of a family member.

For purposes of this policy, "family member" means a child, spouse, parent, parent-in-law, grandparent, or person with whom you have a dating relationship.

If your need for Domestic Violence Leave is foreseeable, you must give the Executive Director at least (5) five business days' advance warning. In emergency situations or when the need for leave is unforeseen, you or your designee must notify the Executive Director no later than the end of the first day that you take leave under this policy. In either situation, we may ask you to provide written verification of the need for this leave. Any information the employee submits to support the request for leave will be kept confidential to the extent required by law.

Leave under this policy will be unpaid unless the employee chooses to use any available paid leave. The employee's health insurance will be maintained during this leave. Leave under this policy is in addition to any other leave you are entitled to under state and federal law.

Please contact the Executive Director with any questions regarding leave under this policy.

#### **4.6. MILITARY LEAVE**

Military leaves of absence, benefits and reinstatements are granted to any employee who enlists, is inducted, or is called to active duty in the armed forces. The length of an employee military leave is governed by both state and federal law. Following completion of military leave, the Port of Allyn will comply with applicable laws regarding the employee's reinstatement or reemployment. Employees who are considering or who have been called to serve in the military should contact the Executive Director for further details and obligations regarding a Military Leave of Absence. An employee may choose to use accrued paid leave (such as vacation, personal days, family leave, or other paid time off), concurrently with some or all of the employee's Military Leave.

#### **4.7 MILITARY FAMILY LEAVE**

If an employee's spouse is a member of the U.S. Armed Forces, National Guard, or Reserves, an employee may take up to 15 days of unpaid leave during a period of military conflict under the following circumstances:

- When an employee's spouse receives official notification that they will soon be called to active duty or when the spouse is ordered to active duty (leave may be taken before, and up to, the servicemember's call to active duty).
- When an employee's spouse is on leave from deployment.

An employee must notify the Executive Director within five business days of receiving official notice that their spouse will soon be called or ordered to active duty, or of a leave from deployment. To be eligible for Spousal Military Leave under state law, an employee must work an average of twenty or more hours a week.

Please contact the Executive Director with any questions regarding this leave.

#### **4.8. JURY DUTY**

The Port feels that employees selected to serve as jurors should fulfill this responsibility without loss of pay. Such an employee will be excused from work for a period of not more than five working days while actively serving as a juror. The employee will be required to return to work if the assigned case is continued or if excused from further jury service before the case is concluded.

The Port will pay full time employees who are beyond their probationary period the difference between the amount paid as a juror and the regular wages that would have been received from the Port within the five-day limit. Employees must verify the amount received for Jury Pay prior to wages being paid.

In the event jury duty exceeds five days compensation will be determined on a case-by-case basis by the Executive Director.

#### **4.9. LEAVE OF ABSENCE WITHOUT PAY**

Leave of absence without pay may be granted by the Executive Director after completion of one full year of service on a case-by-case basis. The employee will continue to accumulate length of service (longevity) credit during such leave. Leave should be requested at least thirty days in advance and state when the employee will again be available for work. Failure to do so will be considered voluntary resignation. Leave of absence without pay is not to exceed ninety days.

#### **4.10. WORKER'S COMPENSATION**

Worker's compensation benefits will be provided as outlined in the Washington State Industrial Insurance Act, Title 51 RCW. This non-contributory coverage is provided to all employees due to injury and/or occupational diseases arising in the course of and within the scope of employment.

#### **4.11. PREGNANCY DISABILITY LEAVE**

4.11.1. If you are temporarily disabled because of pregnancy or childbirth, you will be given unpaid leave for the duration of the temporary disability.

4.11.2. Vacation time may also be used at the discretion of the employee.

4.11.3. The ability of the Port to function without the assistance of the employee will also be considered by the Executive Director when a maternity/disability leave request is made.

4.9.4. The parent of a newborn child will receive a congratulatory day off with pay.

4.9.5. Employees will be required to sign a statement of their intent to return or not return to work.

4.11.6. Employees who seek pregnancy or childbirth-related disability leave may be required to provide a health care provider's statement to verify the disability and the length of leave needed.

#### **4.12. WASHINGTON PAID FAMILY AND MEDICAL LEAVE**

Employees may be eligible to receive Paid Family and Medical Leave (PFML) benefits under Washington State law. This benefit is administered by the Washington Employment Security

Department and if an employee wants to use this benefit, they must apply as outlined at [www.paidleave.wa.gov/workers](http://www.paidleave.wa.gov/workers). The Port does not approve, deny or administer benefits under the Washington Paid Family and Medical Leave program. Premiums for the Washington PFML program are paid in part by the Port and in part by employees through payroll deductions.

Under PFML, Washington State will pay eligible employees a percentage of the employee's weekly compensation, up to a maximum amount, as partial income replacement when the employee takes leave for qualifying family, medical, or military reasons, after a 7-day elimination period. To be eligible to receive PFML benefits, an employee needs to have worked at least 820 hours for any employer in Washington State in the qualifying period. PFML benefits will generally be paid for up to twelve (12) weeks in a benefit year but in certain circumstances may be paid for up to sixteen (16) or eighteen (18) workweeks in a benefit year.

If you intend to apply for PFML benefits you must give notice to the Executive Director at least 30-days prior to any planned leave and as soon as reasonably possible for an unexpected leave.

At its discretion, the Port may offer the option of using accrued vacation as a supplement to PFML benefits, and an employee may choose to accept that offer of supplemental use on the terms offered by the Port.

To the maximum extent allowed by law, leave that is compensated under the Washington Paid Family and Medical Leave Act will run concurrently with all other applicable paid or unpaid leave types that are available as a benefit from the Port or under applicable law.

#### **4.13. HOLIDAYS**

4.13.1. The Port observes the standard government schedule for paid holidays for all employees except during the probationary period.

4.13.2. Other holidays may be authorized at the discretion of the Port Commissioners. When a government scheduled holiday falls on a Saturday, the preceding Friday will be the day of observance. Should the holiday occur on a Sunday, the holiday will be observed on the following Monday, unless special arrangements are made in advance with the Port Commissioners. When those holidays fall on a Thursday, employees may take the following day (Friday) off without pay upon notifying the Executive Director of their intention to do so. Exempt employees may take the day with pay at the discretion of the Executive Director.

4.13.3. Employees on leave without pay (military, educational, etc.) are not eligible for holiday pay.

4.13.4. Employees have the right to take religious or ethnic holidays without pay provided a two-week written notice is given to the Executive Director.

#### **4.14. EDUCATIONAL LEAVE**

Educational leave with or without pay may be authorized for specific courses of job-related study at the discretion of the Executive Director.

#### **4.15. PERSONAL BUSINESS**

It is understood that it is sometimes necessary for employees to take time off for personal business, which cannot be conducted outside of normal working hours. When an employee finds it necessary to take time off, the Executive Director must be advised immediately and given the reason for the absence. This time off must be reflected on the employee's timecard for the pay period the time off occurs.

In the case of the Executive Director taking personal time off, the Port Commissioners must be notified.

Employees who have been employed by the Port less than one year may, at the discretion of the Executive Director, be excused for necessary time off but will not be compensated.

Employees who have worked for the Port for more than one year are entitled to receive straight time pay for necessary and excusable time off, as long as it does not exceed eight working hours in any one calendar year. Such hours are not cumulative from year to year and may not be taken in lieu of vacation days.

#### **4.13. COMMUNITY INVOLVEMENT**

Due to the importance of enhancing the community and for the personal satisfaction of becoming involved, employees may devote up to two hours per month during normal business hours to the community project of their choice. This time off must be reflected on the employee's timecard for the pay period the time off occurs.

A written request must be submitted to the Port Commissioners at least ten working days in advance. In addition to the dates and times, requests should also indicate in which community project the employee will be involved. This time may not be accumulated and will be granted at the discretion of the Port Commissioners who will take into account factors such as the impact of the employee's absence.

If an employee elects to join a community service organization such as, but not limited to, Rotary, Kiwanis, Soroptimists, etc. that meets during regular working hours, time off to attend these meetings may be granted with pay, at the discretion of the Port Commissioners. Dues for such organizations may be eligible for payment by the Port at the discretion of the Commissioners on a case-by-case basis.

#### **5. BENEFITS**

**Please Note: Due to changing government laws and regulations as well as other unforeseen factors, the Port of Allyn reserves the right to delete or modify these benefits as business conditions or local, state and/or federal laws dictate.**

##### **5.1. LIFE, HEALTH AND DISABILITY INSURANCE**

Full time exempt employees only are offered health care benefits in accordance with the federal Affordable Care Act, as well as all state regulations. The types and amounts of benefits other than the minimums covered by federal and state law, are subject to negotiation, and will be codified in each exempt employee's individual Employment Agreement. However, this policy is subject to change in the event the law(s) governing health care coverage are amended, and/or repealed.

Independent contractors with a signed agreement with the Port are not eligible to participate in the insurance program.

##### **5.2. PAYROLL DEDUCTIONS**

The Port of Allyn makes certain mandatory withholdings and some voluntary deductions from each employee's paycheck. Mandatory withholdings include federal tax withholdings and FICA. Voluntary deductions/reductions include items employees specify in writing, such as premiums for medical or dental insurance coverage or flexible spending accounts or other pre-tax deductions. Details of earnings and withholdings and deductions are itemized on the stub of the paycheck.

If you wish to change exemptions claimed for federal withholdings, contact the Executive Director or Operations Manager and complete a new W-4 Form.

#### **6. STAFF DEVELOPMENT**

6.0.1. Opportunities for personal and professional growth are considered vital parts of the employee's work environment.

6.0.2. It is recognized that due to deadline pressure, the stress level of the staff is unique and all efforts will be made to assist employees in dealing with this situation.

6.0.3. Periodic staff meetings will be held and all staff members are required to attend. The staff may utilize these meetings to discuss any issues related to the operation of **Port of Allyn** or for consultations or case review.

6.0.4. Periodic in-service training sessions will be scheduled on an as-needed basis. Employees may be required to attend these sessions.

## 6.1. EDUCATIONAL PROGRAMS

6.1.1. After completing one full year of continuous employment with the Port of Allyn, both hourly and exempt employees wishing to enroll in outside school classes for the purpose of self-improvement are encouraged to do so.

The Port is willing to invest in the tuition for outside educational programs that the Executive Director considers directly related to the advancement of the Port's mission and directly helpful to the employee in his/her job.

To apply for tuition co-op, the employee must submit to the Executive Director a written proposal of the educational program. If the Executive Director approves and agrees it will be beneficial to the Port, one half (50%) of the tuition will be reimbursed by the Port upon the attainment of a "B" grade or 65% reimbursement for obtaining an "A" in the approved course(s).

In the event the course is not based upon a grading convention, the employee will be reimbursed at the rate of one half (50%) of the tuition after satisfactory completion of the course.

In the case of education mandated by local, state and/or federal authorities, the Port will pay 100 percent (100%) of the cost, and pay the employee at their regular rate of pay.

Exempt employees wishing to upgrade their skills via classes sponsored and/or conducted by the Washington Public Ports Association and/or other recognized organizations are highly encouraged to do so. \

6.1.2. Educational programs are not to interfere with normal working hours and efforts. Exceptions to this policy may be given in advance by the Port Commissioners for advanced students requiring specific courses for their degree or certificate.

6.1.3. **Port of Allyn** maintains a library of books, magazines, videos and audio cassettes for personal and professional enrichment. All employees are encouraged to utilize this resource.

## 7. GENERAL POLICIES

### 7.1. TRAVEL/REIMBURSEMENT

The Port will reimburse employees for all legitimate out-of-pocket expenses incurred in the course of their regular duties. Expense reports, along with all receipts for items on the report, are due on the last day of the month. These will be paid on or before the 10th day of the following month. Strict Internal Revenue Service guidelines will be observed. Reimbursements for mileage expenses must be accompanied by odometer readings. Any expense claim without a valid receipt or mileage claim without odometer readings will be denied.

Failure of employees to submit an expense report on the date due will result in all expense claims for that month being denied. Exceptions to this policy will be handled on a case-by-case basis at the discretion of the Port Commissioners.

Under no circumstances will employees be paid or reimbursed for alcoholic beverages or their consumption.

### 7.2. USE OF PORT VEHICLES

Employees assigned a Port vehicle, or using a Port vehicle in the course of their duties will abide by the following guidelines:

**The vehicle must be treated as you would treat your own property.**

1. Washing the Port vehicle to protect it and enhance the public image of the Port will be performed during normal business hours, weather-permitting.

2. The interior should be kept neat and clean at all times. **Smoking in Port vehicles is strictly prohibited.**

3. The exterior will be waxed on a semi-annual basis. Routine maintenance must be performed according to manufacturer's recommendations

4. Employees will gas up Port vehicles at the authorized service station(s) for the area and record the true mileage as required electronically.

5. Vehicles will be serviced as per warranty requirements.

6. Necessary repairs will be coordinated with and authorized by the Executive Director prior to being performed.

7. Any modification to vehicles must have prior approval (i.e.: radios, CD players, C.B. radios, etc.).

8. Prior approval of the Executive Director must be given for any personal use (i.e.: trip, hauling, etc.) except in an emergency situation. Due to insurance regulations, no one other than **Port of Allyn** employees who are Port insured, may use or be in the vehicle at any time. All accidents and traffic violations must be reported to the Port Commissioners immediately.

Employees are responsible for payment of any and all tickets issued for traffic infractions while operating Port vehicles.

9. Annual Department of Motor Vehicle reports will be obtained on all drivers by the insurance Port. A poor driving record, which would place the Port into a high-risk pool, is grounds for termination.

10. Vehicles must be returned in the same condition they are received in order for the employee responsible to avoid charges associated with repairing the vehicle.

### 7.3. COMMUNICATIONS

#### 7.3.1. Telephone Use

Port phones are for official use only. Personal calls, both incoming and outgoing, should be kept to an absolute minimum. Anyone using the telephone for long distance personal calls must receive prior permission before making the call and will be expected to reimburse the Port for the call. The unofficial use of **Port of Allyn** toll-free lines without prior permission of a corporate officer will be grounds for disciplinary action.

#### 7.3.2 Cellular Phones and Mobile Devices

Port-owned cellular phones and other mobile devices are to be used for Port business only. Any personal calls made on Port cellular phones will be billed back to the person responsible for that phone and the charges deducted from that employee's next paycheck.

#### 7.3.3 Text Messaging

Text messaging for Port business, whether on Port-owned cell phones, privately-owned cell phones or other Port-owned mobile devices is **highly discouraged**. This is due to provisions in the Washington State Open Public Meetings Act (OPMA) and the Public Records Act (PRA).

Text messages between any two Commissioners constitute a violation of the OPMA. Group text messages where two or more Commissioners are included in the group is not a violation of the OPMA in and of itself. However, if any one of the Commissioners included in a group text message responds to a group text message that includes another Commissioner, it is a violation of the OPMA.

Therefore, text messaging shall not be used except in an emergency. Any and all text messages - even in an emergency situation - shall **not** include text messages between any two Commissioners. In an emergency a Commissioner shall text message the Executive Director and/or Operations Manager and request the message be passed on to any other Commissioner(s) but may not text message those Commissioner(s) directly.

In an emergency, or in the event the Executive Director or the Operations Manager need to text message any of the Commissioners, the procedure will be to text message them separately, one at a time, so no two Commissioners are included in any one text message.

Text messaging is also **highly discouraged** due to the time and cost involved in retrieving, reproducing and archiving text messages for Public Records Requests.

#### 7.3.4 Electronic Mail

Email, whether on Port-owned cell phones, privately-owned cell phones or any other mobile device, is subject to the provisions of the Washington State Open Public Meetings Act (OPMA) and the Public Records Act (PRA). Email between any two Commissioners constitutes a violation of the OPMA. Group emails where two or more Commissioners are included in the group is not a violation of the OPMA in and of itself. However, if any one of the Commissioners included in a group email responds to a group email that includes another Commissioner, it is a violation of the OPMA.

Therefore, any and all emails shall not include messages between any two Commissioners, even in an emergency situation. In an emergency a Commissioner shall contact the Executive Director and/or Operations Manager and request the message be passed on to any other Commissioner(s) but shall not email those Commissioner(s) directly.

In an emergency, or in the event the Executive Director or the Operations Manager need to email any of the Commissioners, the procedure will be to email them each separately, one at a time, so no two Commissioners are included in any one email.

#### 7.3.5 Electronic Communications

The Port of Allyn utilizes electronic communications for numerous purposes, both internally and externally, and all electronic communications are subject to the Port's established Records Retention Schedule. **It is understood that the Port has legal access to, and ownership of, all the electronic communications of its employees flowing over and through the Port network or private devices for Port business.** This includes but is not limited to, all electronic mail, text messaging, on-line service communications, social media, and Internet communication.

The courts have determined that since the Port owns the equipment the electronic communications flow through, the network they flow over, and pays for access to the Internet, the content of all communications are the sole property of the Port as well. This applies to all Port communication as well as private communications flowing through Port equipment, over the Port network on or off Port time, or through any on-line service or Internet provider paid for by the Port.

All employees should be aware that Port of Allyn reserves, can, and will exercise the right to review, monitor, audit, intercept, access and disclose all matters flowing through the Port's electronic communications systems at any time, with or without employee notice, and that such access may occur during and/or after regular working hours.

### 7.4. SUGGESTION SYSTEM

7.4.1 **Port of Allyn** values the input of its employees and provides awards to conscientious employees who submit suggestions that are implemented. Incentives are as follows:

#### 7.4.2 Adopted Suggestion Annual Savings and Awards

- Suggestions, which save or make the Port between \$100 and \$1,000, will receive lunch with the Executive Director.
- Suggestions, which save or make the Port between \$1,001 and \$5,000, will receive lunch with a Port Commissioner.
- Suggestions, which save or make the Port over \$5,001, will receive \$100 and dinner for the employee and a guest with a Port Commissioner
- All suggestions should be in writing, signed and dated by the employee making that suggestion.

### 7.5. PETTY CASH

A petty cash fund is to be maintained with a maximum balance of \$20. The Port Commissioners, Executive Director and Operations Manager will have sole access and sole responsibility for handling Port funds and are held personally responsible for all such funds. They are subject to audit at any time at the discretion of the Port Commissioners. Shortages in accounts must be made up personally by the individual handling the account.

### 7.6. LOANS AND CO-SIGNATORY

7.6.1 **Port of Allyn will not** incur the responsibility for the debts or financial obligations of any of its employees. It will not make loans or advances to employees except in circumstances of dire emergency.

7.6.2 It **will not** occupy the position of co-signatory on any loan incurred by an employee. All personnel are strongly discouraged from making personal loans to fellow employees or clients.

### 7.7. STANDARDS OF DRESS AND APPEARANCE

To our customers, we are what we appear to be. It is in the best interest of all concerned to be clean and neat in appearance at all times.

While representing **Port of Allyn**, at a public function or in a public place, all personnel are to dress in a manner appropriate to time, place and function, consistent with generally accepted business standards. This means a coat, dress shirt and tie for men and equally appropriate attire for women.

Office personnel and production employees are allowed to dress casually, but required to maintain a neat and clean appearance in the office.

#### 7.8. INTERPERSONAL RELATIONSHIPS

Every effort will be made to maintain an atmosphere of courtesy, respect and cooperation and to achieve the best possible relationships with clients, fellow employees, community agencies, federal, local, state and tribal governments.

#### 7.9. ACCIDENTS

Employees must report all accidents to the Port Commissioners, Executive Director or Operations Manager immediately. If first aid is necessary, arrangements will be made immediately. If a doctor is required, the person to whom the accident was reported will immediately arrange for medical care and/or an ambulance service if necessary.

Each person is responsible for making his/her work area a safe place in which to work and should report to management any safety hazard or unsafe practice which cannot be easily eliminated.

Written accident reports must be submitted to the Port Commissioners within two working days of their occurrence.

All employees are required to have on file an Emergency Information Form which includes emergency contact names and telephone numbers, doctor and hospital preference as well as the medical history which may be needed by emergency medical personnel (i.e.: allergies, medications, etc.). This information is confidential and will only be accessed by the Executive Director (or the Operations Manager if there are no Port Commissioners available) in the event that emergency medical assistance is needed. This information is to be reviewed for accuracy at the employee's **annual evaluation** and **updated** on an as needed basis.

All employees, especially supervisory personnel, are strongly encouraged to attend first aid/CPR certificate training. This training will be at Port expense.

#### 7.11. EMPLOYEE FISCAL RESPONSIBILITY

No employee shall incur obligations to **Port of Allyn** by unauthorized or personal use of the telephone, postage, supplies, equipment, vehicles, electronic communications, etc.

#### 7.12. CONFLICT OF INTEREST

Employment by the Port of Allyn carries with it the responsibility to act ethically in all situations. Employees are obligated to avoid any situation that may involve a conflict between personal interests and the Port of Allyn's interests. A potential or actual conflict of interest exists whenever an employee is in a position to influence a decision that may result in personal gain, such as using their role at the Port of Allyn to obtain a personal or financial interest, direct or indirect, in any contract, subcontract or agreement that competes with the Port of Allyn, or to do so for the employee's spouse or other dependent, friend or household member. Business dealings that appear to create a conflict between the interests of the Port of Allyn and an employee are not acceptable. In dealings with others, including current or potential customers, independent contractors, and competitors, employees should act in the best interests of the Port of Allyn to the exclusion of personal advantage.

If a potential or actual conflict arises or if there is any question as to whether a situation presents a potential conflict, employees shall promptly contact or disclose the conflict to the Executive Director. A violation of this policy may result in discipline up to and including termination.

#### 7.13. ACCOUNT LISTS

Account lists, clientele lists, distribution lists, mailing lists, etc. by any name or of any type, printed and/or electronic form are **the sole property of Port of Allyn. This is considered proprietary information** and should not be disclosed to individuals outside of the Port of Allyn or



without a need to know the information in order to conduct their duties or obligations to the Port of Allyn. **Violation of this provision is grounds for immediate dismissal and possible legal action against the violator.**

However, nothing in this policy is intended to prevent an employee from disclosing confidential, proprietary or trade secret information if made in confidence to a federal, state or local government official, or to an attorney, solely for the purpose of reporting or investigating a suspected violation of law. Such disclosure is also permitted if in connection with a lawsuit or other proceeding, if the disclosure is in a document filed under seal.

#### **7.14. COMPUTER HARDWARE AND SOFTWARE**

All computer hardware and software used by Port of Allyn is the sole property of the Port.

Computer hardware is not to be used for anything other than Port's business for any reason. Personal use of computer hardware and software is strictly forbidden and is grounds for disciplinary action and/or dismissal.

Computer software is not to be borrowed, copied or used for personal and/or commercial use unrelated to Port business. All personal and/or pirated or illegally obtained computer software, and specifically video games, is strictly forbidden to be loaded onto Port computers. Its use is strictly forbidden and is grounds for immediate disciplinary action and/or dismissal.

#### **7.15. COMPLAINTS AND REQUESTS FOR ADJUSTMENTS**

Although employees are encouraged to cooperate with co-workers in problem solving, the Port wishes employees to express any reasonable complaint(s) to management who shall attempt to find a satisfactory resolution to any problems that may occur.

Each employee is encouraged to discuss complaints with the Port Commissioners. This is a basic right of every employee and will not result in any discrimination against the employee.

#### **7.16 EMPLOYEE ABSENTEEISM**

When an employee is unable to attend work on any designated workday, a telephone call, email or text message is required. This telephone call or message is to be conveyed not less than one (1) hour prior to the commencement of the business day.

A reason and the expected date of return must be provided. On each and all days of absence, this same procedure must be followed. If the length of absence is three (3) working days or more, a physicians statement may be required. In the event of a family tragedy (Bereavement Leave) requiring absence of three (3) working days or more, a physicians statement or death notice may be required.

#### **7.17 EMPLOYEE TARDINESS**

Employees are expected to report to work and return from lunch on time. After five (5) employee tardies, a written warning will be issued and a copy placed in the employee's personnel file. In the event an employee is tardy twelve (12) times within a given year, termination may result.

#### **7.18 EMPLOYEE EARLY DEPARTURE**

Under no circumstances will any employee be allowed to leave the Port prior to the completion of the business day without having received permission for early departure for their respective department head. Departure without permission will be considered an unauthorized absence.

#### **7.19. PERSONNEL FILES**

The file of each employee of **Port of Allyn** will contain the following information:

1. Application, resume, interview package and documents of verification such as transcripts, licenses, certificates and any and all federal and/or state required forms (W-4, I-9 etc.).
2. Copy of current job description, signed and dated by the employee, which includes:
  - a. job title

- b. summary of duties and responsibilities
  - c. minimum qualifications for position
  - d. title of immediate supervisor
3. Record of orientation acquainting the employee with the contents of the Policies and Procedures Manual.
  4. Written performance evaluations for each year of employment with completed evaluations signed and dated by evaluator and employee.
  5. Evidence in the records of training and schools to determine that they have received the education necessary to perform their job satisfactorily. Non-Disclosure/Competition Agreement signed and dated by employee. Calendar indicating sick leave and annual leave. Goals, training and education plan for employee. Letters of reprimand and commendation. Letters of reprimand will remain on file for two years.

**Access to personnel files is limited to the following:**

Port Commissioners of the **Port of Allyn**

Executive Director

Operations Manager

Port Accountant

Port Attorney

**8. DISCRIMINATION, HARASSMENT AND VIOLENCE**

The purpose of this policy is to ensure a safe work environment free from unreasonable interference, intimidation, hostility, and violent or offensive behavior on the part of employees, visitors, customers and vendors. Any form of harassment, be it sexual in nature or any other type, is unacceptable behavior and will not be tolerated.

**Port of Allyn** will maintain a workplace free of harassment of any kind and from any source, either employees, visitors, customers or vendors, while treating all complaints fairly and evenhandedly in order to prevent frivolous or malicious accusations.

If at any time an employee believes they are being subjected to harassment or discrimination, or if an employee becomes aware of such conduct being directed at someone else, the employee is required to notify the Executive Director. If it makes the employee feel more comfortable, the employee may also report the harassment or discrimination to a Port Commissioner.

The following are examples of harassment:

**Unreasonable Conduct** - Treating someone as if that person were inferior. This includes condescension, verbal abuse, exclusion and tokenism, which consist of selecting one or a few members of a group for very visible positions.

**Discrimination** - Employment decisions implicitly or explicitly based on factors other than job-related considerations or treating a person differently merely on the basis of a protected characteristic (i.e.: race, sex, etc.).

**Harassment** - Repeated, unwanted or unwelcome verbalisms or behaviors of a sexist, racist or ageist nature or with overtones related to a protected characteristic (i.e.: sex, race, age, ethnicity, religion, disability or military status, etc.). Every employee bears the responsibility for reporting and attempting to stop such behavior.

**Quid-pro-quo Sexual Harassment** - Making submission to sexual demands an implicit or explicit term or condition of employment or making decisions affecting someone's employment or compensation on the basis of whether the person submits to or rejects sexual demands.

Sexual harassment is defined as unwelcome sexual advances, either verbal or physical, where:

**(A) Such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.**

**(B) Submission to the advances is a term or condition of employment.**

**(C) Submission to or rejection of the advances is used as the basis for making employment decisions.**

Some examples of sexual harassment are:

Sexually suggestive touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair, or brushing against another's body.

Grabbing, groping, kissing, fondling.

Unwelcome vulgar or sexual comments, jokes, stories, and innuendo.

Gossip or questions about someone's sexual conduct or orientation, sex life, body, sexual activities, deficiencies, or prowess

Explicit or implicit promise of career advancement, training, awards, lax time keeping or lower standards of performance in return for sexual favors.

Explicit or implicit threats that if the sexual demands are rejected; the victim either will receive a poor performance appraisal or will be reassigned to a less desirable position or location.

Unwelcome and repeated flirtations, requests for dates, etc.

Any other sexual harassing conduct or behavior deemed inappropriate by the Port of Allyn

The seriousness of sexual harassment depends upon several factors, some of which are: the degree of unsolicited physical contact, repeated actions after complaints or warnings or physically threatening statements or actions.

Isolated verbal comments of a sexual nature, swearing and use of slang sexual descriptions, while repulsive to most people, are not necessarily sexual harassment. However, continued unwelcome sexual comments or innuendo made by one employee to another can be considered to be actions requiring some form of disciplinary action.

Any employee who believes he/she is the victim of or witnesses such actions must report the incident(s) to the Port Commissioners or Vice Port Commissioners immediately.

**Violence** — No form of violence will be tolerated from employees, visitors, customers, vendors or family members of employees. Any violent acts committed by an employee against other employee, visitor, customer or vendor will be grounds for immediate dismissal and possible legal action.

In the event an employee has secured a No Contact Order (Restraining Order) against another individual, be it another employee, visitor, customer, vendor or family member, the **Port of Allyn** is to be notified immediately to insure that any and all safety measures to protect that person are observed.

In the event a violent act is committed against an employee of the **Port of Allyn** by another employee, visitor, customer, vendor or family member of an employee, the police are to be notified immediately. The **Port of Allyn** will pursue prosecution to the fullest extent of the law to protect its employees.

## **9. PRIVACY**

The **Port of Allyn** will not release personal information about employment, job performance, education, medical history, medical claim history, insurance information, disciplinary action, financial and/or wage information or Social Security Numbers of current or past employees and officers to any outside agency, Port, vendor, client or individual, except as required by law. For example, the Port may be required to provide personnel records in response to requests under the Public Records Act, court orders, subpoenas, discovery requests in lawsuits, and government inquiries. Exceptions will be made for past employees seeking other employment, but will only confirm dates of employment, unless specifically requested by the employee or officer that additional information be released for the purposes of obtaining financing or for other reasons unrelated to employment with the **Port of Allyn**

## **10. PERFORMANCE EVALUATION**

The purpose of Performance Evaluations is to provide a two-way method of communication between the **Port of Allyn** and its employees. Employees are encouraged to actively participate in this process. A Performance Evaluation Form will be completed and will include the following:

- Rating categories
- Recommendations & Goals
- Supervisor's comments
- Areas of strengths & weaknesses
- Administrative action
- Employee's comments
- Performance ratings
- Supervisor's signature
- Employee's signature

In addition, the Port Commissioners will discuss with the employee all performance ratings, clarifying remarks, goals for improvement and recommendations as well as giving the employee time to discuss any questions or concerns that he/she may have.

## 10.1. ADMINISTRATIVE ACTION

**Administrative action includes any of the following:**

1) Merit Increase Statement

This is for excellent performance ratings.

2) Probationary Status Statement.

An employee whose performance is marginal may be placed in probationary status for up to three months while being given the opportunity to take corrective action. At the end of the probationary period, a special evaluation will be completed in which the Port Commissioners will either recommend that the employee be retained, demoted or terminated.

3) Demotion Statement

An employee whose performance level is below that required by their job description may be placed in a lesser position in lieu of termination if deemed appropriate by the Port Commissioners.

4) Suspension statement.

An employee whose performance level or personal actions are unsatisfactory may be suspended for up to 15 working days in a Leave Without Pay status.

5) Termination statement.

An employee whose performance is unsatisfactory and who is not selected for demotion, suspension or to be continued in a probationary status, will be terminated.

Once the Port Commissioners has approved the administrative action being taken, if any, and has signed the Performance Evaluation it then becomes an official and permanent part of the employee's personnel record.

## 10.2. APPEAL BY EMPLOYEE

If an employee does not concur with the Performance Evaluation, it may be appealed by submitting a written response within 15 days to the Port Commissioners. Within 30 days after receipt of the completed reports, the Port Commissioners will schedule a meeting of all involved persons for resolution. The letter of appeal will be made a part of the employee's personnel file.

## 11. DISCIPLINARY ACTION

### 11.1. GENERAL

In an effort to correct an employee deficiency whenever practical, action other than discharge will be utilized. However, the **Port of Allyn** reserves the right to terminate employment when it is deemed necessary.

### 11.2. REASONS FOR DISCIPLINARY ACTION

Although not limited to the offenses listed, some of the reasons which might be cause for disciplinary action and/or termination are:

- Violation of written policies and procedures.
- Unauthorized or excessive absenteeism.
- Excessive tardiness without a reasonable explanation.
- Sick leave abuse.
- Insubordination.
- Neglect of work.
- Refusal to comply with the instructions of a supervisor.
- Deliberate or careless conduct endangering employee safety.
- The theft of any Port, client or employee's property.
- Incompetence or inefficiency.
- Ongoing use of profane or discourteous language.
- Intentional falsification of official documents or application material.
- Fighting.
- Violence of any sort against any employee, visitor, customer or vendor.

- The conviction of a felony.
- Proven dishonesty.
- Client abuse.
- Divulging or discussing Port business not having previously been made public.
- Disclosing confidential client information to any person or agency.
- Abuse of Port equipment or property.
- Unauthorized use of Port equipment or property.
- Loading of unauthorized or personal software onto Port computers.
- Unauthorized use of Port computers to play video games.
- Violation of the Non-Disclosure Agreement
- Harassment or discrimination.
- Gambling during working hours.
- Lying.
- Poor driving record.
- Lack of professionalism when dealing with clients and/or co-workers.
- Use of mind altering substances during work or work-related hours.
- Sleeping on the job.

### 10.3. SUBSTANCE ABUSE

In the ongoing effort to provide a safe environment for employees, visitors, customers and vendors, the **Port of Allyn is a Drug-Free Employer**. Employees are prohibited from engaging in the unlawful practices of manufacturing, distributing, possessing and using illegal and mind-altering substances and intoxicants, including alcohol, on Port premises and during work related hours. To insure their own safety and health, employees are strongly encouraged to observe this policy during non-working hours also.

Due to the fact that the **Port of Allyn** provides services for, and receives grant money from the United States Government, the state government, Mason County and tribal governments and government agencies and entities, and that some employees may need access to high security areas, the Port reserves the right to perform random drug testing at its own expense.

In addition, any employee involved in an accident during regular working hours, including vehicular and industrial, may be subject to immediate testing for alcohol and/or illegal and/or mind-altering substances. Refusal to participate in the test may result in disciplinary action or immediate termination.

Any employee in violation of this substance abuse policy will be subject to immediate termination. The **Port of Allyn** will also notify the proper law enforcement agency of any incident involving a **Port of Allyn** employee in the manufacturing, possession, distribution and/or use of an illegal substance during work related hours and/or on Port premises.

The use of controlled substances as they are prescribed to you by a licensed physician or of over-the-counter medication in accordance with its recommended use is not prohibited by this policy so long as such use is reported to the Port of Allyn.

### 11.4. TYPES OF DISCIPLINARY ACTION

The following actions are examples of the disciplinary actions the Port of Allyn may take. This list is not exhaustive, and the specific action taken will depend on the severity of the infraction and may not occur in below order.

#### 1) **Oral Reprimand**

Should an Oral Reprimand be necessary, it will be handled by the Executive Director, the Port Commission Chair or Vice Chair. The subject of an Oral Reprimand may be entered into the employee's official personnel file and the employee will be advised of the action. The reprimand will remain on file for two years.

#### 2) **Written Reprimand**

When a more serious reprimand is needed, a formal written reprimand will be prepared and presented to the employee by the Executive Director and/or Port Commissioners and entered into the employee's official personnel file.

#### 3) **Probation**

The Port Commissioners or the Executive Director may place an employee on probation for a period of not more than three months. Any employee on a probationary status will be furnished with a written notice stating the offense to be entered into the employee's personnel file. At the end of the period, the employee's job performance will be re-evaluated and further disciplinary action may be taken if necessary.

**4) Suspension**

The Port Commissioners may suspend any employee without pay for a period not to exceed fifteen working days. The reasons for the suspension will be entered into the employee's official file. An employee may be suspended for a longer period pending an investigation or trial on any official charges. The Port of Allyn will generally provide an employee who is suspended with written charges within five working days from such suspension. The written charge will specifically state the offense(s) and will be signed by the Port Commissioners.

**5) Dismissal**

The Port of Allyn will generally provide an employee who is dismissed with written charges within five working days of such dismissal action. The written charges will specifically state the offense(s) with which he/she is charged and explaining the right of appeal.

Written notices regarding disciplinary action will be signed and dated by the employee prior to being placed in the employee's personnel file.

**12.1. VOLUNTARY RESIGNATION**

A clear determination of a reason for the employee's leaving should be made and recorded on the termination notice so that it will become a part of the employee's record. In all cases of voluntary separation, the Port Commissioners should be informed of the pending termination so that an exit interview can be arranged.

Upon termination, a Termination Report will be completed immediately and will become part of the employee's permanent file.

**12.2. TERMINATION PROCEDURES**

Immediately upon termination, every departing employee's computer passwords, building security codes, online service, Internet and electronic mail passwords will be changed. The building locks and burglar alarm code(s) will also be changed if it is deemed a necessity by the Executive Director.

The following items must be returned to the Executive Director or Operations Manager on or before the termination date:

Keys	Policies and Procedures Manual	Customer Lists
Invoices	Business Cards	Forms
Credit Cards	Port Tools	Computer disks
All computer templates	Manuals	*Vehicle(s)

\* Port vehicles must be returned in the same condition in which they were received.

**THE PORT OF ALLYN IS AN EQUAL OPPORTUNITY EMPLOYER**  
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