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To All Employees

The WSBA has made a significant commitment to respect each employee, to establish common values for our work life here at the WSBA, and to develop our communication norms. Your part as an employee is to be familiar with these values and norms, and to assist the WSBA in living up to these aspirations.

In the spirit of our values and norms we present you this Handbook of our employment policies and procedures. The more you know about our organization and our employment policies and procedures, the more comfortable you will be in your job, and the more effective you will be in helping us fulfill our mission of providing outstanding services and products to our members and the public. Knowing what’s going on also makes a very important contribution to your job satisfaction and job performance.

The purpose of this Employee Handbook is to bring together in one convenient place a complete summary of the policies and procedures that affect all of us as employees. Some of the language in this Handbook may seem quite formal. However, since this is a summary of our policies and describes legal issues related to employment, we want to be very clear and have had to use some technical language where necessary.

If you have not yet read through this Employee Handbook, please do so right away. Then, during the course of your employment, refer back to it whenever you have a question. Be sure to incorporate changes and updates as they are posted and distributed from time to time.

It is our goal to provide a safe, flexible, and pleasant work environment. We hope that you will always share in our commitment to service and quality, and that this Employee Handbook will make you more comfortable in what you do as an employee. We also hope that this Employee Handbook will answer your questions about your employment with the WSBA.

Terra Nevitt
Interim Executive Director
A Word from Human Resources

Welcome to the WSBA!

Thank you for choosing to work at the Washington State Bar Association. We are committed to your well-being and success and we intend to work together to ensure that you have all you need to thrive and enjoy your experience. We are proud to provide first-rate service to our approximately 40,000 members and to be responsive to the general public when they contact the WSBA for information or help. The WSBA models this standard by providing first-rate service to you, our employees. You are the WSBA!

I invite you to visit the WSBA Intranet (Blink") for information about our department. The Human Resources page includes information on WSBA values, benefits, the compensation plan, staff committees and much more. Information is updated continually, so check the Intranet often.

Human Resources can provide ideas about opportunities for other positions here at the WSBA, doing your job more efficiently, training, and if necessary, offer assistance with any job difficulties you may encounter.

Please stop by my office any time.

Felix Neals
Human Resources Director
Introduction

It is important to begin by describing what this Employee Handbook is, as well as what it is not. **This Handbook:**

- **IS** a summary of our organization's employment policies and procedures. This Handbook describes some legal issues related to employment, so it is important to be very clear and to use some legalistic language, but only as necessary. It revokes and supersedes any prior summaries or statements of employment policies and procedures.

- **IS** an evolving document that we expect to revise and update from time to time. Revisions to policies and procedures covered in this Employee Handbook must be in writing and be authorized by the Executive Director. You will be advised of changes through electronic notices, employee meetings, and/or circulation of revised pages or a later edition.

- **IS NOT** your only source of information on employment-related issues. You may, from time to time, have questions that it does not answer. In those situations, you should talk with your supervisor, department director, or the Human Resources Director.

- **IS NOT A PROMISE OF SPECIFIC TREATMENT IN SPECIFIC SITUATIONS.** The policies contained in this Handbook are guidelines. The WSBA reserves the right to deviate from the policies (except the “at will” policy) when, in its discretion, it is appropriate to do so. In all matters of policy interpretation and application, the WSBA’s determination will be final and binding. We hope that our employment relationship with you will be ongoing and rewarding for you and us. However, your employment is “at will” and may be terminated at any time by either you or the WSBA for any reason. No one in our organization, except the Executive Director, has the authority to enter into any agreement for employment for a specified period of time, or to make any representations or agreements that are inconsistent with an “at will” relationship. All such agreements must be in writing and be signed by the Executive Director.

The word “supervisor” is used throughout this Handbook. This refers to the person you directly report to, regardless of the person’s job title. All employees at the WSBA also report administratively to their respective department director. However, you may also have an immediate supervisor who oversees and reviews your work assignments. Your immediate supervisor is the person you should go to first with your day-to-day concerns and questions.
A. WSBA History and Goals

History of the WSBA

The WSBA traces its origins to a meeting “on a dark and stormy night” in 1888 in Olympia when 35 lawyers met to form a voluntary bar association. Now, more than 100 years later, the WSBA has approximately 40,000 active members, along with several thousand inactive, judicial, and honorary lawyer members (retired lawyers); as well as inactive Licensed Practice Officers and Limited License Legal Technicians.

At the 1918 annual convention, a proposal was made to “amalgamate” the local bar associations with the Washington State Bar Association. Specifically, all members of the county and city bar associations in Washington would automatically become members of the Washington State Bar Association. The local bar associations would collect dues and pass on a portion to the state bar association. That proposal was supported by local bar associations, including the Seattle Bar Association, and it was approved by the convention.

By 1930, as more lawyers were admitted to practice, the Bar Association had a paid executive secretary and a paid representative in Olympia (when the Legislature was in session), and an official publication. In 1933 a “unified” bar association was created by the Legislature, i.e., membership in the WSBA was made mandatory in order to practice law in Washington. At that time there were approximately 600 lawyers in the state, and dues were $5 per year.

Al Schweppe, Dean-emeritus of the University of Washington School of Law, served briefly and unofficially as the first Executive Secretary of the Association. He was soon succeeded by Clydene Morris. Ms. Morris held the position until 1955 when Alice O’Leary Rawls, a bar member, became Executive Secretary. The position’s title was changed to Executive Director in 1962. In 1972 G. Edward Friar became the Executive Director, followed by John J. Michalik in 1982 and Dennis P. Harwick in 1990. M. Janice Michels became the WSBA’s Executive Director in April 1998 and retired in April 2007. Paula Littlewood, formerly the WSBA Deputy Director, was named Executive Director and assumed her duties on May 1, 2007. Effective April 1, 2019, Terra Nevitt was named Interim Executive Director.

Though created by the Legislature, the WSBA is not a state agency. It does not receive any tax dollars from the state. Rather, it generates its own revenues through license fees and user fees, and it operates under the supervision of the Washington State Supreme Court.
Role of the WSBA

The WSBA is an “instrumentality of the Supreme Court of the State of Washington” and is the principal organization governing the practice of law in the State of Washington. All lawyers and licensed legal professionals must belong to the WSBA to be licensed to practice law as delegated by the Supreme Court of Washington. Consequently, the WSBA administers the bar exam, Licensed Legal Professional and Limited Practice Officers exams, the annual Washington licensing process, and the attorney and legal professional discipline processes.

In addition to its regulatory function, the WSBA is the professional association for lawyers and other licensed legal professionals in the state. It is the primary provider of continuing legal education and provides a multitude of services to its members, including the Member Wellness Program, Practice Management Assistance, and numerous publications.

The WSBA also has a responsibility to the public to protect citizens from incompetent and dishonest lawyers and licensed legal professionals. In addition, the WSBA provides many informational services to the public.

Each employee is expected to be a strong team player with a commitment to delivering the highest level of services and products to our volunteer leaders, our members, and the public.

WSBA Staff Values

Through a collaborative process, our employees have identified these core values.

To promote justice and serve our members and the public, the WSBA staff will value the following:

♦ Trust and respect among staff, management, and members
♦ Open and effective communication
♦ Individual responsibility, initiative, and creativity
♦ Teamwork and cooperation
♦ Ethical and moral principles
♦ Quality customer service focus
♦ Confidentiality where required
♦ Organizational knowledge
Communication Norms

To foster a productive, effective working environment, promote harmony and trust in our dealings with others, and enhance the level of service we provide to fellow staff, WSBA has adopted the following communication norms. These norms are the ideals to which we aspire, and from which we create our organizational culture.

♦ Treat one another with courtesy and respect; value the individual.
♦ Strive to be nonjudgmental, open-minded, and receptive to the ideas of others.
♦ Assume the best of others.
♦ Speak in ways that encourage others to speak.
♦ Respect others’ time, workload, and priorities.
♦ Aspire to honesty and openness in all communications.
♦ Aim for clarity; be complete, yet concise.
♦ Practice “active” listening. Ask questions if you don’t understand.
♦ Use the appropriate communication method (face-to-face, email, phone, voicemail) for the message and situation.
♦ When dealing with material of a sensitive or confidential nature, mutually agree to the ground rules of confidentiality at the outset of the communication.
♦ Go directly to the person with whom you need to communicate; avoid triangulation. (If there is a problem, go to the source for resolution rather than discussing it with, or complaining to, others.)
♦ Focus on reaching understanding and finding solutions to problems.
♦ Maintain a sense of perspective.
♦ Be mindful of information that affects, or might be of interest or value to, others, and pass it along; err on the side of over-communication.

As your employer, the WSBA wants to keep you well informed, especially concerning matters that affect your job performance, your working environment, and our overall success in meeting shared goals.

General distribution memos, email, the WSBA Intranet site, and newsletters are used for rapid dissemination of information. Bulletin boards are located in the lunchroom and by Human Resources and communicate announcements and information required by law and other official postings. There is also an electronic public bulletin board in Outlook available for staff to post miscellaneous notices. Please check bulletin boards frequently, as you are required to be aware of their posted contents. Items posted on a bulletin board must be approved by the Human Resources Director.
WSBA Organizational Structure

The WSBA is governed by a 17-member Board of Governors (11 are elected by the members of the WSBA and six at-large members are elected by the BOG). There are three officers on the Board, a President who is elected by the members of the Board of Governors, a President-elect and an Immediate-past President.

The Board of Governors employs an Executive Director who is the chief of staff. The Executive Director has full administrative authority, including the authority to set personnel policies and salaries, to employ, and to terminate employment of, staff. The Executive Director has the final decision on all definitions and interpretations involving this Employee Handbook.

The work of the WSBA is divided among the following departments:

- **The Office of the Executive Director (OED)** oversees administration of the executive functions of the WSBA.

- **The Human Resources Department (HR)** oversees recruitment and retention, compensation and benefits administration, employee relations, legal compliance, equal employment opportunity, new employee orientation, ongoing employee training and development, performance management, and human resources policies and procedures. Also within the HR Department is the Member Wellness Program which promotes the health and well-being of WSBA members through a variety of confidential support services including WSBA Connects (a statewide wellness benefit for all WSBA members providing assessment, treatment, and referral support to WSBA members needing help for issues related to mental illness, addiction, career management, family, care-giving, daily living, health and general work life integration for emotional well-being), consultative and support services for member wellness and career development, diversion program evaluations and monitoring, a Peer Advisor network with referrals to peer advisors, and on-line resources.

- **The Communications and Outreach Department** manages internal and external communication to support WSBA’s mission, to engage and create two-way understanding with members, to make the WSBA’s operations as transparent as possible, and to ensure consistency of information, design, and tone in official messages. The Communications and Outreach Department includes broadcast services, service-center and reception functions, publications and other communication channels, website and social-media platforms, design services, legislative affairs, and outreach to members, the public, and press. We support WSBA colleagues’ communication needs by working with you to develop comprehensive campaigns—including effective messages and timely dissemination via all appropriate communication channels—whether to internal or external audiences.
The Advancement Department advances the profession through education, community, and service toward a more accessible and equitable justice system. The Department’s activities include access to justice, externally facing diversity, public service, Sections administration, mentorship, new member programs, practice management assistance, continuing legal education, and administration of the Washington State Bar Foundation.

The Office of General Counsel (OGC) is the legal advisor to the WSBA. The General Counsel and the Assistant General Counsels support the Disciplinary Board, the Practice of Law Board, the Client Protection Fund, the Court Rules Committee and various other committees and task forces.

The Office of Disciplinary Counsel (ODC) is responsible for reviewing, investigating, and prosecuting grievances about the ethical conduct of Washington lawyers and other licensed legal professionals, as well as matters involving the incapacity to practice law.

The Finance and Administration Department (F&A) houses support services such as accounting, auditing, printing, mailing, and facilities management.

The Information Technology (IT) Department includes all hardware and software computer and network services.

The Regulatory Services Department (RSD) administers all rules, regulations, and policies of admissions, licensing, membership records, and status changes; administers mandatory continuing legal education accreditation and compliance; and administers the law clerk program and limited licensing programs.

While employees are assigned to work within a specific department, we all work for the WSBA. You may be called upon to assist in any department or project, even though this may cause inconvenience or disruption to your regular job responsibilities. Although job descriptions may be provided for informational purposes, such job descriptions, whether written or verbal, are not contractual and can be modified by the WSBA at any time.

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**WSBA Mission Statement**

The Board of Governors adopted this mission statement after review of the work and recommendations of several Long-Range Planning Task Force reports. The Board of Governors continues to monitor priorities for the use of WSBA resources.

The WSBA mission is to serve the public and the members of the Bar, ensure the integrity of the legal profession, and to champion justice.
(a) PURPOSES. In general, the Washington State Bar Association strives to:

1. Promote independence of the judiciary and the Bar.
2. Promote an effective legal system, accessible to all.
3. Provide services to its members.
4. Foster and maintain high standards of competence, professionalism, and ethics among its members.
5. Foster collegiality among its members and goodwill between the Bar and the public.
6. Promote diversity and equality in the courts, the legal profession, and the Bar.
7. Administer admissions to the Bar and discipline of its members in a manner that protects the public and respects the rights of the applicant or member.
8. Administer programs of legal education.
9. Promote understanding of, and respect for, our legal system and the law.
10. Operate a well-managed and financially sound association, with a positive work environment for its employees.
11. Serve as a statewide voice to the public and the branches of government on matters relating to these purposes and the activities of the association.

(b) SPECIFIC ACTIVITIES AUTHORIZED. In pursuit of these purposes, the Washington State Bar Association will:

1. Sponsor and maintain committees, sections, and divisions whose activities further these purposes.
2. Support the judiciary in maintaining the integrity and fiscal stability of an independent and effective judicial system.
3. Provide periodic reviews and recommendations concerning court rules and procedures.
4. Administer examinations and review applicants’ character and fitness to practice law.
5. Inform and advise lawyers regarding their ethical obligations.
6. Administer an effective system of discipline of its members, including receiving and investigating complaints of lawyer misconduct, taking and recommending appropriate punitive and remedial measures, and diverting less serious misconduct to alternatives outside the formal discipline system.
7. Maintain a program requiring members to submit fee disputes to arbitration.
8. Maintain a program, pursuant to court rule, for mediation of disputes between members and their clients and others.
9. Maintain a program for lawyer practice assistance.
(10) Sponsor, conduct, and assist in producing programs and products of continuing legal education.

(11) Maintain a system for accrediting programs of continuing legal education.

(12) Conduct audits of lawyers’ trust accounts.

(13) Maintain a lawyers’ fund for client protection in accordance with the Admission to Practice Rules.

(14) Maintain a program for the aid and rehabilitation of impaired members.

(15) Disseminate information about Bar activities, interests, and positions.

(16) Monitor, report on, and advise public officials about matters of interest to the Bar.

(17) Maintain a legislative presence to inform members of new and proposed laws and to inform public officials about Bar positions and concerns.

(18) Encourage public service by members and support programs providing legal services to those in need.

(19) Maintain and foster programs of public information and education about the law and the legal system.

(20) Provide, sponsor, and participate in services to its members.

(21) Hire and retain employees to facilitate and support its mission, purposes, and activities, including in the Bar’s discretion, authorizing collective bargaining.

(22) Collect, allocate, invest, and disburse funds so that its mission, purposes, and activities may be effectively and efficiently discharged.

(c) ACTIVITIES NOT AUTHORIZED. The Washington State Bar Association will not:

(1) Take positions on issues concerning the politics or social positions of foreign nations.

(2) Take positions on political or social issues which do not relate to, or affect, the practice of law or the administration of justice.

(3) Support or oppose, in an election, candidates for public office.
B. Employment Basics

Classifications of Employees

Salary, benefits, and job duties are affected, in part, by employee classification and job title. The following are the WSBA employee classifications. An employee may fall into more than one of these groups.

♦ **Orientation Employee:** An employee who is still within a 6-month period of job performance evaluation, either as a new employee or as an existing employee who has been assigned a new set of job responsibilities.

♦ **Regular Employee:** An employee who has successfully completed his/her orientation period.

♦ **Full-Time Employee:** An employee who is hired to work at least 40 hours per week.

♦ **Part-Time Employee:** An employee who is hired to regularly work at least 20 hours, but less than 40 hours, per week. Part-time employees receive full insurance benefits and all other benefits prorated based on the number of scheduled work hours. For example, employees who work 30 hours/week receive ¾ benefits (30 hours/40 hours).

♦ **Part-Time Hourly Employee:** An employee who is hired to work less than 20 hours per week. Part-time hourly employees who regularly work less than 20 hours per week receive no paid time off or insurance benefits.

♦ **Temporary Employee:** An employee who is hired with the expectation that he or she will be needed for a specified period of time, usually six months or less. Temporary employees receive no paid time off, insurance or retirement benefits.

♦ **Nonexempt Employee:** An employee who is included in the minimum wage and overtime provisions of the wage and hour laws. Nonexempt employees are eligible for compensatory time at 1.5 times their standard hourly rate for all worked hours reported in excess of 40 hours **actually worked** per week. Paid leave is not a factor when calculating time and one-half; only hours worked (see pages C-1 & C-2).

♦ **Exempt Employee:** An employee who is paid a fixed salary on a weekly, monthly, or annual basis and who meets the criteria for exclusion from the wage and hour laws (executive, administrative or professional under the Fair Labor Standards Act definitions). An exempt employee does not receive overtime or compensatory time.

Orientation Period
Generally, a new employee’s first 6 months of employment or of new job responsibilities are considered an orientation period. During this time, the supervisor will be observing the employee’s performance and ability to meet job requirements. During the orientation period, performance will be evaluated and a decision made concerning regular employment. The employee should also use this time to decide if the job meets his/her personal goals and objectives.

The orientation period may be extended by the supervisor and/or department director if the WSBA decides that an additional period is needed to further evaluate the employee’s performance or suitability for the job. Following the orientation period, employees are placed on the regular performance evaluation schedule. During the orientation period, as at all other times during employment with the WSBA, employment is “at will” and may be terminated by either the employee or the WSBA at any time, with or without notice, for any reason or for no reason.

Workweek and Scheduling

For payroll and accounting purposes, the normal workweek is 40 hours per week. It begins Monday at 12:01 a.m. and ends at 12 midnight the following Sunday. The office is open for business from 8 a.m. to 5 p.m., Monday through Friday. The normal workday for a full-time employee is eight hours plus an unpaid meal period of one hour or 30 minutes. The WSBA may establish other workdays or work weeks for individual employees or certain positions. Where work duties allow Telecommuting options may be available (see page B-3).

Work Schedules

The normal workweek consists of a standard 8-hour day, five days per week, with one hour or 30 minutes for unpaid lunch break. Work schedule variation requests must be approved by department at 15-minute intervals, with the immediate supervisor’s and department director’s consent, to accommodate bus/transportation schedules. A flextime work schedule is available to WSBA employees only if it does not detract from the services available to WSBA members, the public, or other WSBA staff. Flextime is available only with the immediate supervisor’s and the department director’s approval and generally will be considered after the initial orientation period. In the event of conflicts with requested schedules, the director will make the final decision.

Work Schedules (cont.)

There are three full time schedule flextime options:

- A 10-hour day, four days per week;
- A 9-hour day, four days/week, and a 4-hour day once a week,
♦ A 9-hour day, five days one week and four days the next week, with every other Friday off.

All work schedules must be within the Monday-to-Friday workweek and between the hours of 7 a.m. and 7 p.m. Occasionally, due to special situations, employees may adjust their regular work schedule outside these parameters with their immediate supervisor’s or director’s advance approval. In order to maintain productivity, a scheduled workday is limited to a maximum of 10 hours. Occasionally circumstances may require work for more than 10 hours in one day. Nonexempt employees who work in excess of their scheduled hours should make arrangements with their supervisor to work fewer hours some other day during that workweek unless overtime has been approved in advance.

Occasionally an unexpected personal situation or illness may require an employee to miss some hours of work on a given day. In that case, with the supervisor’s approval, the employee may adjust his/her regular work schedule to work additional hours at another time during that same workweek, rather than using vacation, sick leave, or comp time for the absence. Any exceptions, such as temporary work needs, must have the appropriate director’s pre-approval.

**Holidays:** Paid holidays for full-time employees are counted as 8 hours on the time sheet. If a holiday falls on a scheduled 9- or 10-hour workday, nonexempt employees will have to make up the extra 1 or 2 hours during the rest of the same week or take 1 or 2 hours of vacation or comp time. If a holiday falls on a regularly scheduled day off or scheduled 4-hour day, nonexempt employees should reduce the rest of their work hours that week to total 40 hours including the 8 holiday hours. In the rare event that an employee has to work on a holiday either the hours of paid holiday time should be taken off on another day within the same work week or the holiday hours should be logged on the time sheet in addition to the worked hours (e.g., FT employee works 4 hours on Presidents’ Day their time sheet would reflect 8 holiday hours and 4 worked hours for a total of 12 hours for the day which totals 36 worked hours for the week and 8 holiday hours. All time is paid at straight time pay). Holidays are prorated for part-time employees.
Telecommuting

Telecommuting is the approved or required performance of work, usually involving the use of the telephone or computers or other technologies, for the WSBA by a WSBA employee at a place other than the WSBA offices. As approved in any particular case, Telecommuting may be performed full-time or part-time, on a regular designated-day basis or on an episodic as-needed basis, at an employee’s residence or at another approved location.

Telecommuting is not available to all employees or for all job positions; it is generally not available to those who have been employed by the WSBA for less than one year. However, Telecommuting may be appropriate and available for some positions and employees. It is a job assignment, not a right or benefit of employment, nor an employment contract, and may be altered or terminated at any time. The availability of Telecommuting will also be affected by the amount of resources available to the WSBA to support it and make it feasible.

Approval of a Telecommuting option is subject to the completion of a detailed Telecommuting Agreement and the approval of the immediate supervisor, the department director, the Information Technology Director, and the Human Resources Director.

The WSBA’s Human Resources Director acts as the Telecommuting manager. Procedures (“Telecommuting Procedures”) to implement this policy may be amended by the WSBA from time to time. Factors to be considered in assessing Telecommuting assignments include, but are not limited to: Telecommuting schedules and sites; requirements regarding Telecommuters; communications between Telecommuters and the WSBA; use of shared WSBA office space; provision of equipment and allocation of costs; confidentiality of WSBA information; and training, monitoring, and reporting. The Human Resources Director shall maintain the original copy of all Telecommuting Agreements.
Rest and Meal Periods

All employees receive 15 minutes of paid rest time for each four hours of working time. Ideally, a break will occur near the midpoint of each four-hour work period, but scheduling should be coordinated with the supervisor. Break periods may not be used to extend a lunch period, work overtime, arrive late, or leave early. Breaks may be taken at the employee’s desk, in the lunch room, or outside the building.

Nonexempt employees working more than five hours in a day are required to take an unpaid lunch break at the midpoint of their work shift. The normal lunch break is a 30-minute or one-hour unpaid period. Nonexempt employees who work three or more hours of overtime beyond their scheduled shift will have an additional unpaid meal period before or during the overtime period.

Time Reporting System

Accurate records of the hours worked ensure that employees will be paid correctly and receive full credit for the work they do. All employees complete electronic time sheets to record time worked, overtime, compensatory time, vacation, sick leave, etc. Each employee is responsible for the accuracy and completeness of the information on their time sheets. Time sheets must be completed weekly (preferably at the end of the last workday of the workweek).

Nonexempt employees should normally begin work no earlier than five minutes before their regular starting time and end work no later than five minutes after their normal quitting time. Nonexempt employees may not work overtime without prior authorization from their supervisor.

Exempt employees should not account for absences of less than one full day. Exempt employees should account for full day absences by using as many hours of their accumulated leave (vacation, sick leave) as necessary to complete their normal work week. Example: a full-time employee who normally works five days per week, the person works 36 hours Monday through Thursday and takes Friday off, the employee should record four hours of accumulated leave on his/her timesheet for Friday.

For any questions concerning time sheets, employees may see their supervisor or Human Resources.
C. Compensation

Salary Administration

Each employee’s rate of pay is confirmed in a job offer letter prior to the start of employment. That rate is based on an assessment of the position, training and experience, and the market for similar jobs. Adjustments to the wage rate or salary will depend on job performance and marketplace conditions. Adjustments are generally made effective on the first day of the new fiscal year (October 1).

Pay Periods and Paydays: Pay periods are twice a month, from the 1st to the 15th and from the 16th to the last day of the month. Paydays are the 15th and the last day of each month. If a payday falls on a Saturday, Sunday, or holiday, payment will be made on the last preceding workday. Payment is made exclusively by direct electronic payroll deposit to a bank (or banks) of the employee’s choice.

Payroll Deductions: The following payroll deductions are mandatory: FICA (social security), Medicare, Federal Income Tax, Washington Public Employees’ Retirement Plan and WA Paid Family Medical Leave. Other deductions require employee authorization. Examples of such deductions include the employee portion of any insurance premiums and Deferred Compensation.

Overtime and Comp Time

The regular workweek is 40 working hours, but occasionally some overtime may be required. Working assigned overtime is an important part of an employee’s job responsibility. All nonexempt overtime **must be approved in writing in advance** by a supervisor, a department director, or the Executive Director on a “Request for Time Off/Overtime” form. **Under no circumstances should nonexempt employees work overtime without approval in advance.** Exempt employees are not eligible for overtime compensation.

As a general rule, overtime at the WSBA is compensated through use of “comp time” (compensatory time), which accrues at a rate of 1.5 hours for each hour of worked time (**actually worked**) over 40 hours in one workweek. Comp time may be accumulated up to a maximum of 240 hours per fiscal year, after which time it will be compensated for monetarily. At the end of each fiscal year all outstanding accrued comp time balances shall be paid to the employee. Upon termination of employment or transfer to an exempt position, an employee will receive payment for accrued comp time.

Employees may request payment of accumulated compensatory time at anytime. The request must be in writing directed to the Human Resources Director (complete Vacation/Comp Time Cash Out Form). Directors may also make the decision to pay accrued comp time in lieu of granting the employee time off.
Paid time-off benefits (vacation, sick leave, comp time, holidays, etc.) do not count toward the 40 hours actually worked for 1.5 overtime calculation. The employee’s regular hourly rate of pay (straight time) is paid for extra hours worked up to 40 hours of actual work in such a week.

Part-time nonexempt employees receive a prorated amount of a full-time salary based on their scheduled work hours. They accumulate comp time at a rate of one hour for each hour worked in excess of their regular schedule, up to 40 hours. Hours worked over 40 hours actually worked in one workweek earn comp time accrued at a rate of 1.5 hours for each hour in excess of 40 actually worked.

**Travel Time:** Normal travel from home to work, and back again, is not considered working time, unless the employee is required to travel to a work site away from the office which requires additional commute time. Employees are usually asked to travel for work-related tasks during their regular work hours. All work-related travel time, including Saturdays and Sundays, is counted as hours of work on the time sheet. For nonexempt employees, work-related travel time is applied to the workweek for purposes of calculating overtime, and advance approval from the supervisor or department director is required for all travel time outside a nonexempt employee’s normal work hours.

Nonexempt employees will be compensated for all time spent on required work-related travel, except a normal commute from home to work. Some specific examples of compensable travel time include:

- Time spent traveling during regular work hours between two or more work locations.
- Time spent on out of town travel during special one-day assignments, except for time spent eating and time spent traveling from home to the airport, bus or train station.
- Required travel time outside of normal work hours.

**Compensation Plan**

The Compensation Plan is designed to assure that the WSBA offers competitive and equitable compensation to its employees. The plan was adopted by the Board of Governors in 1995 upon the recommendation of independent consultants and updated regularly as the market and positions change.

In 2006, WSBA brought in another consultant to conduct a market survey of a sampling of jobs across salary ranges in order to update the minimum and maximums of the salary ranges and ensure equitable placement of jobs within the ranges based on defined compensable factors. In 2007-2008, the board authorized funds for the salary adjustments associated with the compensation range changes.

The plan is intended to be flexible and to be able to respond to changing economic conditions. Using periodic surveys, the WSBA compares its compensation package, including salary and benefits, to various
Compensation Plan (cont.)

**JOB GRADES:** The Human Resources Director, in consultation with the Executive Director, evaluates and places positions in job grades based on the information provided by the employees and directors in a Job Specifications Questionnaire. Jobs with reasonably similar rankings are grouped into job grades. Analysis includes these factors:

- Job Requirements - Knowledge and skills required for competent job performance;
- Judgment and Authority exercised by the job including analysis, reasoning, reaching conclusions and level of decision making authority;
- The job’s Impact on the organization’s end results and responsibility for decision making, and;
- Supervision and working relationships with others inside and outside the organization.

**SALARY RANGES:** Salary ranges are established for each job grade with a base point, a midpoint and a high point. The midpoint in a salary range is based on market data. The base point is 20% less than the midpoint and the high point is 20% greater than the midpoint.

*To the extent the budget allows*, evaluated employees performing satisfactorily may expect to receive merit-based increases and to maintain their salary position with respect to the market, until reaching the maximum for their respective job grade.

**Annual Performance Assessment:** Each employee generally receives a performance assessment annually. Based on the level of performance, placement in the salary range and the WSBA’s budget for that fiscal year, a salary decision will be made with an implementation date coinciding with the start of the fiscal year (October 1).

**PLAN MAINTENANCE:** To maintain the WSBA Compensation Plan, on-going evaluation takes place with a systematic review of both external and internal data sources.

**External Analysis:** Periodic salary surveys are used to assure the plan remains current with the market. This external analysis helps determine any annual adjustments to the midpoints of job grades. Data from professional association surveys and regional surveys, as well as local market review, are used to evaluate the current structure and salary ranges. An annual adjustment is normally incorporated into the table of grade ranges to maintain labor market equity.
Compensation Plan (cont.)

**Internal Analysis:** To assure that positions within the structure remain appropriately graded, each position and its relation to others is periodically evaluated. There are three points when a position is evaluated to establish its grade:

- **New Position** -- When a new job is being added, the department director completes a Job Specifications Questionnaire. The Human Resources Director, in collaboration with the director, reviews the job specifications and, based on factors listed above, places the new position in the appropriate job grade.

- **Period Evaluation** -- Jobs change and evolve over time. Thus, jobs are periodically reviewed as new duties are added or changed to assure they are placed in the appropriate job grade.

- **Special Evaluation** -- A director or staff member may request a special evaluation if he or she believes the job has significantly changed, a restructuring of the department has resulted in changed duties, or the needs of the department have changed in conjunction with staff turnover.

**Out-of-Grade Job Assignment:** Salary is adjusted when an employee is temporarily assigned the full responsibilities of another position at a higher job grade level. Employees who are temporarily assigned the full responsibilities of another position at a higher job grade level for more than 20 working days will have an adjustment in their salary, starting as of the day of the assignment, according to the following guidelines.

- The higher position must be a budgeted, full-time position which becomes vacant due to a termination, resignation, or leave of absence.

- The employee must be performing all of the duties and responsibilities of the higher position, not just a portion of them. The employee should not be simply helping out another employee with some of his/her responsibilities.

- The temporary assignment must be scheduled to last a minimum of 20 working days.

- The employee’s salary will be increased to the greater of: (1) the normal starting salary for the higher position, or (2) a 5% increase in the employee’s salary in his/her regular position.

- The temporary salary will last only as long as the temporary job assignment. The employee will revert back to his/her salary at the end of the assignment.

- The temporary assignment has no effect on the person’s eligibility or preference to fill a vacant position on a permanent basis.

This policy does not create the right to an out-of-grade pay situation if the department chooses to cover the work in other ways or to reclassify jobs and responsibilities.
Performance Assessments

Increases in salary consider job responsibilities and how well they are performed. Regular performance assessments provide each employee and his/her supervisor the opportunity to discuss how well the employee is performing in their role, to clarify job responsibilities, and to explore possibilities for skill development and advancement. An employee’s performance assessment is also part of his/her personnel records. The WSBA asks each employee to sign his/her performance assessment to indicate that it was reviewed with the employee, but the signature does not signify agreement or disagreement with the WSBA’s evaluation of the employee’s performance.

Temporary employees do not receive formal performance assessments, although their job performance may be monitored and evaluated in other ways.

Orientation Period Evaluation: Employees will receive a performance evaluation approximately 6 months after their employment date or after transferring to a new position. If the supervisor finds that the employee is not meeting the position’s requirements, or if the employee’s attitude or skills prevent him/her from meeting the job expectations, the evaluation period may be extended, or employment may be terminated at that time.

Annual Evaluation: The principal tool for evaluating an employee’s assessment and making salary adjustments is a performance assessment conducted annually. Employees will be asked to participate in a self-evaluation as part of the process. The evaluation reflects the employee’s assessment of how they are performing their work, what things are contributing to their success, any barriers to successful performance and a review of goal achievement. The employee and supervisor should establish performance goals for the coming year and document these in the employee’s personnel file.

Managers provide feedback and facilitate dialogue around how they can support the employee’s success in the performance of his/her job and areas for development through an exchange of views, opinions, and suggestions.

Salary adjustments are considered at the time of the annual performance assessment and are made by considering job performance and placement in the salary range for the position, in light of the budget resources of the organization. There may be no increase if performance, budget, or market conditions do not support one, or if the employee has reached the salary range maximum for his/her job grade.

Special Evaluation: Employees may request, or supervisors may choose to do, a special performance evaluation at other times for reasons such as review of individual job performance, consideration for promotion, and disciplinary problems.
Confidential Comments to the Executive Director: As part of the annual performance assessment employees are offered the opportunity to submit confidential comments to the Executive Director about their supervisor/director or other conditions of their work. These comments help the Executive Director to evaluate management and compliance with the WSBA values and communication norms. This vehicle may also be used to request a personal discussion with the Executive Director.
D. Employee Relations

Equal Employment Opportunity

Every employee has the right to work in surroundings that are free from all forms of unlawful discrimination. The WSBA’s policy is to provide equal employment opportunities to all persons without regard to sex, age, race, color, marital status, national origin, religion, sexual orientation, military status, creed, political ideology, ancestry, or presence of any sensory, mental, or physical disability. The WSBA and its staff will not engage in discrimination on any basis prohibited by local, state, or federal law. Equal employment opportunity is extended to qualified people with disabilities in all areas of employment. The WSBA provides reasonable accommodation for the known physical, mental, and other limitations of employees or applicants who are otherwise qualified and able to perform the essential functions of the job.

Diversity & Inclusion

Diversity, equity and inclusion are critical to the success of the WSBA. The WSBA is committed to creating a positive work environment that recognizes employees as its most valuable resource. Integrity, professionalism, civility, and transparency are hallmarks of our workforce. Our core values are served by strongly promoting inclusion and equity throughout the organization, while embracing the individual differences of our employees and clients. WSBA employees can better achieve their full potential in an inclusive and respectful environment. The WSBA also recognizes that diverse perspectives and backgrounds result in better information and decision-making. Accordingly, it is vital for WSBA staff to appreciate, value and implement principles of diversity, cultural competency, equity and inclusion, while performing our duties at work and at work functions.

The WSBA appreciates and seeks diversity in the staff and how diverse perspectives contribute to the fulfillment of the WSBA mission. Every effort is made to create an inclusive, welcoming environment that is considerate of all staff members’ cultural perspectives and needs. We look forward to your full engagement and input into the community.

Employment of Relatives

The WSBA believes it is in the best interest of our organization and its employees to keep business and professional relationships separate from personal and family relationships. For this reason, we generally will employ relatives at the WSBA only under circumstances where:
Employment of Relatives (cont.)

- neither employee will supervise, appoint, remove, or discipline the other;
- neither employee will evaluate the work of the other; and
- the working relationship will not create a conflict of interest or the appearance of favoritism.

If two employees in the same department become related, and one supervises the other or evaluates the other's work, one of them may be transferred to another position suitable under this policy. If such a position is not available, one of them may be asked to seek other employment. The employees generally will be given the opportunity to determine which of them will transfer or terminate his/her employment, if possible.

The WSBA also reserves the right not to employ relatives of officers or other high-level employees of organizations such as major vendors or of those organizations whose interests have traditionally been contrary to those of the WSBA. This policy avoids the actuality or appearance of a conflict of interest and protects confidential information.

For these purposes, "relatives" include: spouse, siblings, parents, stepparents, grandparents, children/grandchildren, stepchildren, nieces/nephews, parents-in-law, brothers/sisters-in-law, aunts/uncles, life partners, and people living in the same household in a relationship substantially comparable to any of the above.

Sexual and Other Harassment

The WSBA expects all employees to accomplish their work in a professional and businesslike manner. Harassment of employees is a form of discriminatory behavior and is not permitted regardless of the working relationship. This harassment policy applies not only to interaction between WSBA employees, but also to interaction between WSBA employees and WSBA members, volunteers, vendors, visitors, and other non-employees who conduct business with the WSBA.

Harassment includes remarks, gestures, or physical contact; display or circulation of written materials or pictures derogatory to either gender or to racial, ethnic, sexual orientation, or religious groups; and basing personnel decisions on an employee’s response to sexually oriented requests. Harassment also includes conduct that creates an intimidating, hostile, or offensive working environment or that is directed at a person because of that person’s gender, age, religion, race, sexual orientation, ethnic background, disability, or any other unlawful reason.

Engaging in any act that discriminates against another employee because of sex, age, race, color, marital status, national origin, religion, sexual orientation, veteran status, genetic information, or the presence
of a disability or any other basis prohibited by local, state, or federal laws will not be tolerated. Such harassment is grounds for disciplinary action, including termination of employment.

No one will suffer retaliation for reporting work place concerns, including, but not limited to that an employee who believes that the work environment has become a hostile or offensive place to work; participation in a pending investigation of misconduct or violations; and resisting sexual advances or intervening to protect others. This policy applies during normal working hours, at work related or sponsored functions, and while travelling on work related business.

Retaliation can include disparaging the person to others or in the media, taking actions not directly related to employment or volunteer role/status or by causing the individual harm, termination or illegal retraction of compensation and benefits, exclusion from events or meetings, any other action that might deter reasonable individuals from engaging in protected activity. Any employee who experiences conduct of this sort, or believes that his/her work environment has become a hostile or offensive place to work, should immediately bring the matter to the attention of his/her supervisor or department director, the Human Resources Director, or the Executive Director.

Any concerns will be investigated promptly, and no one will suffer retaliation for reporting them. However, an employee who intentionally makes a false charge will be subject to disciplinary action up to and including termination of employment. It is important to the WSBA that all claims of discrimination or harassment be thoroughly reviewed and investigated so that appropriate steps are taken as needed.

The WSBA's ability to deal with harassment of employees by WSBA members, volunteers, vendors, and other non-employees who conduct business with the WSBA may be limited. However, employees should bring any such conduct to the attention of a supervisor or director, the Human Resources Director, or the Executive Director, no matter who is doing the harassing. The Board of Governors of the WSBA will intervene on behalf of WSBA employees when an investigation confirms harassment by WSBA members, vendors, visitors, or other non-employees.
Accommodation of Disabilities

It is the WSBA’s policy to make reasonable accommodations for employees with disabilities as required by the Americans with Disabilities Act, or any other applicable law (e.g., Washington Maternity Disability Regulation). Any requests for accommodation should be given to the department director or the Human Resources Director. Some disabilities are obvious; others are not. In order to accommodate disabilities, the WSBA may, among other things, make adjustments to working conditions, reassign peripheral job duties, and adjust hours of work and work schedules. A wellness room on the 8th floor is available for brief rest periods. Employees planning to use the wellness room should inform their supervisor in the event assistance is required.

Life-Threatening Illnesses

It is the policy of the WSBA that as long as an employee can continue to perform the essential functions of the position the employee holds, and it does not impose undue hardship on the operation of the WSBA, reasonable accommodations will be made to permit the employee to continue to work. Such accommodation may include medical leaves of absence. The decision about accommodation will be made by the Human Resources Director and the department director in conjunction with the employee and his/her physician.

The WSBA is committed to providing a workplace free of harassment of persons with life-threatening illnesses, including HIV/AIDS. At the same time, the WSBA has an obligation to provide a safe work environment for all employees. Every precaution will be taken to ensure that an employee’s condition does not present a health and/or safety threat to other employees.

When dealing with these situations, employees should:

♦ Remember that any employee’s health condition is personal and confidential, and reasonable precautions should be taken to protect information regarding an employee’s health.
♦ Contact their department director, the Human Resources Director, or the Employee Assistance Program if they believe that they or other employees need information about terminal illnesses or a specific illness, or if further guidance is needed in managing a situation that involves an employee with a life-threatening illness, including concerns about communicable diseases or spread of the illness.
♦ If needed, cooperate in making reasonable accommodations for employees with life-threatening illnesses, including the necessity of redefining job duties and/or work schedules.
♦ Be sensitive to the fact that continued employment for an employee with a life-threatening illness may be therapeutically important in the remission or recovery process, or may help to prolong the employee’s life.
♦ Be sensitive and responsive to coworker concerns.
Life-Threatening Illnesses (cont.)

- All such situations are to be considered confidential. Employees are asked to avoid any discussion, even if it appears that the person affected does not consider the situation to be confidential.
- See the Human Resources Director if questions arise regarding this section.

Personal Information and Personnel Records

The Human Resources Director maintains the official personnel file for each staff member. Medical and personal information is maintained separately.

Personnel records are confidential. Occasionally, the WSBA receives requests for personnel records as part of court proceedings, public records requests or government activities. It is the WSBA’s policy to respond to all such requests to the extent of the requirement. In all other situations, the WSBA generally will provide only job title and verification of employment dates, unless authorized in writing to release additional information.

When an employee moves, changes telephone numbers, or has other changes in personal information (marital status, dependents, etc.), they should keep Human Resources informed of such changes so the WSBA can keep personnel records (including payroll, retirement, and insurance) accurate and up to date. It is each employee’s responsibility to ensure that the WSBA has his/her current address and phone number, so that the WSBA can communicate with the employee as needed. Employees can update their personal information on-line in the employee information system at: https://workforcenow.adp.com/theme/admin.html#/Myself_ttd_Profile/Profile

An employee may review his/her personnel records at any mutually convenient time. To do so, the employee should notify the Human Resources Director in advance so that appropriate arrangements can be made. Any concerns regarding the completeness or accuracy of the information contained in an employee’s files should be taken up with his/her supervisor or the Human Resources Director.
Problem Resolution

The WSBA knows the importance of an open and fair method of resolving complaints and answering questions. The WSBA’s problem resolution procedure makes three steps available to employees who have a question or concern. If employees fail to use this procedure, or act in a timely manner, the WSBA may be unable to consider such problems or complaints.

Although not everyone is comfortable presenting a complaint to his/her employer, employees are encouraged to take advantage of the problem resolution procedure. Under no circumstances will an employee’s job status, security, working conditions, or relationships with supervisors be jeopardized because a complaint is made.

Step 1: Employees are encouraged to bring up any questions or concerns they have about terms or conditions of employment. The place to start in getting a question answered or resolving a concern is with the appropriate supervisor and/or department director, who will listen to questions or concerns and provide an answer or response. Every effort should be made by both parties to arrive at a mutually satisfactory solution at this first step.

Step 2: In some cases a question or concern may involve an employee’s supervisor, or the employee may be reluctant to discuss a situation with that person. If this is the case, or if the employee is not satisfied with the supervisor’s response to Step 1, the employee may contact the Human Resources Director, who will investigate the question or concern, discuss it with the employee, and provide the employee with an answer. An employee carrying forward an issue first presented to his/her supervisor is asked to take the second step, contacting the Human Resources Director, within a reasonable period of time after receiving the supervisor’s response.

Step 3: If an employee has taken Step 2 and is still not satisfied with the response, he/she may address a written complaint to the Executive Director within ten working days of receiving the response under Step 2. The Executive Director will investigate, review, and discuss the concern with the employee as soon as possible. This response will be the final decision and resolution of the concern or matter the employee raises. If the employee does not agree with the Executive Director’s determination, he/she may place a statement to that effect in his/her personnel file.
The WSBA recognizes that, in situations where employees have serious complaints about the Executive Director, they may have concerns about reporting those issues to the person who is ultimately responsible for the operation of the WSBA. Therefore, employees who have a complaint about the Executive Director may report their complaint to the Human Resources Director, who will refer it to the Chair of the Board of Governors' Personnel Committee. This process is not intended to be an appeal from the Executive Director’s personnel decisions, but is an avenue for calling the Board’s attention to potentially serious problems with the Executive Director. The Personnel Committee will review the issue and determine what, if any, action is warranted.

**Whistleblower**

All employees have a duty to report any illegal or dishonest conduct they encounter in the workplace in the course of their employment. The WSBA is committed to ensuring a safe process for employees to report these types of actions without fear of retaliation. “Whistleblowers” need to have a mechanism for bringing these issues to the appropriate individual(s) with the organization so a complete and thorough investigation can be conducted.

A whistleblower as defined by this policy is an employee of the Washington State Bar Association who reports an activity that he/she considers to be illegal or dishonest to one or more parties specified in this policy. The whistleblower is not responsible for investigating that activity or for determining fault or corrective measures; the appropriate Board or management officials are charged with these responsibilities.

Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; misuse or waste of public funds or member fees; intentionally issuing misleading financial or other reporting; or fraudulent or dishonest conduct.

If an employee has knowledge of or a concern of such illegal or dishonest conduct, the employee shall report it to his/her immediate
supervisor, the Human Resources Director, the Executive Director, or the Chair of the Board of Governors' (BOG) Personnel Committee. The employee must exercise sound judgment to avoid baseless allegations and have a good-faith belief that a violation of this policy has occurred.

Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law, or to provide accused individuals their legal rights of defense.

The WSBA will not retaliate against a whistleblower who makes a good-faith complaint pursuant to this policy. This includes, but is not limited to, protection from retaliation in the form of adverse employment actions. Any whistleblower who believes he/she is being retaliated against must report retaliation in violation of this policy to the Human Resources Director, the Executive Director, or the Chair of the BOG Personnel Committee immediately. The right of the whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal or dishonest activity will be investigated promptly according to the procedures adopted by the BOG Personnel Committee. If such conduct is found to have occurred, the employee who is the subject of the report will be subject to discipline up to and including termination. An appropriate response shall be shared with the person who filed the original report.

An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination. Employees with any questions regarding this policy should contact the Human Resources Director.
E. Employee Responsibilities

Attendance and Punctuality

Regular attendance is a condition of employment and is essential to the smooth operation of the WSBA. It shows respect for the public and members who rely on the WSBA for service and for fellow employees who may have to assist during an absence. The WSBA takes employee attendance and punctuality into account in performance evaluations and in recommendations for salary adjustments. Employees are expected to report for work regularly and on time. An employee who will be unable to report to work, or will be late, must let his/her department director or supervisor know as soon as possible each day the employee will not be at work, and always before the scheduled starting time. If the director or supervisor is unavailable, a message should be left on his/her telephone voicemail, providing a telephone number where the employee may be reached, or the employee should follow other instructions given by the supervisor. If absence or tardiness is due to an emergency, the employee should call in or ask someone else to call in for the employee as soon as possible. The WSBA has the right to require a physician’s statement to verify claims of absence or tardiness due to illness or injury.

Attendance or tardiness problems, including failure to call in, may result in discipline, up to and including discharge. If an employee fails to report for work and/or does not call in for three days in a row, he/she will be deemed to have abandoned or resigned his/her job. In such circumstances, employment with the WSBA ends on the third day of no contact.

Confidentiality

Much of the information handled by the WSBA is very sensitive and confidential. All employees must protect the confidentiality of such information. Supreme Court rules specifically require confidentiality as to information about grievances against attorneys, disciplinary proceedings, the Lawyers’ Assistance Program, and the bar exam. The WSBA Bylaws Section XIII (A) allows only certain membership information to be disclosed to the public. Disclosure of confidential information can be grounds for disciplinary action, up to and including termination of employment.

The Human Resources Director must handle all written, phone, or in-person requests from outsiders for information concerning former or present employees. Unauthorized release of information subjects both the person who released the information and the WSBA to potential liability. Employees should transfer or forward all such requests to the Human Resources Director.
Communications

The WSBA recognizes that employees may not always agree personally with official positions taken by the organization. In order to protect the first amendment rights of employees while still insuring that the organization’s positions are presented appropriately through spokespeople for the organization, the communications policy delineates the parameters within which employees can express their personal opinions.

When the Board of Governors has taken a position on a matter, issue or rule proposal that is pending before a decision-maker, WSBA staff members who serve as a spokesperson to the decision maker in the area of the matter, issue or rule proposal, not including acting as counsel in specific disciplinary or other proceedings, are prohibited from expressing opinions to the decision maker they know are contrary to the position that has been taken by the Board of Governors, without authorization from the Executive Director or the Board of Governors.

When expressing personal opinions regarding matters related to the WSBA, staff members should do so in a manner that makes it clear the staff person is expressing a personal opinion and does not imply that they are expressing an official opinion or position of the WSBA. While reference to one’s position with WSBA is permissible in such communications, use of one’s official WSBA title is not. See also restrictions on use of WSBA name, logo, address, envelopes, letterhead, phone and e-mail in the WSBA Employee Handbook at G1-G5.

Personal Appearance and Demeanor

Since each staff member is a representative of the WSBA, employees with a neat, clean, businesslike appearance are important to the WSBA’s effectiveness, especially in the case of employees greeting Bar members and the public. Each employee must dress appropriately for his/her job. Any questions concerning what is and is not appropriate dress for a particular job situation should be directed to the appropriate supervisor. The WSBA also asks employees who greet members or the public on the phone or in person to be aware of the importance of a cordial, positive attitude. Treating other people with respect and a commitment to prompt, courteous service is critical to the WSBA’s effectiveness. Employees must appear and act professionally in their dealings with members of the WSBA and the public.

Smoking

In the interests of the health and well-being of all employees, the WSBA is a no-smoking office. No smoking is allowed by employees or office visitors. Smoking by employees is permitted only during rest
Smoking (cont.)

or meal periods and only in such areas specifically designated as smoking areas outside of the building.

Employee Use of Vehicles

Employees who use their own vehicle as they perform their job must have and carry with them a valid Washington driver’s license and evidence of insurance coverage. The WSBA’s liability insurance goes into effect after the employee’s insurance is exhausted. Employees must drive in a safe and lawful manner and must not operate a vehicle under the influence of drugs, alcohol, or any controlled substance.

When it is necessary for an employee to use his/her own car on WSBA business, the WSBA reimburses for mileage at the current WSBA budgeted mileage rate. The employee must get advance approval from his/her department director in order to be reimbursed for mileage. Damage to personal automobiles while being used on WSBA business is not covered by the WSBA, because a portion of the mileage reimbursement is intended to defray the employee’s insurance cost. Fines for traffic or parking violations are not reimbursable.

Employee Transportation and Parking

Transportation Incentive: The WSBA strives to be an environmentally conscious employer and will pay a transportation incentive to employees who bus, walk, bike, or carpool to work on a regular basis and do not have a WSBA-paid parking space. Recognizing that this policy encourages the use of public transportation, it is the WSBA's goal to accommodate family emergencies. In the event of such an emergency, employees should contact the Human Resources Director as soon as possible, and the WSBA will attempt to find a solution. The WSBA will assist staff that use public or non-SOV transportation to and from work when emergency transportation is needed. An ambulance will be called in medical emergencies that can be life threatening.

To qualify for a Transportation Incentive, an employee’s principal means of transportation to and from work must be non-SOV (SOV=Single Occupancy Vehicle). Non-SOV includes public transportation (such as a bus, train, or ferry) and vanpools.

The Transportation Incentive options are as follows:

- Business Passport Program

Each qualified employee, whether full-time or part-time, may elect to receive an annual Business Passport card. The Business Passport card is good for
unlimited travel on Metro Transit, Sound Transit and Community Transit in the tri-county region. The Business Passport card is nontaxable and must be surrendered upon termination of employment. Failure to return a Business Passport card upon leaving employment will result in a charge equivalent to the remaining value of the pass. A non-working Business Passport card will be replaced free of charge. An employee who loses his/her Business Passport card may pay $5 for a replacement Business Passport card (one time only). Business Passport cards are good for one year (renewal is every November).

- **Transportation E-Vouchers**

  Since the Business Passport card does not directly benefit ferry riders, employees may receive up to $70 per month in nontaxable transportation e-vouchers (not to exceed employee’s actual cost) in lieu of a Business Passport card. These e-vouchers can be applied toward transportation costs such as ferry rides or bus tickets/passes. The amount given to part-time employees who opt for e-vouchers will not be prorated.

- **Cash (only for employees hired prior to December 1, 2003)**

  Walkers, bikers, and carpoolers hired before December 1, 2003 ("grandfathered employees") are eligible for $45 per month in cash added to their paychecks in lieu of a Business Passport card or transportation vouchers. This option is not available to new employees. Once a grandfathered employee chooses a Business Passport card or transportation e-vouchers, the option of cash will not be available in the future.

An employee whose transportation options change because the employee has moved in or out of a particular geographical area may switch to/from the Business Passport card or e-vouchers as needed.

This policy will be revisited as necessary. Currently the budget allows full underwriting of the Business Passport card program. However, WSBA’s ability to continue full underwriting of this program will need to be assessed on an annual basis.

**Parking:**  *Monthly Parking* - As a general rule, the WSBA does not provide paid monthly parking to staff. However, the WSBA provides paid monthly parking to the following staff:

- Executive Director;
- Department directors;
- Those employees who were receiving paid parking spaces at the time the staff-developed 1991 policy was implemented; and
- Those full-time employees who are required to have their vehicle available at a moment’s notice for unplanned, unanticipated work related duties (e.g., investigators who are required to be to serve legal papers without delay). Parking for part-time employees who meet this requirement will be evaluated on a case-by-case basis.

The WSBA makes available for employee purchase (through payroll deduction) parking spaces in the PSP building garage (up to the limit WSBA is allowed per the lease agreement), with first priority given to...
Transportation and Parking (cont.)

persons with job-related parking needs. Criteria for a “job-related need for personal auto” are:

♦ At least two days a week the car is needed for work-related travel, and
♦ The employee is unable to schedule or group appointments to allow coming from and going home or with in/out privileges for parking, and
♦ The work requires unplanned, short, or multiple trips on more than five days in a month.

If there are more requests for the purchase of parking spaces than are available in the building, the Human Resources Director will review the job-related needs of those purchasing spaces to ensure that those employees with the greatest needs are accommodated first, and maintain a waiting list.

Persons who believe they qualify for “job-related need for a personal auto” may submit an application to the Human Resources Director that describes how they comply with the criteria. The application must be signed by the department director. The provisions of this policy are subject to availability. The Human Resources Director will approve qualified applicants and maintain any necessary waiting lists. Questions or appeals are to be brought to the Executive Director.

Daily Parking - Employees who purchase a monthly parking space are eligible for daily parking reimbursement at a prorated rate (1/21 of the monthly parking cost) on days they are required to use their vehicles for business.

Employees who normally take public transportation but occasionally need their car for work may be eligible for reimbursement of actual parking costs. This option is expected to be used only occasionally and may apply regardless of whether the employee returns to the WSBA at the end of their work day. In addition, employees whose work assignments temporarily require substantial after-hours and weekend time in the office may request reimbursement for parking, subject to department director approval. Examples of such situations include the following: hearings; bar exam preparation; committee, section, or board meetings; or other projects.

Political Endorsements

Because of the unique status of WSBA staff, it is suggested that employees refrain from endorsing any candidate for public elective office that requires the candidate to be an attorney. This includes judges, prosecutors, and the Attorney General. An employee may not indicate any WSBA affiliation in testimonials or any active public
Political Endorsements (cont.)

Employees Taking the Bar Exam

WSBA employees applying to take the Bar's admission examination will not be advantaged or disadvantaged compared with other applicants in the admission process. Strict procedures insure the integrity of each exam and nondisclosure of questions and grading. WSBA employee candidates for the Bar exam must notify their immediate supervisor, department director, and the Director of Regulatory Services as soon as they decide to apply for the exam. They must also obtain the detailed policy on this issue and execute the related compliance agreement.

Pro Bono and Volunteer Activities

During work hours staff may use a flexible work schedule to do pro bono/volunteer work, use some of their vacation, or take time off without pay. Minimal use of WSBA resources (copiers, computers, telephones, postage, etc.) will be allowed. The WSBA letterhead or logo may not be used. Pro bono/volunteer work during normal work hours or requiring flexible scheduling must be approved by the department director. Anyone volunteering such services must disclose to the agencies that they do not represent the WSBA.

Conflict of Interest, Moonlighting, and Gifts

The WSBA expects employees to avoid situations that might cause their personal interests to conflict with the interests of the WSBA or to compromise its reputation or integrity. A conflict of interest, or the appearance of one, occurs when an employee or a member of his/her immediate family uses the employee’s position with the WSBA for personal benefit through an investment, association, or business relationship that interferes with the employee’s ability to exercise independent judgment on behalf of the WSBA.
Employees who are also members of the WSBA may serve on WSBA committees but will not generally be appointed by the WSBA. Because of the appearance of preferential treatment or a possible conflict of interest, employees who are members of the WSBA may not be appointed as delegates by the WSBA or BOG to other organizations, nor may they hold elective or appointed office in the WSBA.

Outside employment is not prohibited as long as:

- The employment does not conflict or compete, directly or indirectly, with the WSBA or give the appearance of a conflict. For example, lawyers on the staff may not engage in private practice for profit or serve in any judicial or quasi-judicial capacity.
- The employment does not prevent the employee from completely fulfilling the responsibilities of his/her WSBA job. It must not conflict with either regular or seasonal demands of the WSBA job.
- The employment does not diminish the employee’s capacity to fully perform the WSBA job.

Employees should not accept meals, cash, special favors, or other gifts from salespeople, vendors, suppliers, or any other solicitors. Exceptions to this rule may be approved by an employee’s department director. Gifts or premiums received from WSBA vendors become WSBA property and must be turned over to the recipient’s director. Before accepting any type of gift or promotional item with more than a nominal value from an outside person or entity, employees should consult with their department director.

If speaking engagements, authoring projects, curriculum development, sitting on panels, or other outside activities are WSBA work-related, employee acceptance of honoraria or other compensation is prohibited. Payment of travel expenses, or reimbursement to the WSBA for these expenses, is not prohibited.

**Alcohol and Drug Abuse**

Abuse of alcohol or any other drug is a serious threat to both personal health and job performance. Employees are strictly prohibited from possessing, selling, consuming, or being under the influence of alcohol or drugs (except as authorized by a physician) while on the job. An employee should determine from his/her physician or pharmacist whether any prescription drugs that he/she is taking might impair his/her ability to perform the job safely and effectively. Any violation of the WSBA's alcohol and drug policy will result in discipline, up to and including immediate discharge. The WSBA will provide full cooperation to law enforcement authorities. Employees are encouraged to avail themselves of the Employee Assistance Program described on page I-17 to address any substance abuse problem before it affects job performance.
Alcohol and Drug Abuse (cont.)

Employees must notify the Executive Director if they are convicted under any criminal drug statute for a violation occurring in the workplace no later than five days after such conviction.

Note: Occasionally, the WSBA is host to member events that include the availability of alcohol. WSBA employees who participate or are otherwise invited to such events are permitted to consume limited amounts of alcohol, if they wish to do so.

Standards of Conduct and Discipline

The WSBA functions in a service-oriented environment in which quality and reliability are extremely important. Each employee is expected to contribute to the quality and reliability of WSBA services and products within the scope of his/her job responsibilities. Failure to meet this standard of performance may be the basis for adjustment in compensation or disciplinary action, up to and including discharge.

The WSBA will generally take disciplinary action based on the seriousness of the situation and the circumstances. Examples of conduct that may result in disciplinary action include, but are not limited to: violation of the provisions of the WSBA Employee Handbook, excessive absenteeism, failure to meet required work standards or objectives, dishonesty, unauthorized release of confidential information, disruptive behavior, inability to maintain proper working relationships, failure to display a service orientation to the Bar members or to the public, any form of discrimination, exceeding the limits of one’s authority, and conduct prejudicial to the best interests of the WSBA.

Discipline may take the form of an oral warning, a written warning, a performance evaluation indicating below-standard performance in one or more areas, probation, suspension, or discharge. Employees will generally have an opportunity to correct problems before discharge is considered. However, dismissal is appropriate when efforts at corrective action fail or seriousness of the violation or problem warrants it.

Which of these options is chosen will depend on the seriousness of the disciplinary problem, the intent and attitude of the individual, and the environment in which the offense took place. Evaluation of the seriousness of the situation will be done solely by management. Whether a particular situation merits discharge or a lesser form of discipline is solely the decision of the WSBA.

Nothing in this policy is intended to alter the “at will” nature of employment at the WSBA or should be construed as a specific promise of treatment in a specific disciplinary situation or a promise that progressive discipline will necessarily be used in any particular situation.
F. Employee Change of Status and Separation

Transfers and Promotions

The WSBA believes in advancement from within. When new or promotional job opportunities occur, the first individuals to receive consideration will be present employees. Notices of all open positions will be posted with the exception of:

- certain top management positions;
- positions filled by promotions within a department;
- positions filled by conversion of temporary employees to regular employees; and
- positions filled by employees who would otherwise be laid off.

Any employee who is qualified for an open position and has been satisfactorily performing his/her current job for a minimum of six months may apply for a posted job opening by providing the Human Resources Director with a confidential memo indicating interest in the opening and describing his/her qualifications for the position. Hiring managers in consultation with the employee’s immediate supervisor may waive this requirement. The WSBA reserves the right to determine the relative qualifications for a posted position or to hire from outside rather than transfer from within. The WSBA may initiate a transfer between departments. This allows the Bar to broaden the range of skills within the organization and enhances the ability to respond to changing circumstances and needs.

Termination of Employment

In order to maintain the staffing flexibility that is essential to the successful management of the WSBA, as well as to protect the options of each employee, it is understood that the employment relationship with the WSBA is “at will.” Either the WSBA or the employee can terminate it with or without cause at any time. No agreement to the contrary is valid, unless in writing, signed by the Executive Director.

Voluntary Resignation: If an employee voluntarily terminates employment, a minimum of two weeks’ written notice to his/her supervisor and the Human Resources Director, stating the reason for the resignation, is expected. Employees not giving proper notice are considered ineligible for rehire. In the case of employees who resign and give notice, the WSBA reserves the right to ask them to leave sooner. Resignations may be withdrawn only with the written approval of the Executive Director.
Termination of Employment (cont.)

Reduction in Work Force: There are certain times when it may become necessary to terminate employment as a result of changing business conditions, reorganization resulting in the elimination or modification of a job, changes in job functions or technology, or for other reasons.

If layoff is necessary because of a reduction in the work force, the WSBA will first try to find another position within the organization for which an affected employee is qualified or give the employee at least two weeks’ notice of layoff if no other appropriate job is available.

Exit Interviews/Procedures

An exit interview is scheduled with any employee who leaves the WSBA. Departing employees also receive an Exit Survey to complete to help the WSBA monitor and improve the work environment.

The purposes of an exit interview include:

♦ reviewing financial arrangements, including the amount of the employee’s final paycheck, accrued vacation, outstanding expense reports, benefits, and similar items;
♦ returning the WSBA’s property (office keys, desk keys, handbooks, access cards, computers, and other equipment);
♦ reviewing the reasons for the termination of employment, layoff, or resignation; and
♦ identifying ways to improve the organization.

An employee who is leaving will also be informed by memo of any rights to continued benefits. The employee’s final paycheck will be available on the next scheduled payday. Departing employees must provide a forwarding address and phone number and complete a reference authorization form.

Separation Pay

Separation pay is strictly optional at the WSBA’s discretion and, as a general rule, will be paid when an employee is terminated through no fault of his/her own with less than two weeks of notice.
Payments at Termination of Employment

Employees are paid for accrued but unused vacation and unused compensatory time. An employee’s last active day in the office will be his/her last day of employment for payroll purposes. Employees are not paid for unused sick leave, personal days (floating holidays), or regular holidays that fall after their last day of work in the office.

Employment References

Written, phone, or in-person requests from outsiders for information concerning former or present employees shall be referred to the Human Resources Director. Directors, in coordination with the Human Resources Director, may respond directly to any written, phone, or in-person requests from outsiders for information concerning former or present employees. Managers/Supervisors, with the permission of their Director and the Human Resources Director, may also respond directly to reference requests. Prior to releasing any information, Directors or managers.supervisors shall ensure that there is a signed Employment Reference Authorization or its equivalent in the employee/former employee’s personnel file. After the release of any reference information the individual providing the reference shall submit documentation for the personnel file including the date and to whom the information was released.

All letters of reference based on employment with the WSBA must be approved in advance by the Human Resources Director. After approval, the letter may be given to the requesting individual, and a copy for the individual’s personnel file must be forwarded to Human Resources.
G. Employee Services

Puget Sound Plaza Building Information

The principal office of the WSBA is located on the 6th, 7th, 8th and 11th floors of the Puget Sound Plaza Building in downtown Seattle. As part of a large office building, the WSBA is subject to certain building rules and regulations.

Access: The outer doors to the building and elevators operate from 6 a.m. to 6:30 p.m. on weekdays, and elevators to the 6th and 11th floors operate from 8 a.m. to 5 p.m. Access to the 7th and 8th floor is controlled by coded cardkeys issued by Human Resources. No card is needed to leave the building. The only animals allowed in the building are those assisting people with disabilities.

Custodial Services: Custodial services are provided workday evenings Monday through Thursday and Sunday evenings. However, each employee must keep his/her work area as neat as possible and clearly mark trash and items to be disposed of. In addition, the WSBA participates in the building’s recycling program. Recyclable materials should be kept separate from other waste and deposited in the marked bins.

Repairs/Maintenance: Only certain members of the staff are allowed to call the building management for repairs and maintenance. For routine maintenance problems, inquiries about equipment repairs, furniture, and major maintenance problems employees should call the facilities coordinator in the Finance and Administration Department, who will contact the building management.

Rules: The lease with Puget Sound Plaza prohibits certain activities including:

- bicycles or animals in the building other than service animals (secure bike storage is available - contact human resources);
- firearms, weapons or explosives of any kind;
- display of signs in the windows; and
- candles.

Electronic Mail/Voicemail/Internet/Intranet

The WSBA provides electronic mail (email), voicemail, electronic subscriber services, and Internet access to its employees to assist and facilitate business communications. They are provided for legitimate business use in the course of assigned duties only. Incidental personal use by employees may be permitted, but such use comes with both implicit and express consent of the employee for the WSBA to monitor, access use, and disclose communications consistent with these policies.
Electronic Mail/Voicemail/Internet/Intranet (cont.)

Personal use is considered incidental and permissible only if the following six criteria are met:

♦ There is little or no cost to the WSBA;

♦ Any use is brief in duration, occurs infrequently, and is the most effective use of time or resources;

♦ The use does not interfere with the performance of the employee's official duties;

♦ The use does not disrupt or distract from the conduct of WSBA business due to volume or frequency;

♦ The use does not disrupt other WSBA employees; and

♦ The use does not compromise the security, integrity, availability, or performance of the WSBA network, databases, or critical software applications such as TIMSS, LPO, GILDA, MCLE, Navision, Lyris or basic software services such as MS Outlook e-mail.

In making their decisions to make personal use of WSBA computers, employees are reminded that there should be no expectation of privacy with regard to the use of WSBA communication technologies (e.g. email, facsimile transmissions, voicemail and internet use).

Examples of incidental personal use of computers or electronic resources include but are not limited to the following:

♦ Personal electronic communication.

♦ Scheduling personal appointments.

♦ Accessing a personal web mail account for use so long as the use is in compliance with other conditions of WSBA policy.

♦ Personal use of computers for listening to streamed audio (music or news) through the internet, so long as it does not interfere with the computer or network for official use. NOTE: Bandwidth intensive applications such as streamed video, places a much greater demand on the network. Personal usage of streamed video should be limited, brief in duration and occur infrequently.

♦ Use of the computer for entertainment (e.g. games, music, shopping, web surfing, etc.) during breaks so long as the use is within compliance with all WSBA policies.
Electronic Mail/Voicemail/Internet/Intranet (cont.)

Inappropriate use may result in the loss of access privileges and disciplinary action, up to and including termination of employment. Inappropriate use includes, but is not limited to:

- Excessive personal use (see permissible incidental use criteria).
- Unauthorized attempts to access or modify another’s email, voicemail, or Internet account or files.
- Transmission of sensitive, confidential, or proprietary information to unauthorized persons.
- Transmitting or receiving obscene, defamatory, discriminating, or harassing messages or files.
- Any illegal, disruptive, or unethical activities or any activity that could adversely affect the organization.
- Political activity (see section E-5, Political Endorsements).
- Solicitations of any kind, except those associated with approved office activities (see section H-4, Solicitations).
- Conducting an outside business or private employment.
- Advertising or sales for personal or commercial purposes using a WSBA email address.

Email is a fast and effective way to communicate with coworkers. However, each time a message is sent to “Everyone,” it takes time to read the message. Therefore, **office-wide email communications should be reserved for information related to WSBA business and activities.** Messages of a personal nature to “Everyone” should be posted in the lunchroom or, if approved on the Intranet. Employees have an obligation to avoid infringing uses of copyrighted or otherwise proprietary information over the Internet. Employees also must not access inappropriate sites, “hack,” or cause damage to other networks. No program may be downloaded through the Internet without prior authorization of the IT staff.

All messages that are created, sent, or received using the email, voicemail, or Internet systems remain the property of the WSBA. **In the course of their duties, IT staff may monitor use of the systems or review the contents of stored records.** By using the email, voicemail, and Internet access provided, every employee agrees that he/she is aware of this policy and that the records may be read or monitored by authorized individuals.
Electronic Mail/Voicemail/Internet/Intranet (cont.)

The confidentiality of any email, voicemail, or Internet message or file should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. All passwords must be disclosed to the IT staff upon request, or they are invalid and cannot be used. Employees also have an obligation to maintain the security of the system by safeguarding their passwords. Consult with the WSBA General Counsel whenever a question arises regarding proper use of email. WSBA email may not be used for solicitations. The proper avenue for solicitations is the WSBA bulletin board in the lunch room.

The WSBA Intranet is available for employees to use to obtain information about the WSBA, its departments, and Human Resources. Employees may consult this Employee Handbook as well as other human resources information, on the Human Resources Intranet site. Employees may use the WSBA Intranet site to learn more about the work of their own department. Employees should check the Intranet often, because information is changed and added frequently.
Use of Telephones: It is imperative that all employees respond to all calls and voicemail messages in a courteous, efficient, and timely manner. Some personal calls during working hours are a necessity; however, they should be kept to a minimum and for a short duration. Personal long-distance calls should not be made except in an emergency. Employees should not accept collect phone calls or use 900 phone numbers unless authorized by their department director. The telephone provides one of the most important contacts with WSBA members, bar leaders, and the public. These same guidelines also apply to use of WSBA cell phones.

An assigned “PIN” code is required when making long-distance phone calls. After a long-distance number is dialed, a tone will prompt to enter the individual security code. If it is not entered correctly, the call will not go through, and redialing will be necessary. Employees should not reveal their “PIN” code to anyone.

The telephone system includes voicemail to facilitate communications. Employees should always answer the phone when possible and should not use the voicemail to avoid or screen phone calls. Personal greetings should be informative, brief, and as current as possible. A personal greeting should be updated whenever employees are away from the phone for a prolonged period of time. Being responsive to callers and fellow employees is extremely important. Employees should check voicemail and respond to messages at least three times a day while in the office.

Personal Mail, Faxes, and Copying: Employees may not use the WSBA name, logo, postage, address, envelopes, or letterhead when sending personal correspondence or faxes. Any personal use of office equipment (copiers, fax machines) other than clearly minimal use must be approved by the department director.

Mail/Express Services/UPS/Fax: All staff members must use discretion in deciding what form of mail to use, (i.e., regular mail, express services, or fax). Regular mail is clearly the preferred and least expensive method for letters and small packages. Express services and messengers should be used only when absolutely necessary. Fax machines are available for sending documents.

Office Supplies: The Finance and Administration Department is responsible for stocking the main WSBA storage room on the 7th floor. Departmental supplies are ordered by a designated staff person within each department. If an employee notices that supplies are getting low, he/she should report the need immediately to the appropriate person within their department or Finance and Administration.

Computer Equipment/Software: Employees should not use another employee’s computer without approval of that employee or their department director.

Office Services/Equipment (cont.)
All computer equipment used or connected to the WSBA network in the WSBA offices shall be provided by the IT department.

All software and material stored on WSBA computers remains the property of the WSBA. Confidentiality of information should not be assumed, and IT staff may review the contents of stored records. Employees have an obligation to maintain the security of the system by safeguarding their passwords. The installation or use of any software or computer programs on WSBA equipment not specifically authorized by IT is strictly prohibited. Any software not authorized for use on the WSBA computers will be immediately removed. Employees may not make copies of WSBA software for personal use. Employees must not remove computer equipment from the premises unless it has been approved in advance. Employees will be held personally liable for any damage they intentionally cause to their computer equipment.

Office Equipment: Substantial sums of money have been invested in office equipment for employee use. Employees should exercise due care when using WSBA-furnished equipment and should immediately report any equipment damage or problems to the facilities coordinator in Finance and Administration or the appropriate person (e.g., IT staff, Production Manager). Every employee is required to learn to use all the standard features of the telephone/voicemail system, photocopiers, and computers. Every employee should also attain a reasonable level of proficiency on all other equipment to enhance his/her productivity.

Office Forms: Although filling out forms may be tedious, they are a necessary element of every office. Personnel forms and expense approval forms are especially important. All general-use office forms are kept in the main supply room and on “George.” New forms should be reviewed and approved by the department director for consistency, necessity, and simplicity.

Printing Services: There is an in-house production area for printing forms, books, and mass mailings. The Production Manager can assist in determining the best methods for print jobs. Staff are encouraged to handle smaller print jobs themselves.

WSBA Intranet Site: The WSBA’s internal Web site provides updated information about departments, functions, and programs. Employees may provide ideas for new content to their director or intranet administrator.

Facilities

Work Area Appearance: It is each employee’s responsibility to keep all work areas neat and clean at all times. Special attention to appearance should be given when visitors are expected in the office. Personal items in the work areas must be appropriate and tasteful. No personal items are permitted in public areas. Boxes and deliveries are to be processed as quickly as possible and removed from the reception area.
Lunchroom/Kitchen: The lunchroom is for all employees to use at lunch and during breaks. Staff members are responsible for helping to keep the lunchroom and kitchen clean and for putting their dishes in the dishwasher. The WSBA provides complimentary coffee and tea. Soft drinks are provided at a subsidized cost.

Meeting Rooms: A number of conference rooms and meeting rooms are available in the WSBA offices. These rooms must be reserved for meetings and generally are not available as “work rooms” for staff. Rooms should be reserved through the Conference Room Assistant via Outlook email to “Room Schedule” or by completing a Meeting Room Request Form. When a meeting room is requested, the required setup of the room should be specified according to established procedures. The Conference Room Assistant will assist with room set up.

♦ WSBA Conference Rooms (Sixth Floor) can be divided into the St. Helens, Baker, Adams, and Rainier Rooms and are the primary location for meetings involving non-staff participants. The WSBA Conference Center also located on the sixth floor can be divided into two room or used as a large conference room seating up to 65 participants. Reservations through Conference Services are required for use of this room.

♦ Internal Meeting Rooms are located throughout each floor and should normally be used for meetings that involve only staff.

♦ Interview Rooms in the Reception Area are used for walk-in traffic to fill out forms and to meet briefly with staff and can also be reserved through the Conference Room Assistant.

♦ Hearing Room (sixth floor) is used primarily by the Office of the Disciplinary Counsel.

♦ IT Training Room is located on the eleventh floor and can accommodate up to 10 students. A laptop is provided for each student and there is a ceiling mounted projector and screen for presentations.

Meetings in WSBA Offices Outside of Normal Business Hours: Bar committees, sections, and others who hold meetings at the WSBA offices should be encouraged to meet on normal workdays during WSBA business hours (Monday – Friday, 8:00 a.m. to 5:00 p.m.). If a meeting within normal business hours is not possible, meetings may be held at the WSBA outside of normal business hours, but 1 or more WSBA staff members must be present at all such events. In all cases, the Conference Room Assistant must be aware of these programs in order to ensure that the rooms are set appropriately. Even if the Conference Room Assistant is not expected to set up or attend the event, it still must be listed on the master room schedule for planning purposes.

Facilities (cont.)
Approved meetings of non-WSBA entities at the WSBA offices should also be encouraged to meet during WSBA business hours, but if that is not possible, this same procedure must be followed, including that 1 or more WSBA staff members must be present at all such events.

Because the elevators to the WSBA offices are locked outside of normal business hours, the staff person responsible for the meeting must make arrangements for non-employees to be escorted from the front door or lobby to the WSBA offices. Any requests to unlock the elevators during non-business hours must be approved by the Executive Director. Visitors should be reminded that if they leave and plan to come back during the meeting, they will need to make arrangements with staff for re-entry.

If food is to be delivered for the meeting, the staff person will also need to make arrangements to bring to food to the WSBA offices.

The staff member who reserved the room is responsible for cleaning up after the meeting. This includes putting away all equipment checked out; cleaning up dishes, papers, etc.; and wiping down tables if necessary.

Lost and Found: There is a place for lost articles at the reception desk. Employees should check with the receptionist if they have lost something and should take any items they find to the reception desk.

Wireless Communication Devices

In accordance with Washington State law (RCW 46.61.667 and 46.61.668), employees driving while on WSBA business are prohibited from using a wireless communication device (cell phones, PDAs) while holding it to their ear; or reading, writing or sending text messages while operating a moving motor vehicle. The prohibition does not apply to:

- Persons using the device to report illegal activity;
- Persons using the device to summon medical or other emergency help or to prevent injury to a person or property; or
- Persons using a hearing aid.

Contracts/Agreements

Use of hands-free (speaker phone, headset, or earpiece) wireless communication devices while operating a moving vehicle for WSBA business purposes is permitted.

The authority of WSBA staff to enter into contracts or agreements on behalf of the WSBA is strictly limited. No member of the staff is authorized to enter into contracts or agreements unless they are specifically authorized by the department director or the Executive Director based on the WSBA contracting procedures. Contracts should
be reviewed by the appropriate director and General Counsel prior to being submitted to the appropriate executive team member or Executive Director for signature. Any employee entering into a contract or agreement in excess of their authority will be personally liable for that obligation and may be subject to dismissal from the WSBA.

**Expense Reimbursement**

It may be necessary to incur expenses while on business. Such expenses may include mileage for use of a personal vehicle, other transportation charges, parking, meals, and lodging. The WSBA will reimburse reasonable and necessary out-of-pocket expenses incurred by staff while on WSBA business. Monetary advances by the WSBA for expenditures may be approved by a director or the Executive Director. An Expense Report, with original receipts attached, must be completed and approved by the department director. WSBA Expense Policy instructions on the back of the Expense Report form must be followed. Generally expenses associated with traveling to, and working in, the WSBA offices on weekends or holidays are not reimbursable except as authorized by the department director (see E-3, Employee Transportation and Parking). For more information on the WSBA’s expense reimbursement policies see the WSBA Fiscal Policy Manual.

**Gifts/Awards:** Recognizing that it is an appropriate use of WSBA funds to purchase awards and modest gifts in appreciation for volunteer service, reimbursement will be made for the purchase of reasonable plaques or similar items recognizing an individual's extraordinary volunteer service to the WSBA and/or its component parts. Any gifts of merchandise for such purposes shall be modest and reasonable. Use of WSBA funds, including committee, board, and Young Lawyers Division budget funds, for gifts to WSBA staff are prohibited except for *de minimis* or token appreciations. All staff liaisons to committees and boards should make sure the group is aware of this policy.

**Personal Possessions**

The WSBA furnishes desks, and/or file cabinets for the security of employee purses and other personal possessions. The WSBA does not assume responsibility for theft of, or damage to, the personal belongings of employees. The WSBA may have to access desks and files in the course of doing business and reserves the right to search employee desks, cabinets, and personal belongings brought onto the premises when reasonably necessary for the safety and security of our offices.
Personal possessions left behind after termination of employment will be released to the former employee or his/her duly authorized representative. If not claimed, such possessions will be disposed of after 30 days.

**Suggestion Box**

There is a suggestion box in the lunchroom, in the kitchens on each floor, and an on-line suggestion box at employeesuggestions@wsba.org for suggestions, ideas, and comments. Anonymous suggestions remain anonymous, and signed suggestions, which are encouraged, are acknowledged with an answer. The WSBA cannot promise that every suggestion will be implemented or every problem solved, but all are welcome and will be considered.

**Office Functions**

Staff volunteers coordinate WSBA-sponsored office functions such as brown-bag and potluck lunches, the annual holiday party, charity fundraisers and monthly birthday celebrations. No employee should feel obligated or pressured to attend any non-WSBA event or contribute to any gift. Also, an employee who does not want his/her birthday publicized in the office should so inform Human Resources.

The WSBA or its insurance carrier may not be liable for the payment of workers’ compensation benefits for any injury that arises out of an employee’s voluntary participation in an off-duty recreational, social, or athletic activity that is not part of the employee’s work-related duties.

**Employee Committees**

The **Staff Advisory Forum for Employees (SAFE)** includes employees from each of the departments. It advises and assists the WSBA leadership with a variety of administrative and social matters of interest to employees, but not employment policy or compensation issues.

Employees may contact the Human Resources Director for more information about this WSBA employee committee.
H. Safety and Security

Emergencies

Each employee receives a WSBA Employee Health and Safety Handbook, which includes information regarding hostile visitors, emergency medical, fire, earthquake, and threats. Employees should be familiar with the information in this handbook. The WSBA’s primary safety officers are the Chief Operations Officer and the Human Resources Director.

The WSBA’s Disaster Recovery Plan provides for resumption of business following damage to the office, equipment, or records. This plan is maintained by the Chief Operations Officer.

When disaster drills are held in the building, all employees are expected to fully participate and follow the instructions of the floor wardens.

Office Security

The conference center and reception area are designed to allow access to authorized visitors, while limiting their access to WSBA staff work areas. Unauthorized persons may present a risk to employees, members, or legitimate visitors. The receptionist will call anyone being visited and ask him/her to escort the guest(s) from the reception area. The receptionist should be advised in advance when a visitor is expected. Non-employees and former employees are not permitted in secured work areas without supervisor or director approval.

To provide maximum security, entrance to the internal work areas is limited to employees by an access code on the keypad or security access card at each door. **Former employees are not permitted to enter these areas unless accompanied by a current staff member.** Each employee is assigned a personal access code that must not be given to anyone else. When entering a secured work area, employees must be sure the door closes behind them so that an unauthorized person does not follow them inside.

To the extent possible, the conference center rooms and three reception area interview rooms should be used to meet with visitors. Use of the internal meeting rooms should be limited to staff members whenever possible. This helps to avoid complications and security issues that may arise when outsiders are meeting within the secured work areas. A staff member should always accompany outside guests who need to access the secured areas of the office.

Access between floors through the building’s south stairwells is limited to those with security access cards. Employees are held responsible
Office Security (cont.)

for the original office keys and access cards issued to them until they are returned upon terminations of employment. Keys or access cards should not be loaned to anyone and, if they are lost, should be reported immediately to Human Resources. Replacement costs are the employee’s responsibility.

If an employee notices an unauthorized person or witnesses suspicious conduct, it should be reported immediately to the department director. If an employee believes there is a threat to personal safety involved, he/she should immediately contact the building security office (9-628-5104) and/or police (9-911). All safety issues should also be reported to the Chief Operations Officer and the Human Resources Director. Employees should refer to the separate document in the Employee Health and Safety Handbook.

The WSBA strongly recommends that employees take precautions to protect their valuables, since office thefts are an unfortunate possibility and the WSBA cannot guarantee the security of personal property. Employees should bring only what is really needed to work and should keep valuables in a secure place. Checkbooks, wallets, and purses should not be left on or under desks or in a coat pocket. The police advise limiting the credit cards, checks, and cash that people take with them to only those items needed, wherever they go.

Workplace Violence

The WSBA is committed to maintaining a nonviolent environment for its staff. Violence, threats of violence, and carrying weapons of any kind onto WSBA premises will not be tolerated and are grounds for disciplinary action, including termination of employment. Prohibited acts may include but are not limited to:

♦ causing physical injury to another person;
♦ making threatening remarks;
♦ aggressive or hostile behavior that creates a reasonable fear of injury to another person or unduly subjects another individual to emotional distress;
♦ intentionally damaging employer property or property of another employee;
♦ possession of a weapon or explosives by employees or visitors while on WSBA property or on WSBA business; or
♦ committing acts motivated by, or related to, sexual harassment or domestic violence.
Workplace Violence (cont.)

Possession of a valid concealed weapons permit issued by the state or other governmental entity does not exempt that employee or visitor from this policy. This policy does not apply to on-duty law enforcement personnel.

Reporting Responsibilities: Any employee who experiences such conduct, or feels his/her work environment has become unsafe, should immediately bring the matter to the attention of his/her supervisor or department director AND either the Human Resources Director or the Chief Operations Officer, who are the WSBA’s primary security officers. Reports of threats and violent acts will be investigated promptly and thoroughly.

If an employee has a personal situation that could erupt into violence at the office, or a protective order against someone, that employee is required to tell his/her department director AND either the Human Resources Director or the Chief Operations Officer about it so that the WSBA can be prepared. The WSBA will cooperate with local law enforcement officials to minimize the risk of workplace violence.

Occasionally a member or a visitor may become angry during a visit to the WSBA. The anger may be directed toward an employee because of the Bar’s policy or practice on a matter. Most angry visitors can be handled capably by an employee without developing into a threatening or dangerous confrontation. To prevent the matter from becoming more volatile, all employees should be ready to respond promptly. Containing the situation and providing information and assistance to the visitor is critical for a positive outcome (see Employee Health and Safety Handbook for more information).

Safety

The personal safety and health of each employee is of primary importance to the WSBA, and the Bar maintains a safety and health program conforming to the best practices for organizations of this type. Employee safety depends on the safety consciousness of everyone.

Employees should always observe the special safety rules applicable in their work areas. They should also observe the following general rules of safety and:

♦ Cooperate with the organization and other employees in attempting to eliminate unsafe conditions.
♦ Report immediately to the supervisor or the facilities coordinator in Finance and Administration any safety hazard or property needing repair.
♦ Report any injury to their supervisor and the Director of Human Resources.
♦ Keep individual work areas clean and orderly at all times.
Safety (cont.)

- Do not allow unauthorized persons to operate equipment or to have access to restricted areas.
- Do not use space heaters, candles, or extension cords in work areas unless approved by building management.
- Store all materials and equipment in their proper places.
- If job duties include lifting heavy objects, do so only with the appropriate equipment and/or assistance using proper body mechanics.
- Use caution in any activity being performed.

The WSBA’s Health & Safety Committee helps in the detection and elimination of unsafe conditions and work procedures. The committee consists of two Safety Coordinators and several voluntary employee representatives. The committee meets as needed and is responsible for sharing safety information, problem solving and promoting safety.

Accidents and Accident Reports

An employee who is injured or believes that he/she has been injured on the job must notify his/her supervisor and the Human Resources Director immediately. It is their responsibility to help evaluate the situation and assist the employee in obtaining appropriate medical assistance, should that be necessary. The employee will be required to complete a WSBA Accident/Injury Report, available from Human Resources. This report will permit the WSBA to better assist employees in obtaining insurance benefits if they qualify for them.

In order to file a Department of Labor (DOL) workers’ compensation claim, an employee must complete a DOL accident report claim form describing the circumstances surrounding the incident. Medical providers (physicians) have these 3-part (employee/medical provider/employer) forms.

Solicitations

Most forms of selling and solicitations are inappropriate in the workplace. They can be an intrusion on employees and may present a risk to employee safety or to the security of employer or employee property. No solicitations should be made on a one-to-one basis or handled in any manner that puts pressure on another employee.

Employees who have any questions about the appropriateness of a solicitation should check with the Human Resources Director.

Employees may not solicit for any purpose during work time or use WSBA resources (e.g., WSBA email). Reasonable forms of charitable solicitation (e.g., cookies, walks, wrapping paper, school drives) are permitted during non-work time, such as before or after work or during meal or break periods. The proper avenues for solicitations are the
Solicitations (cont.)

WSBA bulletin board and the intranet.

Employees may not distribute literature for any purpose in work areas or use email or voicemail for personal interests during work time. For these purposes, the lunchroom is considered a non-work area.

Persons not employed by the WSBA may not solicit, survey, petition, or distribute literature on WSBA premises at any time. This includes persons soliciting for charities, salespersons, questionnaire surveyors, labor union organizers, and any other solicitor or distributor. Exceptions to this rule may be made in special circumstances where management determines that an exception would serve the best interests of the organization and its employees.
I. Benefits

Group Insurance Programs

The WSBA provides a package of insurance and other plan benefits to its employees. Spouses, qualified domestic partners, and families can be covered for some of these group insurance benefits. Employees may pay a premium expense through pretax payroll deductions, depending on the requirements of the chosen benefits.

The WSBA intends to continue these programs indefinitely, but it reserves the right to amend or discontinue all or some of them at any time, subject to government laws and regulations. If a program is terminated and not replaced with comparable benefits, participants will be notified. Participants will be given information on how to convert group insurance to individual policies whenever conversion privileges apply. Actual benefits provided and eligibility requirements are determined by the plan documents. Information on these is available in the benefits booklets or from Human Resources.

Eligibility: Insurance coverage starts on the first day of the month following the date of hire, unless employment begins on the first working day of the month. Qualified part-time employees receive the same insurance benefits as full-time employees. Temporary and part-time hourly employees are not eligible for insurance programs.

Coverage Ceases: Insurance coverage ends on the last day of the month during which employment terminates. Health insurance may be continued on an individual basis at the employee’s expense under the federal COBRA benefit continuation regulations. Life insurance may be converted to an individual policy.

Medical/Dental/Vision Insurance: The WSBA participates in the State of Washington medical and dental plans, which include a choice of coverage depending on the employee’s needs. There may be a monthly charge for employee and/or family coverage based on the chosen plan. Vision coverage is included with the medical plan. There is an annual open enrollment period in November at which time coverage for the following calendar year may be changed.

Life Insurance/AD&D: The WSBA pays for a $35,000 life insurance policy and a $5,000 accidental death and dismemberment policy for each employee. Employees have the option to purchase additional coverage for themselves and/or their family at their own expense.
Group Insurance Programs (cont.)

Long-Term Care Insurance: Employees interested in purchasing benefits for nursing home care, alternate care facility, home care/adult day health care, and informal care can find information on options and how to apply at https://www.hca.wa.gov/free-or-low-cost-health-care/program-administration/long-term-care-index. This state plan is not directly administered by the Health Care Authority.

Long-Term Disability Insurance: The WSBA pays for a basic plan that provides up to $240 per month if an employee becomes disabled. Additional long-term disability coverage is available at the employee’s expense through payroll deduction.

Industrial Insurance (Workers’ Compensation): All employees are insured for medical costs and loss of income resulting from accidental injury or illness occurring while performing their jobs. Coverage is automatic and effective the date a person becomes employed. Employees injured on the job should report the injury immediately to their supervisor and to the Human Resources Director. Failure to report may result in loss of benefits. See also H-3 of this Handbook.

Social Security and Medicare Insurance: All employees are covered under FICA (Social Security) and Medicare. To pay for these benefits, both the employee and the WSBA pay Social Security and Medicare taxes. Monthly benefits may be paid to disabled and retired workers, to their dependents, and to survivors of deceased workers who meet the criteria.

Unemployment Insurance: All employees are covered by unemployment insurance. The entire cost of this insurance is paid by the WSBA. Generally, any person who loses a job through no fault of his/her own is entitled to unemployment insurance benefits.

Retirement Plan

All full-time employees and qualified part-time employees are required to participate in the Washington State Public Employees' Retirement System (PERS). Both the employee and the WSBA pay for retirement benefits. The WSBA pays a percent of the employee’s gross salary. For Plan 2, the employee’s contribution is a fixed percent of gross salary through a pretax payroll deduction. For Plan 3, the employee chooses the percent of contribution and investment options. Employees can always receive a lump-sum payment of their contributions to the plan when leaving the WSBA. If contributions are left in the plan, the vested amount of the WSBA’s contributions is paid upon retirement. Vesting is 100% after five years of service for Plan 2 and 5 or 10 years of service for Plan 3, dependent on his/her age. A complete description of the retirement plan is available in the plan document. In addition to the retirement benefit, employees are covered for a disability retirement benefit (if they become totally disabled).
Retirement Plan (cont.)

incapacitated and leave their job as a result) or a $150,000 death benefit should they die as a result of injuries sustained in the course of employment.

Deferred Compensation Program

This is a tax-advantaged 457 savings plan that allows employees to postpone part of their income until retirement or separation from service. This deferred income can supplement future retirement or Social Security benefits an employee may receive. Deferrals also reduce an employee’s current taxable income. They are invested in one or more options offered by the program and grow tax free until withdrawn. When the employee leaves the WSBA, he/she must decide when payment of his/her funds will begin. There may be significant tax consequences depending on how the funds are distributed. The plan document contains a complete description of the program.

Paid Absences - General

Paid absences include holidays, floating holidays, vacation, sick leave, compensatory time, emergency leave, jury duty, time off for voting, and hazardous travel time.

Eligibility: In order to be eligible for any paid absence, an employee must be regularly scheduled for 20 hours or more of work per week. Part-time employees receive all paid absence benefits at a prorated amount based on the number of hours they are scheduled to work. Temporary and part-time hourly employees are not eligible for paid absences.

Accrual Process: If a full-time employee’s employment date occurs on the first working day of the month, he/she will accrue eight hours of vacation and eight hours of sick leave for the first calendar month of employment. A full-time employee whose employment date is after the first working day but before the 17th day of the month will accrue four hours of vacation and four hours of sick leave for the first calendar month of employment.

The employee information system shows an employee’s accrual balances as of the ending date of the previous pay period (pay periods are: the 1st through the 15th and the 16th through the last day of the month). Accruals are subject to the limitations addressed elsewhere in this Handbook (see page F-3 and I-7). Accruals cease during unpaid leaves of absence of more than one week or 40 hours for full-time employees.

Requesting Time Off: Employees must get advance approval from their department director or designee to schedule time off for vacation,
Paid Absences - General (cont.)

sick leave, comp time, jury duty, floating holidays, and leaves of absence. Requests for time off can be made electronically through the employee information system and should be submitted in advance of the date for approval unless the need for the time off is unforeseen. It is each employee’s responsibility to make sure there is enough time accrued before taking the time off.

Holidays

The WSBA observes the following paid holidays, and employees receive these days off with pay.

- New Year’s Day - January 1
- Martin Luther King Jr. Day - third Monday in January
- Presidents’ Day - third Monday in February
- Memorial Day - last Monday in May
- Independence Day - July 4
- Labor Day - first Monday in September
- Veteran’s Day – November 11
- Thanksgiving Day - fourth Thursday in November
- Day after Thanksgiving Day- fourth Friday in November
- Christmas Day - December 25

A holiday is paid as the equivalent of eight (8) hours for all full-time employees; hours are prorated for part-time employees. If any holiday falls on a Saturday, the preceding Friday is recognized as the holiday. If any holiday falls on a Sunday, the following Monday is recognized as the holiday. If a holiday falls during a scheduled vacation, the holiday does not count as a vacation day. Employees who are on an unpaid leave of absence are not eligible for holiday pay during the leave. Eligible employees must be in compensation status their normal workday before and their normal workday following an observed holiday to receive pay for the holiday.

Holidays: All paid holidays for full-time employees are counted as 8 hours on the time sheet. If a holiday falls on a scheduled 9- or 10-hour workday, nonexempt employees must make up the extra 1 or 2 hours during the rest of the same week or take 1 or 2 hours of vacation or comp time. If a holiday falls on a regularly scheduled day off or scheduled 4-hour day, nonexempt employees should reduce the rest of their work hours that week to total 40 hours including the 8 holiday hours.

Floating Holidays: Staff members who are employed by the WSBA between January 1 and June 30 of each year will be credited with two “floating holidays” to use during the calendar year. Staff members hired between July 1 and December 31 of each year will be credited with 1 “floating holiday” to use during the year. Hours are prorated for part-time employees. Floating holidays must be used within the calendar year they are granted, or they will be forfeited. There is no payment for unused floating holidays upon termination of employment.
Holidays (cont.)

Other Religious Holidays: Employees whose religion requires observance of a religious holiday on days other than those observed by the WSBA as paid holidays may be granted time off as a floating holiday, vacation, comp time, or unpaid leave.

Sick Leave

Employees who miss work because of an illness or other valid health-related reason may take accrued sick leave to cover payment for lost work hours. Sick leave is like an insurance policy. Correct use of the benefit allows employees to build up income protection in case an unexpected disability keeps them off the job.

Accrual Process: Sick leave accrues at the rate of eight hours per month for full-time (prorated for part-time) and may be used in one-quarter hour increments. Sick leave may be used after it is accrued. There is no maximum on the total amount of sick leave that can be accrued. Temporary and hourly employees accrue sick leave at a rate of one hour for every 40 hours worked. Accruals start on the first day of employment and are available for use immediately (Seattle Paid Sick and Safe Time Ordinance/Washington Paid Sick Leave Statute). Temporary employees re-hired within 12 months of his/her previous service termination date shall have any accrued unused sick leave reinstated.

Accrued sick leave may be used only for the following situations:

♦ Sickness, medical condition (including pregnancy and childbirth), or injury causing the employee’s temporary disability.
♦ Sickness of, or injury to, a member of the employee’s immediate family which requires the employee’s presence to provide assistance. For purposes of this sick leave policy, immediate family includes the employee’s parents, stepparents, spouse/life partner, children, stepchildren, siblings, nieces/nephews, grandparents, grandchildren, aunts/uncles, brothers/sisters-in-law, parents-in-law, and grandparents-in-law.
♦ Medical appointments (including dental, vision, etc.) for the employee or employee’s family member when the employee’s presence is necessary. If possible, appointments should be scheduled at the start or end of a workday.
♦ The death or funeral of a member of an employee’s immediate family.
♦ An employee’s place of business has been closed by order of a public official to limit exposure to an infectious agent, biological toxin or hazardous material.
♦ An employee’s need to care for a child whose school or place of care has been closed by order of a public health official to limit
exposure to an infectious agent, biological toxin or hazardous material.

♦ For reasons related to domestic violence, sexual assault or stalking that affect the employee, the employee’s family member or the employee’s housemate.

Each department director has the right to ask about the requested use of sick leave or to require a doctor’s statement prior to approving sick leave or allowing an employee to return to work. This information is held strictly confidential. Sick leave benefits are not paid for any illness or disability that occurs on a holiday or during a scheduled vacation or unpaid leave of absence.

Any employee who has abused sick leave privileges by misrepresenting the reason for the leave is subject to disciplinary action up to and including discharge.

Sick Leave Donation

Employees may donate sick leave to other staff members who need time off due to a true crisis situation, such as terminal or long-term illness or accident, and who have a maximum of 20 hours of accrued sick leave remaining with all other benefits exhausted or have exhausted all of their paid benefits (sick leave, vacation, comp time, floating holidays, and emergency leave). When considering a sick leave donation, employee donors must be able to maintain a minimum of 80 hours in their sick leave account after donating. There is no limit to the number of hours that can be donated. Employees wishing to donate should submit a written request to the Human Resources Director expressing their intent to donate sick leave, the number of hours, and to whose benefit. If the donation is approved, adjustments will then be made to the respective sick leave balances.

Sick leave donations do not count as “used” sick leave for calculating “conversion.” However, donations do reduce the hours available to use or to convert. Sick leave balances have no value and may not be donated upon termination of employment.

Sick Leave Conversion

Full-time employees employed for at least one full calendar year (January 1 through December 31) that use 48 or fewer hours of sick leave during the calendar year may convert a portion of their sick leave balance to vacation as follows:

♦ If 33 to 48 sick leave hours were used, 8 sick leave hours may be converted to vacation hours.
♦ If 17 to 32 sick leave hours were used, 16 sick leave hours may be converted to vacation hours.
♦ If 0 to 16 sick leave hours were used, 24 sick leave hours may be converted to vacation hours.
Sick Leave Conversion (cont.)

This conversion benefit becomes effective in January of the following year. Employees who qualify must notify the Human Resources Director by February 15 only if they do not want to have their sick leave converted to vacation. Employees on a part-time schedule follow a reduced prorated usage schedule compared with the above.

Vacation Benefits

The WSBA’s vacation benefits are earned by employees based upon their length of service. Vacation may be taken in one-quarter-hour increments.

Unless specifically contracted differently, full-time employee vacation accrues as follows (part-time employee accruals are prorated):

<table>
<thead>
<tr>
<th>Service Years</th>
<th>Months Employed</th>
<th>Hours Earned Per/Month</th>
<th>Equivalent Days Per/Month</th>
<th>Equivalent Hours Per/Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thru 3</td>
<td>36 or less</td>
<td>8 hrs./mo</td>
<td>12 days</td>
<td>96 hrs.</td>
</tr>
<tr>
<td>4 thru 5</td>
<td>37 thru 60</td>
<td>10 hrs./mo</td>
<td>15 days</td>
<td>120 hrs.</td>
</tr>
<tr>
<td>6 thru 10</td>
<td>61 thru 120</td>
<td>12 hrs./mo</td>
<td>18 days</td>
<td>144 hrs.</td>
</tr>
<tr>
<td>11 thru 15</td>
<td>121 thru 180</td>
<td>13.50 hrs./mo</td>
<td>20 days</td>
<td>162 hrs.</td>
</tr>
<tr>
<td>16 thru 20</td>
<td>181 thru 240</td>
<td>15.50 hrs./mo</td>
<td>23 days</td>
<td>186 hrs.</td>
</tr>
<tr>
<td>Over 20</td>
<td>241 or more</td>
<td>17 hrs./mo</td>
<td>25 days</td>
<td>204 hrs.</td>
</tr>
</tbody>
</table>

Accrued vacation may be taken only with the prior approval of the department director, his/her designee, and/or the Executive Director. Whenever possible, vacations are scheduled as requested by the employee, subject to WSBA needs in ensuring adequate coverage and in balancing the various requests of employees. If a conflict arises between two employees in scheduling vacations, the employee who requested the time off first will normally get preference if proper service coverage can be maintained.

When a paid holiday occurs during a scheduled vacation, it will be recorded as a holiday. No adjustment to vacation time will be made for periods of illness or disability occurring during a scheduled vacation.

Vacation time can be accumulated and carried over to the next calendar year. However, if an employee has accumulated substantial amounts of vacation (in excess of 160 hours), the Executive Director may require the employee to use accumulated vacation on an approved schedule. **No additional vacation time will accrue when the vacation balance has reached 200 hours, and accruals during**
Vacation Benefits (cont.)

the time that the balance is at this maximum will be forever lost. Employees with over 20 years of service are permitted to accrue to a maximum of 204 hours.

If an employee accumulates more than 80 hours of vacation time, he/she may request payment for the excess hours earned, up to 40 hours per calendar year. This may be requested in writing to the Human Resources Director.

Interested employees may request up to 40 hours of additional unpaid leave each year to supplement paid vacation time after their vacation accrual has been used. This time off should be requested and scheduled with the department director or designee the same way regular vacation time is scheduled. Employees who leave the WSBA will be paid for any accrued but unused vacation benefits.

Emergency Leave

Emergency leave is designed as a “safety net” for bona fide emergencies and is available only for:

- The death or funeral of a member of an employee’s immediate family, or
- The birth of a child or adoption of a child by an employee, or
- Employee or family illness or disability of major seriousness, or
- At the discretion of the department director, the death or funeral of a coworker.

Each employee has up to three days (24 hours) of emergency leave available each calendar year. It is not a form of vacation. For illness, emergency leave may be used when an employee has a balance of no more than 20 hours of sick leave or after sick leave is exhausted and must be used before donated sick leave hours can be accepted.

For purposes of emergency leave, “immediate family” includes the employee’s parents, stepparents, spouse/life partner, children, stepchildren, siblings, nieces/nephews, grandparents, grandchildren, aunts/uncles, brothers/sisters-in-law, parents-in-law, and grandparents-in-law.

Emergency leave cannot be accumulated beyond the current calendar year and starts anew each calendar year. Upon termination of employment, unused emergency leave is forfeited.

(revised November 2011)

Time Off for Voting

The WSBA encourages each employee to exercise the right to vote. In most situations, a person should be able to vote before or after work or by absentee ballot.
Time Off for Voting (cont.)

If this is not possible due to an employee’s work schedule, the employee may take up to two hours off work with pay to vote. Employees must request this time off in advance from their supervisor and must have a valid reason why they cannot vote other than during working hours. Time off for voting is expected to occur at the time of day that will require the least time missed from work, usually at the beginning or end of the workday. Most counties now use mail-in ballots and employees are encouraged to exercise that voting option.

Snow Days/Hazardous Travel Time

In the event of severe snow/weather conditions or civil disruptions, the Executive Director may close the WSBA offices. The offices will close only if there is a significant and widespread disruption in the local Seattle environs (i.e., the 10 to 12 mile radius of downtown Seattle). Notice of any office closure will be made by way of a voicemail bulletin, generally by 5 a.m., so employees can verify whether or not the office will be closed by checking their voicemail. A paid absence will be granted and not charged against any other form of paid leave.

Each employee will have eight (8) hours of “hazardous travel” time (HTT) available during each calendar year to use when part or all of a workday is missed because of hazardous weather or conditions on the days when the WSBA office does not close. This policy is meant to accommodate employees who miss work through no fault of their own. The purpose of HTT is to provide an incentive to employees to come to work even though they might be late or have to leave early because of hazardous travel or civil disruption.

Hazardous travel time does not accrue. Any unused portion of the eight hours expires at the close of the calendar year. A new eight hours begins each new calendar year. Unless the Executive Director has closed the offices, absences due to hazardous conditions will first be charged to hazardous travel time, then against the employee’s vacation, comp time, or leave without pay.

Jury Duty and Court Leave

Performance of jury duty is part of a person’s responsibilities as a citizen, and the WSBA encourages its employees to fulfill this civic responsibility. Unless job responsibilities require it, the WSBA will not ask or encourage employees to request to be excused from, or postpone a call to, jury duty. When summoned to jury duty, the employee should inform the supervisor immediately, submit an electronic time off request through the HR information system, and send a copy of the request and jury summons to the Human Resources Director.
Jury Duty and Court Leave (cont.)

A paid absence will generally be granted for jury duty and not charged against any other form of paid leave. Employees may retain the pay received for performing jury duty. Employees will be expected to work their regular schedule at any time they are not required to be present in court. When returning to work, the employee must provide the Human Resources Director with a letter or other confirmation from the court clerk indicating the time served, in order to receive compensation during jury duty.

Employees who are subpoenaed to appear in court or for a deposition will be allowed leave as follows:

♦ If the WSBA or its agents or employees, in their capacities as WSBA agents or employees, are the subject of the action or proceeding, or if the employee is summoned as a witness due to WSBA work-related activities, the time is considered work time. **The WSBA's General Counsel must be notified in every instance.**

♦ If the WSBA or its agents or employees are neither a party to, nor the representative of, a party in the court action or proceeding, the employee will be granted unpaid leave or use of accrued vacation.

Employee Referral Award

The WSBA encourages its employees to refer qualified persons from outside the WSBA for available positions. All employees receive email notices of all open positions and changes in availability. These openings are subsequently posted on the WSBA website (**www.wsba.org/jobs**) until the positions are no longer available.

When a person referred by a current employee is subsequently hired into a regular full-time or part-time benefits-eligible position (within six months of the original referral), the referring employee will receive his/her choice of 8 hours of vacation time credited to his/her account or a $100 gift certificate. After the new full-time employee has successfully completed his/her orientation period, the referring employee will again receive his/her choice of 8 hours of vacation time credited to his/her account or a $100 gift certificate.

In order to qualify for the award, the referral must be made directly to the Human Resources Director, without previous agency or other outside or internal referral. In addition, the applicant should identify the referring employee on the “Who referred you to us?” line of the application form.

This policy applies to referrals made by all WSBA employees, except directors, staff members in HR functions, and supervisors who may be involved in the normal selection, review, or termination of the referred
Employee Referral Award (cont)

person. Referral awards will not be issued for the rehire of a former employee, for the new hire of temporary employees, or if the referring person is no longer employed by the WSBA. Only one award per individual recruited will be issued; in the case of a joint referral, pro rata shares of the award will be issued to each referring employee.

(revised November 2011)

Leaves of Absence

A leave of absence is a temporary absence and may be available to an employee for medical or personal reasons under the guidelines below. If a leave can qualify in more than one category listed below, the period of leave will be counted toward the employee’s total entitlement to every category of leave that may apply.

Overview: A leave of absence must be requested in writing and be submitted to the supervisor 30 days (14 days for a leave due to a child’s terminal illness) prior to the date on which an employee wishes to begin the leave, or as soon as the need for such a leave is known. No time-off benefits, such as vacation or sick leave, accrue during unpaid leave of more than five workdays, except that 50% of an employee’s monthly accrual is credited if the employee is paid for at least one full pay period that month; time-off benefits continue to accrue during a paid leave of absence.

Depending upon the type of leave taken, group insurance coverage may terminate at the end of the month in which the unpaid leave of absence begins. In those circumstances, if an employee desires to continue group coverage (and if policy provisions permit it), he/she must make arrangements to prepay the individual premium each month. Such arrangements should be taken care of with the Human Resources Director before the start an unpaid leave of absence.

Failure to return from leave as agreed will be treated as a resignation of employment. If an employee has taken a leave during which the WSBA has continued its contributions toward the employee’s health premiums (as identified below), and if the employee does not return at the end of the leave, he/she will be required to repay the WSBA for its contributions to the cost of his/her health insurance paid during the leave.

The WSBA will request the temporary return of security access cards and office keys. An employee is not expected to be performing work-related duties while on leave. Email and voicemail messages will be handled by other staff in the department. Where the leave is required by the Family and Medical Leave Act (FMLA) or state law, the policy will be administered according to that Act or applicable law.
Leaves of Absence (cont.)

Leave for Medical Reasons (FMLA): Employees who have been employed by the WSBA for at least twelve months and have worked at least 1,250 hours in the twelve-month period immediately preceding the start of a leave may be eligible for an unpaid medical leave of absence if suffering from a serious health condition. A serious health condition is an illness, impairment, or condition that requires either:

- Inpatient care in a hospital, hospice, or residential care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care; or continuing treatment by a healthcare provider.
- Continuing treatment by a health care provider as defined in the FMLA.
- Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits to a health care provider and may involve occasional episodes of incapacity.
- A period of incapacity that is permanent or long term due to a condition for which treatment may not be effective.
- Any absences to receive multiple treatment for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

A medical leave of absence requires a healthcare provider’s certification (form available from the Human Resources Director) and may not exceed twelve weeks during a twelve-month period, except as described below. The certification must include sufficient detail to allow the WSBA to determine eligibility for the medical leave of absence. It is the employee’s responsibility to secure this certification. The twelve-month period will be calculated forward from the date the FMLA leave begins (See Appendix A, FMLA Employee Rights and Responsibilities). Medical leaves may be used for actual periods of disability associated with pregnancy or childbirth. In such cases, they are not limited to twelve weeks.

During a medical leave, employees must use any previously earned sick leave, vacation, emergency leave, or other paid time off benefits. While an employee is on leave, the WSBA will continue to pay its contributions toward health insurance premiums, and the employee must maintain his/her contributions (if any) toward health insurance premiums.

A medical leave of absence may be extended beyond twelve weeks in certain circumstances; although certain reinstatement rights will be lost, and the employee will have to pay all of his/her own insurance premiums for time beyond the initial twelve-week period. The employee will be asked to provide a healthcare provider’s certification of the ability to return to work with any limitations that are applicable at the time the employee returns from leave if the employee is returning to work sooner than anticipated as documented on the healthcare certification.
Leaves of Absence (cont.)

When an employee returns from a medical leave after not more than twelve workweeks of absence, generally he/she will return to the same job or an equivalent one with equivalent pay and benefits, unless that position would otherwise have been eliminated had the employee not been on leave. If leave extends beyond the period permitted by this policy, employees will not be guaranteed any reinstatement, but they may apply and compete for vacant positions for which they are qualified.

**Washington Paid Family & Medical Leave Act:** Washington State offers paid family and medical leave benefits to workers. The program is funded by premiums paid by both employees and many employers, and is administered by the Employment Security Department (ESD). This insurance program will allow workers to take up to 12 weeks, as needed, when they welcome a new child into their family, are struck by a serious illness or injury, need to take care of an ill or ailing relative and for certain military-connected events. To qualify for Paid Family and Medical Leave, you must work 820 hours or more in the qualifying period. Claims are filed directly with the ESD. Job protection is extended to employees who meet the same criterion for FMLA leave (employed by the WSBA for at least twelve months and have worked at least 1,250 hours in the twelve-month period immediately preceding the start of a leave).

**Unpaid Leave for Personal Reasons:** An unpaid personal leave of absence may be granted for a variety of reasons, for a specified period of time, and when such absence will not unduly interrupt the work of the WSBA. Any such leave of absence must be approved in writing in advance by the Executive Director. However, with approval from the department director, an employee may request up to 40 hours of unpaid personal leave annually to supplement paid vacation time, after their vacation accrual has been used, without approval from the Executive Director (see the Vacation Policy). Requests for personal leave will be evaluated based on the requestor’s work and/or attendance record, the department’s staffing needs, and the reason for requesting the leave. Employees returning from a personal leave are not guaranteed a return to their former job. If a position is available for which a returning employee is qualified, he/she may be considered for that opening. Where possible, employees will be returning to their prior job or a similar position.

**Military Leave of Absence:** Employees who are required to attend annual military reserve training or are called for other active military duty will be granted up to 21 days of paid military leave each year between October 1 and September 30. Employees should attach a copy of their orders to a “Request for Time Off” for their director or designee’s approval and provide a copy to Human Resources. Employees who take military leave are entitled to return to their jobs as provided under federal and state laws.

An employee who works at least 20 hours per week whose spouse is being called into active duty for the armed forces or who will be, or is, deployed during times of military conflict, is entitled to up to 15 days of leave before the deployment of the military spouse or when the military
spouse is on a leave from the deployment. This leave is available for each new deployment of the military spouse.

**Leave to Care for a Seriously Ill Family Member (FMLA):**
Employees who have been employed by the WSBA for at least twelve months and have worked at least 1,250 hours in the twelve-month period immediately preceding the start of the leave are entitled to up to twelve workweeks of unpaid leave in a twelve-month period to care for an immediate family member with a serious medical condition (as defined in the Medical Leave of Absence section, above). The twelve-month period will be calculated forward from the date the FMLA leave begins.

Immediate family includes the employee’s parents (biological parent or persons who have day-to-day responsibilities to care for and financially support a child), stepparents, spouse, and children. Children include biological, adopted, foster and step children, legal wards, and those for whom an employee has daily responsibilities to provide financial support.

Employees will be required to provide medical certification of the immediate family member’s serious health condition and their need to take leave. The certification must include sufficient detail to allow the WSBA to determine an employee’s eligibility for the FMLA leave of absence. It is the employee’s responsibility to secure this certification; Human Resources can provide the federal form.

The employee will be required to use accrued sick leave, vacation, or other paid time-off benefits while on leave. While the employee is on leave, the WSBA will continue to pay its contributions toward his/her health insurance premiums, and the employee must maintain his/her contributions (if any) toward health insurance premiums. If an employee elects not to return to work from his/her approved Family Leave, the WSBA is entitled to recover any employer-paid premium for health insurance during the leave period, unless the employee does not return due to a serious health condition of the employee or the employee's spouse, child or parent, or some other reason beyond the employee's control.

Upon return from a leave of twelve weeks or less, an employee will return to his/her former position or an equivalent position with equivalent pay and benefits, unless that position would have been eliminated had the employee not been on leave.

A leave may extend beyond twelve weeks in certain circumstances. However, reinstatement rights will be lost, and the employee will have to pay all of his/her own insurance premiums for any period beyond the initial twelve weeks.

A leave to care for grandparents, grandparents-in-law, grandchildren, aunts/uncles, life partner, parent-in-law, brothers/sisters-in-law, nieces/nephews, or siblings does not qualify under the Family Medical Leave Act but may be granted for up to 12 weeks. Medical certification and the approval of the department director and Human Resources Director are required.
Leaves of Absence (cont.)

Employees returning from this type of leave are not guaranteed a return to their former job. If a position is available for which a returning employee is qualified, he/she may be considered for that opening. Where possible, employees will be returning to their prior job or a similar position.

Military Family Leave (FMLA): An employee who is a spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness is entitled to up to a total of 26 workweeks of unpaid leave during a single twelve-month period to care for the servicemember. Family members of a veteran who is undergoing medical treatment, recuperation, or therapy for a serious health condition that occurred anytime during the five years preceding the date of treatment are also entitled to this leave. A serious injury or illness is one that was incurred by the servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform their duties.

Employees are eligible for up to 12 workweeks of unpaid leave for “qualifying exigencies” arising out of the fact that the employee’s spouse, son, daughter, or parent is an active duty servicemember or who is a military member in the National Guard or Reserves on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. “Qualifying exigencies” include:

- Issues related to short notice deployments.
- Military events and related activities.
- Childcare-related activities arising from active duty or call to active duty status.
- Financial and legal arrangements to address a covered military member’s absence.
- Rest and recuperation leave.
- Post-deployment activities.

Leave Following Childbirth, Adoption, or Foster Care Placement (FMLA): Employees are entitled to leave for the actual period of disability associated with childbirth (generally 6-8 weeks). See Medical Leaves above. Employees may also be entitled to up to twelve workweeks of unpaid leave in any twelve-month period in conjunction with the birth, adoption, or placement for foster care of any child. To qualify for this leave, the employee must have been employed by the WSBA for twelve months and worked at least 1,250 hours during the twelve months prior to beginning a leave. Additional eligibility requirements may apply. The leave must be taken within twelve months of the birth, adoption, or placement of the child.

Leave for Domestic Violence/Sexual Assault: Employees who are victims or who have a family member (child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship) who is a victim of domestic violence, sexual assault, or stalking are eligible for a “reasonable” amount of leave. This leave may be taken for the following purposes:
Leaves of Absence (cont.)

- For the victim to seek law enforcement or legal assistance, or to assist the victim to seek law enforcement/legal assistance, or for the victim to prepare for or participate in any legal proceeding related to the victim’s domestic violence, sexual assault or stalking;
- For the victim to seek healthcare/mental health treatment or attend to such healthcare treatment for a family member related to the assault;
- For the victim to obtain (or assist a family member in obtaining) services for a domestic violence shelter, rape crisis center or other social services;
- For the victim to participate in safety planning, to relocate temporarily or permanently or to take other safety actions related to the domestic violence, sexual assault or stalking.

Employees are required to provide notice of the need for this leave no later than the end of the first day the employee takes the leave.

Employees are required to use accrued sick leave, vacation, and other paid time off benefits while on leave. While an employee is on this leave, the WSBA will maintain its contributions toward his/her health insurance premiums, and the employee must maintain his/her contributions (if any) toward health insurance premiums. Upon return from leave, an employee will be given his/her former position or an equivalent position with equivalent pay and benefits, unless that position would have been eliminated had the employee not been on leave, or the leave extends beyond the employee’s entitlement under FMLA or applicable state law. In such latter event, the employee will lose reinstatement rights, and he/she will have to pay all his/her own insurance premiums for any period beyond that under FMLA or applicable state law.

A leave (in addition to a leave for the actual period of disability associated with pregnancy and childbirth) may extend beyond twelve weeks in certain circumstances. Twelve additional weeks of leave may be allowed under the Washington State Family Leave Law for sickness or temporary disability because of pregnancy or childbirth.
WSBA Continuing Legal Education programs are open to WSBA staff at no charge if space is available, the director has given consent, and the program is job-related. Employees who are interested in taking a CLE course should make sure they complete the necessary registration information. Course books provided to registrants will also be provided to WSBA staff as the supply permits.

Other seminars and educational opportunities will be considered on a case-by-case basis, recognizing that continuing information and skill development is appropriate for every employee. Employees should talk to their supervisor or the Human Resources Director about seminars or education for which they would like to be considered. Employees must obtain their department director’s approval before registering for any seminar or education (including in-house educational sessions) using a training request form.

The WSBA will reimburse an employee for fees paid for professional licenses that the employee legally must have to perform his/her job at the WSBA, or which the Executive Director determines are in the interest of the WSBA for the employee to have. This includes, for example, the annual WSBA licensing fees (but not section membership fees) for attorneys whose positions require a license to practice, the biennial State Board of Accountancy licensing fees for CPAs, and the annual Department of Health licensing fees for LAP psychotherapists. Such reimbursements are prorated for new employees based on the calendar year and date of beginning work at the WSBA. When the Executive Director approves discretionary payment of WSBA licensing fees for employees working in jobs that do not require the employee to legally have to perform his/her job at the WSBA, payment of the fee shall begin in the first full licensing year after the date of hire.
Employee Assistance Program (EAP)

Specific employment-related problems should be brought to the supervisor, the department director, or the Human Resources Director. However, sometimes personal or family issues or problems can affect an employee’s performance on the job. If that happens, the WSBA wants to assist the employee.

The WSBA offers its employees and their immediate family members assistance through the confidential counseling services of an approved EAP contractor, KEPRO. Employees should contact Human Resources for more information, call KEPRO at (800)999-1077 for 24-hour, seven-days-per-week confidential service, or visit the intranet.

The EAP is available to employees and their families for personal problems, such as substance abuse, depression, marital and/or financial problems, and the like. For long-term counseling needs, employees should utilize the benefits provided by the WSBA’s health insurance plans.

Note: Lawyers and other professionals employed by the WSBA are not at the WSBA to provide legal, financial, or other professional advice and should not be asked by WSBA employees for such advice. The WSBA will not take responsibility for any advice received from another employee.
J. Employee’s Statement of Understanding

This confirms that I:

- have received the Washington State Bar Association Employee Handbook and have familiarized myself with its contents;
- have reviewed the information contained in the Introduction on page vi;
- understand that the policies may be revised by the Washington State Bar Association in its sole discretion without advance notice;
- understand that no WSBA manager or employee is authorized to make any representation contrary to the “at will” policy in the Introduction unless it is in writing and is signed by the Executive Director; and
- understand that this Handbook supersedes any prior handbooks, policy manuals, or verbal or written representation concerning employment policies and procedures.

Signature ____________________________________

Print Name ____________________________________

Date of Signature _____________________________

Washington State Bar Association
Employee Handbook

Current Revision Date: 2019

Please sign this statement and return it to Human Resources.
Appendix A.

EMPLOYEE RIGHTS AND RESPONSIBILITIES
UNDER THE FAMILY AND MEDICAL LEAVE ACT

LEAVE ENTITLEMENTS:

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

• The birth of a child or placement of a child for adoption or foster care;
• To bond with a child (leave must be taken within 1 year of the child’s birth or placement);
• To care for the employee’s spouse, child, or parent who has a qualifying serious health condition;
• For the employee’s own qualifying serious health condition that makes the employee unable to perform the employee’s job;
• For qualifying exigencies related to the foreign deployment of a military member who is the employee’s spouse, child, or parent. An eligible employee who is a covered servicemember’s spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer’s normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

BENEFITS & PROTECTIONS

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual’s FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

ELIGIBILITY REQUIREMENTS

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

• Have worked for the employer for at least 12 months;
• Have at least 1,250 hours of service in the 12 months before taking leave;*
• Work at a location where the employer has at least 50 employees within 75 miles of the employee’s worksite. *Special “hours of service” requirements apply to airline flight crew employees.
REQUESTING LEAVE

Generally, employees must give 30-days’ advance notice of the need for FMLA leave. If it is not possible to give 30-days’ notice, an employee must notify the employer as soon as possible and, generally, follow the employer’s usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

EMPLOYER RESPONSIBILITIES

Once an employer becomes aware that an employee’s need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

For additional information or to file a complaint:

1-866-4-USWAGE www.dol.gov/whd
(1-866-487-9243) TTY: 1-877-889-5627
U.S. Department of Labor Wage and Hour Division