

## **7 Personnel**

### **7.1 Procedure for the Evaluation of Library Director**

The Board of Trustees will evaluate the Library Director annually. The evaluation will contain the following steps, the first step beginning in January

Step 1:

Each January, or at a time agreed by all parties, the Library Director will present the Board of Trustees with a list of goals (priorities) for the coming year.

Step 2:

All Board members will complete the "Board Questionnaire" and route the completed forms to the Board Secretary who will serve as the "Director Evaluation" coordinator.

Step 3:

The Library Director will complete the "Board Questionnaire" using it as a "self-appraisal." The completed form will go to the Board Secretary.

Step 4:

Key leadership staff will complete the "Staff Survey" with all results routed to the Board Secretary. This process can be facilitated by the Board, Director, or a designee.

Step 5:

The Board Secretary will compile and present completed Board Questionnaires, Staff Surveys, and the Director's self-appraisal to the Board of Trustees in Executive Session. With input from the entire Board and in consideration of the Director's goals, Board Questionnaires, Staff Surveys, and the Director's Job Description and the Library's Strategic Plan, the Secretary will prepare the Director's final evaluation, using the "Board Questionnaire as a template.

Step 6:

At the next Board meeting, in Executive Session will be called for a personnel matter where the Board Secretary with the support of members will present the evaluation to the Library Director. The Library Director will present any comments or concerns back to the Board in writing. These comments will be placed in his/her personnel file.

Step 7:

If needed, the Library Director shall revise his/her work plan as needed based on the discussion conducted in Step 6. Finalized goals will be provided to the Board of Trustees.

Step 8:

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A mid-year evaluation will be conducted between the Board and the Library Director during an executive session of the July meeting. The purpose of this mid-year evaluation is two-fold. One purpose is to re-evaluate the appropriateness of the Library Director's goals; the other purpose is to check the progress toward completion of the stated goals.

### Step 9:

Evaluations shall be scheduled more often as needed or in support of a new director. This shall be at the discretion of the Board of Trustees.

August 11, 2020

**Board Questionnaire (to be used for gaining feedback about, and evaluating the library director)**

1. How well has the Director performed in the following areas?
  - Director's goals including those identified by the Board of Trustees
  
  - Director's Job Description (including public relations, leadership and organized development, fiscal responsibilities, outreach, partnerships, trustee support)
  
  - Strategic Plan as related to the Library's Service Roles and Goals
  
  - Contingency Planning for Current Conditions
  
  - Other?
  
2. What are the Director's greatest strengths?
  
3. What areas of improvement and/or concerns should be addressed by the Director? Suggested strategies?
  
4. What is the Director doing to position Whitman County Libraries for long-term sustainability in the face of challenges such as the current economic climate, emerging technologies, shifting cultural values, etc.?
  
5. What issues & activities should the Director include in his/her current list of goals or upcoming year's goals?
  
6. How can WCL Trustees better support the Library Director in meeting goals and strategic initiatives?

Updated August 2020

## **7.2 Personnel Policies: Staff, Board, and Director Relationship**

### **7.2.1 Director:**

The Director serves as the channel of communication between the Library Board, the library staff and the public. Under these policies, adopted by the Board of Trustees, the Director administers the library and directs the staff.

### **7.2.2 Staff:**

The library staff has responsibility for public relations in contact with the public both inside and outside the library.

Members of the staff are encouraged to make suggestions to the Director on any phase of library service which they feel can be improved. These suggestions are channeled through departments and/or directly to the Director.

Staff members will participate in appropriate and on-going programs of staff development and continuing education policies, in-house or at workshops, seminars, and meetings within the limitations imposed by budget and current staffing levels.

### **7.2.3 Board of Trustees**

The Board of Trustees serves as the liaison between the library and the public and between the library and government officials.

Its members advise the Director of needs in the community and explain the library and its services in lay terms to the public.

The Board works with the Director in adopting a budget.

Members of the Board will not discuss policy matters with members of the staff without knowledge of the Director.

If circumstances require by passing the normal administrative channels, the matter should be acted upon by the Board as a whole prior to any such discussion.

### **7.2.4 Staff Classifications:**

#### Full-Time Employees:

Full-time employees are those who are not in a temporary or introductory status and who are regularly scheduled to work 32 hours per week.

Generally, these employees are eligible for the facility's benefit package, subject to the terms, conditions, and limitations of each benefit program.

Vacation, holidays, insurance, comp time, retirement, etc. are included in full-time employee benefits package. Payroll is computed on a salary basis.

#### Part-Time Employees:

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Part-time employees are those who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than a full-time schedule (124 or less hours per month.) Part-time employees working 70-124 hours a month (for 5 months within a twelve month period) are eligible for a retirement benefit.

### Temporary Employees:

Employees hired for temporary positions lasting for less than six months, unless specified by the Director, board, or terms of a grant. Temporary employees are not eligible for paid sick leave, retirement, vacation, or holidays for the duration of the temporary position including periods extended beyond six months.

### Introductory Employees:

Introductory employees are those whose performance is being evaluated to determine whether further employment in a specific position or with the facility is appropriate. Employees who satisfactorily complete the introductory period of one year will be notified of their new employment status.

### Exempt Employee:

An Exempt employee, typically the library director, is paid on a salary basis; e.g., the employee regularly receives each pay period a predetermined amount constituting all or part of an employee's compensation, which amount is not subject to reduction because of variations. Exempt employees are not eligible for overtime. Exempt employees shall not have their predetermined salary reduced during a workweek in which they perform any work exempt as does not jeopardize the employee's exempt status under federal and state law. Accrued sick or vacation leave should be used for absences of a day or more. Exempt employees will not have their salaries reduced for less than a full day absence.

### 7.2.5 Resignation:

Employees must give the Director or the Board two (2) weeks prior notice when resigning.

### 7.2.6 General Personnel Guidelines:

#### 7.2.6.1 Personnel Records:

The Director or designee shall maintain a personnel record for each employee.

The employee records shall be considered confidential and shall be accessible only to the employee, the Director, the Director's appointee, or as required by law.

#### 7.2.6.2 Temporary Appointments:

As a substitution for a regular employee who has taken leave of absence.

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When it is necessary to fill a short-term appointment which has been authorized by the Board.

When the library has been awarded a grant which includes funds for additional, temporary personnel.

Temporary employees shall serve at the discretion of the Director.

No temporary appointment shall exceed six months unless a longer period is stipulated by the board or under conditions of a grant or contract.

Not eligible for benefits unless a longer period is stipulated under conditions of a grant or by the library board.

7.2.6.3 Evaluations:  
Employees shall be evaluated yearly.

New employees shall be evaluated frequently, ideally at three months, six months, and one year.

7.2.6.4 Hiring, Discipline, and Discharge:  
Whitman County Library is an "At Will" employer. Thus all hiring, disciplinary action, and/or discharge of employees will be based upon employee performance and will be at the discretion of the library director. Discharge can be, but is not limited to the following reasons:

- Failure to meet performance standards and/or unsatisfactory performance evaluation.
- Drinking intoxicating beverages, or the illegal use of drugs on the job, or arriving on the job under the influence of intoxicating beverages or drugs.
- Violation of a duty.
- Insubordination.
- Breach of discipline.
- Being absent from work without first notifying and securing permission from the employee's supervisor.
- Being habitually absent or tardy for any reason.
- Misconduct.
- Conviction of a felony or of a misdemeanor involving moral turpitude.
- Using religious, political, or fraternal influence.
- Accepting fees, gifts, or other valuable items in the performance of the employee's official duties for the library.

7.2.6.5 Restriction on Employment:  
Employment with the library requires an employee to conduct any and all personal matters in a manner that will bring no discredit to the library. This includes proper use of staff computers as spelled out in numbers 9 & 10 of the computer policies (6.1 Computer Use and Internet Policies).

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Peddling or solicitation of any kind on Library premises or during regular working hours is not allowed without the express written consent of the Director.

### 7.2.6.6 Political Activity:

The rules governing political activities of employees shall follow the provisions of RCW 41.06.250 as amended by CH. 136, Laws of 1974, 1st Ex. Sess:

Solicitation for or payment to any partisan, political organization or for any partisan, political purpose of any compulsory assessment or involuntary contribution is prohibited: PROVIDED, HOWEVER, That officers of employee associations shall not be prohibited from soliciting dues or contributions from members of their associations. No person shall solicit on state property or property of a political subdivision of this state any contribution to be used for partisan, political purposes.

Employees of the state or any political subdivision thereof shall have the right to vote and to express their opinions on all political subjects and candidates and to hold any political party office or participate in the management of a partisan, political campaign. Nothing in this section shall prohibit an employee of the state or any political subdivision thereof from participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for nonpartisan offices.

A classified civil service employee shall not hold a part time public office in a political subdivision of the state when the holding of such office is incompatible with, or substantially interferes with, the discharge of official duties in state employment.

For persons employed in state agencies or agencies of any political subdivision of the state the operation of which is financed in total or primarily by federal grant-in-aid funds political activity will be regulated by the rules and regulations of the United States civil service commission.

The provisions of this section shall supersede all statutes, charter provisions, ordinances, resolutions, regulations, and requirements promulgated by the state or any subdivision thereof, including any provision of any county charter, insofar as they may be in conflict with the provisions of this section.

[1974 ex.s. c 136 § 1; 1961 c 1 § 25 (Initiative Measure No. 207, approved November 8, 1960).]

### 7.2.6.7 Personal Appearance and Conduct:

It shall be the responsibility of all employees to represent the library to the public in a manner which shall be courteous, efficient, and helpful. They must arrive for work clean, well-groomed, and appropriately dressed.

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Attitude: All employees should remember that the main function of the library is to provide service to the public. It is the duty of all employees to do this effectively and efficiently. Wholehearted cooperation with the public, your supervisor, your fellow employees, and Director is the best way to accomplish this task.

### 7.2.6.8 Volunteers:

A volunteer is defined as someone who freely donates their time to the library on a regular and consistent basis to further the library's mission. This definition does not include individuals involved with special events, author visits, and similar programs or services. An individual must fill out a volunteer application and submit it to the library in order to be considered a library volunteer. The library will accept volunteers on an ongoing and as-needed basis. Volunteers will be trained as necessary to complete the tasks they are assigned to perform, such as shelving or cleaning.

The library will make the decision as to where to place a volunteer and what work they are to do. The library reserves the right to change what work a volunteer does as the needs of the library demand. Discharge of a volunteer falls under the same guidelines as outlined in section 7.2.6.4 for staff.

In the event that a volunteer would like to work directly with public patrons, such as with a library program, a background check at the library's discretion is required. A background check is only required for volunteers, and will not be required for cases as mentioned above, such as author visits. In the event that a volunteer can provide evidence of a suitable and timely background check from a reputable organization, such as a school district, the library will not require a further check to be made. All decisions on when a background check will be required are ultimately to be decided by the library director. Volunteers will not begin service until after they have completed and cleared a background check, or provided documentation as discussed above. Volunteers working directly with patrons are to be monitored by a staff member, and not left alone with patrons.

### 7.2.7 Absences:

#### 7.2.7.1 General:

Payments may be made to employees for absence during their assigned hours only for the purpose and to the extent provided in sections which deal with paid holidays, vacation, sick leave, administrative leave, civil leave, and compensatory time.

Employees shall be credited with accrued vacation and sick leave with pay at the end of each month. These hours are not available for use until earned.



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All types of leave and all overtime must be approval by the Director (or designee).

The library's official work week is Monday-Saturday and full time employees are not allowed to work more than 40 hours within that time frame unless they have the expressed written consent of the director (or designee). In such cases, overtime hours will be compensated at 1.5 times the normal rate of pay.

### 7.2.7.2 Library Closures and Holidays:

All branches of Whitman County Library will be closed for the following holidays:

- New Year's Day – January 1<sup>st</sup>
- Martin Luther King's Birthday – 3<sup>rd</sup> Monday of January
- President's Day – 3<sup>rd</sup> Monday in February
- Memorial Day – Last Monday in May (3-day weekend)
- Juneteenth – June 19<sup>th</sup>
- Independence Day – July 4<sup>th</sup>
- Maintenance Week – First full week each August (Mon thru Sun)
- Labor Day – 1<sup>st</sup> Monday in September (3-day weekend)
- Veteran's Day – November 11<sup>th</sup>
- Thanksgiving – 4<sup>th</sup> Thursday in November
- Friday after Thanksgiving
- Christmas Eve – December 24<sup>th</sup>
- Christmas – December 25<sup>th</sup>
- New Year's Eve – after 3 p.m. December 31<sup>st</sup>

Full time employees will receive 11 paid holidays per year. In the event that a holiday falls on a day outside of an employee's regular work schedule, they will receive one floating holiday to use during the calendar year in which the holiday occurs. Current paid holidays are:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving
- Friday after Thanksgiving
- Christmas

### 7.2.7.3 Free Day:

Two free days of leave will be allotted each full-time employee per year and **MUST BE TAKEN BEFORE NOVEMBER 1** of each year.

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Full-time employees receive two (2) free days upon hiring. A third free day will be allotted after an employee's five year anniversary. A fourth free day will be allotted after an employee's ten year anniversary.

### 7.2.7.4 Vacation:

Anniversaries will be the beginning of the year following the employee's date of employment.

*Full-time employees* will receive basic vacation of 12 days per year. The Director will receive 15 vacation days per year. All full-time employees, including the Director, may carry-over only 12 vacation days into the next calendar year. Vacation and Free Days beyond 96 hours as of December 31<sup>st</sup> will be lost.

*Full-time employees and the director* will be credited additional vacation time for longevity at a rate of .33 per month on the anniversary date of their full-time employment.

Upon resignation or termination of employment, eligible employees who have vacation time will be paid out up to 96 hours of that time. Employees who have accumulated vacation time that exceeds 96 hours upon resignation or termination, those hours will be lost and not paid out.

Non-benefit positions (i.e. part-time positions) will not accrue vacation.

### 7.2.7.5 Sick Leave:

Is granted to employees in order that they need not work when ill nor suffer loss of pay due to illness. It is not to be used as vacation or for any other purposes than those listed below:

- Illness of the employee.

- Illness in the employee's immediate family (spouse, children, dependent relatives, and foster children).

- Death in the immediate family (maximum 5 days).

- Other funeral attendance at the discretion of the Director.

- Medical/dental appointments – time recorded by hours taken (appointments taking less than one hour will not be counted).

- Vacation days will not be used for illness unless all sick leave is exhausted.

*Full-time employees* accumulate sick leave at the rate of 1 day per month to a maximum of 60 WORKING DAYS (480 hours) that will be carried forward into the next month. The sick leave hours of employees who have earned over 480 hours will be converted to vacation hours at a 25% rate.

*Non-benefit positions*, (i.e. part-time employees) will accrue sick leave as enacted under Initiative 1433, effective 01/01/2019.

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Sick leave shall be reported at the beginning of any period of sick leave to the Director by the employee or a person designated to act for him prior to the beginning work hour. The employee or a delegate shall continue to notify the Director at reasonable intervals.

Extended illness (more than 3 days) may require a doctor's certificate UPON REQUEST from the Director.

Sick leave may be extended under special circumstances by Board permission. With Board permission, after sick leave is exhausted, employees may take leave without pay. At the employee's option, vacation may be used as sick leave, but sick leave may not be used as vacation.

Upon resignation or termination of employment, employees who have accumulated sick leave time will lose those hours and not have them paid out. Upon retirement, employees who have worked at the library for fifteen or more years will have sick leave paid out at a rate of 25%. If an employee has worked at the library for less than fifteen years at the date of retirement, they will not have sick leave paid out. Eligible employees who take an approved leave of absence without pay from the Director may have their sick leave restored if returning to work at the same level. Eligible employees on approved leave of absence without pay have the option to receive COBRA benefits when they leave as stated in 7.9 Cobra Coverage Rights.

In a case where an employee is forced to take an extended sick leave which exhausts all of their accumulated sick and vacation leave, fellow employees may donate their accumulated sick or vacation leave towards this employee's sick leave on a day-for-day basis. All donations are voluntary and confidential and must be approved by the Director and properly reported to the business manager. (Added Nov. 18, 1996).

Health Insurance Portability and Accountability Act (7.7 Notice of Health Insurance Portability and Accountability Act of 1997 – HIPPA).

### 7.2.7.6 Compensatory Time

Full-time employees are eligible to accrue compensatory time. Compensatory time may be accrued when an employee works more than 32 hours in one week, up to a maximum amount of eight (8) hours per week. Employees may not accrue more than 48 hours of compensatory time in total at any given time. Compensatory time must be used within one year of its accrual. All compensatory time accrual must be approved beforehand by the director.

### 7.2.7.7 Administrative Leave:

Administrative leave may be given to attend meetings as authorized by the Director and the Board. Such time will be counted as regular work time.

### 7.2.7.8 Leave Without Pay:

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Leave without pay may be granted on a case-by-case basis with permission of the Director and the Board. Unless for educational purposes, leave without pay shall not exceed six months.

No vacation or sick leave benefits or any other benefits shall accrue while the employee is on leave of absence without pay, and the employee's anniversary date will be adjusted accordingly.

Requests for leave without pay shall be made in writing to the Director and reviewed by the Board.

Family & Medical Leave – FMLA/FLA (7.8 Family and Medical Leave Personnel Procedure – FMLA/FLA)

### 7.2.7.9 Civil Leave:

Any employee who is called to jury duty or is subpoenaed to appear as a witness before any court or other public body, in any proceeding in which the employee is not a party of interest in the litigation, shall receive from the Whitman County Library his/her normal rate of pay for the time actually required to be absent from work because of such obligation. However, if such employee shall receive compensation for jury duty or as a witness, such compensation received, excluding mileage reimbursement, shall be deposited into the appropriate general county fund. Any such absence from duty shall not be considered sick or annual leave. If an employee is called to jury duty or subpoenaed as a witness in Whitman County and is dismissed prior to the end of the work shift, the employee shall report to work for the remainder of the work shift.

### 7.2.7.10 Maternity Leave:

Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery there-from, are, for all job-related purposes, to be considered temporary disabilities, and, as such, will follow regular sick leave policy.

A six-week period of recovery after childbirth or related circumstances shall be considered reasonable. Sick leave and/or vacation may be used for this recovery period. Additional time off without pay may be requested if sick leave or vacation has been exhausted.

To be eligible for sick leave because of childbirth or related circumstances, an employee shall give her/his employer 2 weeks notice (if possible) of her/his anticipated date of departure and intention to return.

Women employees cannot categorically be denied the opportunity to work during the entire period of pregnancy but may continue to work as long as her physician concurs in her ability to work and demands of the job are met. All points listed under "Maternity" shall apply equally to married and unmarried women and men.

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### 7.2.7.11 State Industrial Compensation:

Any employee who is eligible for State Industrial Compensation for time off because of an "ON THE JOB" injury shall be paid sick leave in the amount of the difference between his regular pay and that paid by State Industrial after the first three days off the job. Full amount of sick leave shall be paid for the first three days. Should an employee later be paid by State Industrial for the first three days, it shall be credited to the library from money due the employee in the next payroll period.

### 7.2.8 Salaries and Related Benefits:

The Director shall make recommendations for staff wage levels and increases with the Board of Trustees reviewing and approving them annually.

Wage increases and/or cost of living raises are set by the Director and approved by the Board based on merit, performance of duties and the availability of funds.

The wage for any position will be established prior to hiring new personnel by the Director (or designee).

A review of staff wages in comparison to those for comparable library positions within the State of Washington should be done on a regular basis. The Director or Board may choose to adjust certain salaries to assure that the library retains quality personnel.

Each benefited employee of Whitman County Library will have money deducted from his/her paycheck for the following benefits: Social Security, Washington State Industrial Insurance, and, if applicable, retirement benefits through Washington Public Employee Retirement System (PERS). PERS requirements for eligibility may exclude some employees. Spouse or dependent coverage is paid for by the employee.

### 7.2.9 Vehicle Policy:

This policy is to inform each Whitman County Library employee of how the Library Automobile will be used. The Whitman County Library automobile will be used for official business only.

Employees shall wear a seat belt at all times while driving or riding in a Whitman County Library vehicle.

Employees shall track the mileage of each trip in the book provided in the vehicle.

No smoking is allowed in Whitman County Library vehicles.

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Employees shall at all times observe safe driving procedures when operating a Whitman County Library owned vehicle. Employees are personally responsible for any driving infractions or fines as a result of their driving.

Non-employee, non-business associates shall not ride in or drive Whitman County Library vehicles without prior approval from the Director.

All Whitman County Library vehicles shall be equipped with the following emergency equipment:

- Flashlight

- Flares

- First Aid Kit

Immediately report any missing or used equipment to the Business Manager for replacement.

Any accident occurring in a Whitman County Library vehicle shall be reported to the Director as soon as possible and in all cases within 48 hours of occurrence.

Employees may not drive a Whitman County Library vehicle for Whitman County Library business without prior approval of their supervisor. Before approving a driver who is driving a Whitman County Library vehicle for the first time, the Library shall have on file the employee Driver's License number and verification of insurance.

Employees approved to drive on Whitman County Library business are required to inform their supervisor of any changes that may affect either their legal or physical ability to drive or their continued insurability.

Employees are not permitted, under any circumstances, to operate a Whitman County Library vehicle, or a personal vehicle on Library business, when any physical or mental impairment causes the employee the inability to drive safely. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of injury, illness, or medication.

Employees shall not operate any Whitman County Library vehicle at any time, or operate personal vehicles while on Library business, with any alcohol, illegal drugs or drugs that cause impairment in their blood system.

Employees are required to report any safety concerns about a vehicle immediately so that repairs can be made. Some examples might be brakes, lights, steering mechanisms, seatbelts, and windshield wipers.

### 7.2.10 Travel in a Personal Vehicle:

Employees and Board members will be paid mileage at a rate approved by the Board when using their personal vehicles in the course of doing library

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business. Director and/or Board approval is needed PRIOR TO MAKING THE TRIP.

In addition to the paid mileage, when traveling on library business, or for additional training, each employee is allowed food reimbursement. Lodging costs are also paid when an overnight stay is required. If the employee has a library credit card, they may use that credit card for meals and/or other travel expenses. All travel for library must be pre-approved by the director or designee.

Exceptions to the above mentioned policies may be negotiated with the Director and/or the Board of Trustees upon written request.

Employees are required to have auto insurance on any personal vehicle used for library business, as it is their auto policy that is liable in case of accident. Employees are personally responsible for any accidents, driving infractions or fines as a result of their driving.

### 7.2.11 Reimbursement Policy for Employee Work, Presentations, or Travel Outside Whitman County Library:

Employees receiving an honorarium, reimbursement, or compensation for work, presentations, or travel outside of Whitman County Library but related to their work at WCL must have such activities approved by the library director or designee.

Should work, presentations, or travel be on Whitman County Library time or in the library vehicle, all compensation received by employees shall be made or forwarded to WCL.

Should the work, presentations, or travel be on the employee's own time, vacation time, or in a personal vehicle, all compensation should remain with the employee.

### 7.2.12 Bereavement:

If any staff member or their immediate family passes away, the library may provide a memorial plate in a book of the family's choosing. This will be in lieu of a traditional floral arrangement or other memorial. The library will also provide a sympathy card signed by all available staff members.

### 7.2.13 Library Closures due to Inclement Weather, Natural Disaster, Public Health Crisis, or Other Conditions:

It may be necessary in cases of severe weather, natural disaster, pandemic, or unforeseen events, to limit services, provide emergency services only, and/or close the library. Under such circumstances, the Director or designee will make decisions about which services should be limited, are essential, and/or to close the library. In cases where employee work hours are eliminated and/or if the library is closed under this policy, employees will be

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compensated as if the library were open. For those with benefits, said actions will not count against the employees' sick leave or vacation.

Absence due to an employee's inability to report for scheduled work when the library is open, or providing limited or emergency services shall not be paid. The only exceptions shall be if an employee is unable to work due to the official closure of a county road or state highway, or prior approval by the library director or designee.

In the event a branch manager is unable to staff the branch with a substitute or other library staff, they may close for the day, with approval from the director or designee. Employees will not be compensated for these closures.

### 7.2.14 Workplace Visitors and Personal Business as Related to Library Resources and Computers

Workplace visits, personal phone calls and time spent discussing personal matters with fellow staff shall be considered personal time. Paid time for breaks (15 minutes for every 4 hours) can be used to cover these situations. Lunch hours can also be adjusted or work days lengthened to cover time spent with visitors, phone calls or personal employee conversations.

Children, family members or other guests shall not accompany library employees to work. Occasional exceptions may be granted with prior approval from a supervisor.

Misuse of public property is strictly prohibited. Employees are required to pay for library supplies, paper, photocopies, or other items for which the public is also required to pay a fee.

Any action that violates the law, violates library computer policies or affects the ability of a staff computer to perform its work is strictly prohibited. Online shopping, games, personal emails and other computer uses are allowable during breaks, lunch hour or off duty hours.

Staff should be sensitive to colleagues' ability to work and also to the appearance of impropriety to the public as related to their interactions and/or use of public properties. All employees should seek the advice of supervisors as needed.



### **7.3 Discriminatory Workplace Harassment Policy and Complaint Procedure**

The purpose of this Policy is to clearly establish Whitman County Library's (WCL) commitment to provide a work environment free from harassment, to define discriminatory harassment, and to set forth the procedure for investigating and resolving internal complaints of harassment. Because of the tremendous importance of a workplace free from any form of harassment, each supervisor or manager shall review this policy annually. Additionally, upon hire, this policy shall be fully discussed with each employee, to ensure that its contents are known by the employee.

All jobs with the WCL are extremely important to the members of our community. It is critical that all employees treat all other employees with dignity and respect. It is the responsibility of each and every employee, supervisor, and manager to make sure that there is no inappropriate behavior occurring in the workplace. Inappropriate behavior will not be tolerated. WCL has committed itself to eliminating harassment of any kind. Zero Tolerance is our rule and all employees are expected to conform to this policy of Zero Tolerance.

This Policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation, and training.

#### **Policy:**

Harassment of an applicant, contractor, customer, supervisor, manager, or employee by a supervisor, management employee, or co-worker on the basis of race, religion, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender, or age is explicitly in violation of State and/or Federal law and will not be tolerated by WCL.

Employees, supervisors, or managers found to be participating in any form of job based harassment or retaliating against any other employee shall be subject to disciplinary action up to and including termination from WCL.

#### **Responsibilities:**

##### Management:

It is the responsibility of the Director and the Board of Trustees to develop this policy, keep it up to date, and to ensure that any violation of this policy brought to their attention is dealt with fairly, quickly, and impartially. The Director and the Board of Trustees also have the responsibility of setting the proper example.

##### Supervisors:

It is the responsibility of supervisors to enforce the policy, to make a review with each new employee to ensure they know the policy, and to regularly check the workplace and environs to ensure the policy is being followed. When a deviation from this policy is noted or reported, supervisors shall bring

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this information to management immediately. All supervisors also have the responsibility of setting the proper example.

### Workers:

It is the responsibility of each and every employee to know the policy and to follow the policy. It is imperative that every employee treats every other employee with dignity and respect.

### Definitions:

For purposes of clarification, harassment includes but is not limited to the following behaviors:

#### Verbal Harassment:

Epithets, derogatory comments, slurs, propositioning, or otherwise offensive words or comments on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender, or age, whether made in general, directed to an individual, or to a group of people regardless of whether the behavior was intended to harass. This includes but is not limited to inappropriate sexually oriented comments on appearance, including dress or physical features, sexual rumors, code words, and race oriented stories.

#### Physical Harassment:

Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy, or movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender, or age. This includes pinching, patting, grabbing, inappropriate behavior in or near bathrooms, sleeping facilities, and eating areas, or making explicit or implied threats or promises in return for submission to physical acts.

#### Visual Form of Harassment:

Derogatory, prejudicial, stereotypical, or otherwise offensive posters, photographs, cartoons, notes, bulletins, drawings, or pictures on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender, or age. This applies to both posted material or material maintained in or on WCL equipment or personal property in the workplace.

#### Sexual Harassment:

Any act which is sexual in nature and is made explicitly or implicitly a term or condition of employment, is used as the basis of an employment decision, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment. The First Amendment allows anyone to associate with anyone else they desire. It is natural for people who meet in the workplace to sometimes become romantically or financially involved, and it is not the Department's intent to interfere with any dating or business relationship. Any involvement between employees must

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be voluntary and desired by both parties. However, many problems have developed in government organizations because of dating and business relationships, and they can interfere with our goal of having a sound professional work environment.

### Dating Co-Workers:

With respect to dating, it is not inappropriate for a person to ask out a co-worker.

However, if you do not want to go out with another employee, it is imperative that your response to the request is firm and definite. After this firm, definite response has been made; it is inappropriate for the requesting party to make any further attempt to initiate a dating relationship. Repeated requests for a dating relationship constitute Sexual Harassment. It is also inappropriate for any relationship to interfere with normal work operations in any manner. Personnel who desire to become involved with someone in the workplace must be aware of the following guidelines.

There shall be no dating or business activities on company time or company property.

There shall be no use of company property to arrange dating or business activities.

All behavior between employees shall be behavior conducive to a sound professional work environment at all times when on company property or on company time. Hand holding, kissing, hugging, sexual comments, and other behavior generally associated with a dating relationship are inappropriate while on company time or company property.

Any relationship, whether dating or business, involving personnel at different levels on the chain of command (or where one party has functional supervision over another) shall be reported by the person of higher rank to the Director immediately. Failure to report this relationship is a violation of this policy. The Director shall make recommendations to ensure that this relationship will not detract from a sound professional work environment. Such recommendations may include the transfer of the higher-ranking person to another position.

### Complaint Procedure:

#### Confrontation:

If any person feels they are the victims of any form of harassment, they should inform the person(s) participating in this behavior that he/she finds it offensive. This one-on-one confrontation has been demonstrated to be an effective way to end harassing behaviors. If the inappropriate behaviors do not stop, the offended employee can initiate either an informal or formal complaint as described below. Because confrontation is difficult for some people and because of the complex nature of harassment, employees are not

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required to confront an offending party prior to initiating this complaint procedure.

### Informal Complaint:

Any employee, contractor, customer, or job applicant who believes he or she is a victim of discriminatory workplace harassment should make a complaint orally or in writing with any of the following:

- A Supervisor
- The Director

Any supervisor, who observes inappropriate behavior or receives a harassment complaint, shall notify the Director immediately.

An informal resolution will be attempted whenever appropriate. If the informal resolution process is unsuccessful, the complainant may direct a formal complaint to the Library Director.

### Preliminary Complaint:

Upon notification of a harassment complaint, the supervisor and/or the Director shall conduct an initial investigation to make a preliminary determination as to whether there is any merit to the complaint. If no merit is found, the supervisor and/or the Director may still meet with the parties involved to attempt to conciliate the complaint or conflict between the parties.

### Formal Complaint:

If after an initial investigation is conducted, there is no resolution and/or no conciliation of the preliminary complaint, a formal written complaint can be filed by the complainant. A written statement of charges shall be completed, signed, and given to the Director within five (5) days of failed resolution.

Upon receipt of the formal written complaint, the Director will contact the alleged harasser(s) who will be informed of the basis of the complaint, will be given a copy of the statement of charges, and will be provided an opportunity to respond. The response shall be in writing, addressed to the Director, and received by the Director within ten (10) calendar days after being notified of the complaint. Concurrently, a formal investigation of the complaint may be commenced.

Upon receipt of the response, the Director may further investigate the formal complaint. Such investigation may include interviews with the complainant, the accused harasser(s), and any other persons determined to possibly have relevant knowledge concerning the complaint. This may include victims of similar conduct.

Factual information gathered through the investigation will be reviewed to determine whether the alleged conduct constitutes harassment, giving consideration to all factual information, the totality of the circumstances

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including the nature of the verbal, physical, visual, or sexual conduct and the context in which the alleged incident(s) occurred.

The results of the investigation and the determination as to whether harassment occurred shall be final and binding and will be reported to appropriate persons including the complainant, the alleged harasser(s), and the supervisor within twenty (20) calendar days from the receipt of the response.

### Disciplinary Action:

If harassment is determined to have occurred, the Director shall take and/or recommend to the Board of Trustees prompt and effective remedial action against the harasser. The action will be commensurate with the severity of the offense, up to and including termination from employment. If discipline is imposed, the nature and extent of the discipline will not be divulged to the complainant.

### Retaliation:

Retaliation in any manner against a person for filing a harassment charge or initiating a harassment complaint, testifying in an investigation, providing information, or assisting in an investigation, is expressly prohibited and subject to disciplinary action up to and including removal. The Director will take reasonable steps to protect the victim and other potential victims from further harassment, and to protect the victim from any retaliation as a result of communicating the complaint.

### Confidentiality:

Confidentiality will be maintained to the fullest extent possible in accordance with applicable Federal, State and local law.

### False Complaints:

Any Complaint made by an employee of WCL regarding Job Based Harassment which is conclusively proven to be false, shall result in discipline. This discipline may include dismissal from employment. This section is not intended to discourage employees from making complaints regarding Job Based Harassment. However, false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated.

### Limitations:

The use of this procedure is limited to complaints related to discriminatory workplace harassment on the basis of race, religion, color, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual orientation, gender, or age. All other complaints shall be handled through the Employee Grievance Procedure as established by the Employee Policy Manual.

### Distribution:

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This policy shall be available to all employees, supervisors, managers, and Trustees of Whitman County Library. Any questions, concerns or comments related to this policy should be directed to the Director.

## 7.4 Risk Management Policy

### Purpose/Objective:

To establish risk management and safety policies to ensure a safe and healthy work environment.

To encourage staff and the general public to fully participate in said safety procedures.

To provide direction for efficient and safe operation of Library services and the maintenance thereof.

To develop and implement policies that will meet the safety criteria established by state regulations and consistent with suggested risk management procedures by the Library's insurance carrier.

### Loss Control Responsibilities:

The Director, as the Library's chief administrative officer will have the overall responsibility to implement and monitor the loss control policies with specific responsibilities as follows:

Appoint a safety chair to implement the risk management program for the Library.

Investigate accidents to ensure that cause factors are identified and proper corrective action is taken to prevent recurrence.

Audit the program, with the safety chair, to appraise it for effectiveness in all situations.

The Safety Chair will be responsible for the direction of the risk management program, specifically:

Make recommendations to the Director for approval so that appropriate action can be taken.

Maintain a risk management program that includes current practices that are effective in preventing injuries, vehicular safety, maintenance of Library buildings and equipment, and provision of efficient operation of services.

Inform the Director and the Board of Trustees about status of matters affecting the risk management program.

Coordinate compliance with federal, state, and local safety laws.

Provide adequate safety orientation, job training safety, and continuing safety instructions to all employees and volunteers. There must be an annual formal safety review at each annual staff development day. Winter driving safety instruction should be included in each branch managers November visit to headquarters.

The Library Board of Trustees, by resolution, will endorse all risk management policies and procedures, and will strive to allocate available and adequate funding to comply with requirements contained herein.

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All Library Employees will adhere to all adopted policies to ensure efficient operation and maintenance of Library services and for their own safety and protection as well as the public they serve. Specific requirements as a *condition of employment* include:

Promptly and accurately report all accidents and injuries.

Promptly report all unsafe actions and conditions to their supervisor.

Keep work areas and access to these work areas, clean and safe at all times.

Study, observe and obey all safety practices including the wearing of personal protective equipment when it is needed.

Cooperate with other employees to eliminate accidents.

### Vehicle Safety:

The risk management policy applies to all activities within the scope of Library operations, including non-owned vehicles:

#### Vehicle Inspections:

The library vehicle will be serviced regularly and inspected at that time. Any defects or concerns with the vehicle should be reported to library administration, so they can be remedied before the vehicle is driven. A list of suggested tools to carry in the library vehicle is attached to this document.

#### Vehicle Maintenance:

The vehicle operator/owner is expected to maintain a safe vehicle for use on library business.

#### Vehicle Operation:

All vehicles will be operated only by employee-owners, and the use of seat-belts are mandatory when vehicle is in operation.

Vehicle operators/owners must possess a valid State Driver's license, and submit a record of same to be placed in his/her personnel file.

Vehicle operators/owners must provide proof of the required state insurance coverage.

Employees will be reimbursed for the travel/mileage expenditures at the current Whitman County rate per mile when use is pre-approved by the Director. A minimum liability coverage of \$300,000 is advised.

### General Safety

#### Personal Safety:

All employees must be fully aware of potential problem patrons and adhere to the "Problem Patron Manual". Especially each branch manager, when working alone, must have access to local law enforcement. Every employee must act upon their own "comfort" level in any situation and their decision should be respected.



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Each employee, by law, must take a 15 minute break mid-morning and mid-afternoon in addition to at least a 30 minute lunch break. This is to insure the most productive work patterns and minimize stress and fatigue.

### Personal Protective Equipment:

Any Library employee who performs a task that could result in injury or illness must wear protective equipment while performing such tasks. Examples include (but are not limited to):

Rubber gloves must be worn when working with any blood-borne pathogens (blood, vomit or any bodily fluid).

Rubber gloves must be worn when cleaning the public restrooms (see above).

### Library Property:

Library buildings will contain necessary emergency equipment and supplies for fire protection and will be checked annually for any necessary repair or replacement. Fire/emergency exits will be well marked and easily accessible. The Headquarters building will be checked annually by the Fire Department to prevent fire hazards. Employees will be informed of evacuation procedures.

Employees will report any obvious or potential safety or health hazard to their immediate supervisor.

Exterior walks must be kept free of ice, snow, and other hazards at all locations.

### First Aid and CPR:

Library employees are encouraged to obtain a First Aid/CPR card with Director or Supervisor approval and be compensated for their time.

### Handicap Access:

It is the intention of the Library Board of Trustees that safe access to our facilities be provided to all people, including those with handicaps.

Every effort should be made by each staff member to be aware of these needs and provide assistance when asked.

### Vehicle Tools List:

- First aid kit
- Wheel blocks
- Fuses
- Jumper cables
- Ice scraper
- Shovel
- Hand tool box
- Screwdrivers
- Pliers
- Adjustable wrenches

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Flashlight  
Tow chain  
Warning triangle  
Handyman jack  
Blanket, gloves, and stocking cap.

## **7.5 Reporting Improper Governmental Action and Protecting Employees Against Retaliation – Whistle Blower’s Policy**

### **Policy Statement:**

It is the policy of the Whitman County Rural Library (1) to encourage reporting by its employees of improper governmental action taken by Whitman County Rural Library officers or employees and (2) to protect Whitman County Rural Library employees who have reported improper governmental actions in accordance with Whitman County Rural Library’s policies and procedures.

### **Definitions:**

As used in this policy, the following terms shall have the meanings indicated:

#### Improper Government Action:

Any action by a Whitman County Rural Library officer or employee that is undertaken in the performance of the officer’s or employee’s official duties, whether or not the action is within the scope of the employee’s employment; and that (1) is in violation of any federal, state, or local law or rule (2) is an abuse of authority, (3) is of substantial and specific danger to the public health or safety or (4) is a gross waste of public funds.

“Improper governmental action” does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands.

#### Retaliatory Action:

Any adverse change in the terms and conditions of Whitman County Rural Library employee’s employment.

#### Emergency:

A circumstance that if not immediately changed may cause damage to persons or property.

### **Procedures for Reporting:**

Whitman County Rural Library employees who become aware of improper governmental actions should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee’s belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the Human Resources Director of Whitman County Rural Library.

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In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with the responsibility for investigating the improper action.

The supervisor, or the Library Director, as the case may be, shall take prompt action to assist Whitman County Rural Library is properly investigating the report of improper governmental action. Whitman County Rural Library officers and employees involved in the investigation shall keep the identity for reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

Whitman County Rural Library Employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the Whitman County Rural Library employee reasonably believes that an adequate investigation was not undertaken by Whitman County Rural Library to determine whether an improper governmental action occurred, or that insufficient action has been taken by Whitman County Rural Library to address improper governmental action or that for other reasons that improper governmental action is likely to recur.

Whitman County Rural Library employees who fail to make a good-faith attempt to follow Whitman County Rural Library's procedures in reporting improper governmental actions shall not receive the protections provided by the Whitman County Rural Library in these procedures.

### Protection Against Retaliatory Actions:

Whitman County Rural Library officials and employees are prohibited from taking retaliatory action against a Whitman County Rural Library Human Resources Director. Whitman County Rural Library officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor or the Whitman County Rural Library Human Resources Director. Whitman County Rural Library officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.

If the employee's supervisor or Library Director, as the case may be, does not satisfactorily resolve a Whitman County Rural Library employee's complaint that he or she has been retaliated against in violation of this policy, the Whitman County Rural Library employee may obtain protection under this

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policy and pursuant to the state law by providing a written notice to the Library Board of Trustees:

- Specifies the alleged retaliatory action and
- Specifies the relief requested.

Whitman County Rural Library employees shall provide a copy of their written charge to the Library Board of Trustees no later than thirty (30) days after the delivery of the charge to Whitman County Rural Library, the Whitman County Rural Library employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relieve provided by law. An employee seeking a hearing should deliver the request for hearing to the Library Director within the earlier of either fifteen (15) days of delivery of the Whitman County Rural Library's response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to Whitman County Rural Library for response.

Upon receipt of request for hearing, Whitman County Rural Library shall apply within five (5) working days to the State Office Administrative Hearings for an adjudicative proceeding before an administrative law judge:

Office of Administrative Hearings  
PO Box 42488  
Olympia, WA 98504-2488  
360-664-8717

Whitman County Rural Library will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay or dismissed.

### Responsibilities:

The Library Director is responsible for implementing Whitman County Rural Library's policies and procedures for (1) reporting improper governmental actions and (2) for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures are (1) permanently posted where all employees will have reasonable access to them, (2) are made available to any employee upon request, and (3) are provided to all newly hired employees. Elected officials, department heads, and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal.

### List of Agencies:

Following is a list of agencies responsible for enforcing federal, state, and local laws and investigating other issues involving improper governmental action. Employees having questions about these agencies or procedures for reporting improper governmental action are encouraged to contact the Library Director.

### Whitman County:

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Whitman County Rural Library  
S. 102 Main  
Colfax, WA 99111  
509-397-4366

Whitman County Prosecutor  
PO BOX 30  
Colfax, WA 99111  
509-397-6250

Whitman County Public Health Department Administrator  
N. 310 Main  
Colfax, WA 99111  
509-397-6280

Whitman County Sheriff  
PO Box 470  
Colfax, WA 99111  
509-397-6266

### State of Washington:

Attorney General's Office  
1125 Washington St. SE  
PO Box 40100  
Olympia, WA 98504-0100  
360-753-6200

Human Rights Commission  
Great Western Building, #416  
W. 905 Riverside  
Spokane, WA 99201-1099  
509-456-4473

State Auditor's Office  
Legislative Building  
PO Box 40021  
Olympia, WA 98504-0021  
360-902-0360

State Department of Ecology  
Eastern Regional Office  
4601 N. Monroe, Suite 202  
Spokane, WA 99205  
509-456-2926

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Department of Labor & Industries  
Employment Standards  
901 N. Monroe St. Suite 100  
Spokane, WA 99201  
509-324-2600

State Liquor Control Board  
Enforcement Office  
111 N. Vista Road, Suite 3d  
Spokane, WA 99201  
509-625-5513

Department of Natural Resources  
PO Box 47001  
Olympia, WA 98504-7001  
360-902-1004

### United States:

Department of Agriculture Office of Inspector General  
1000 2<sup>nd</sup> Avenue  
Seattle, WA 98104

Alcohol, Tobacco, & Firearms Law Enforcement Office  
920 W. Riverside Ave.  
Spokane, WA 99201  
509-353-2862

U.S. Attorney  
3600 Seafirst Fifth Ave. Plaza  
Seattle, WA 98104

Department of Commerce  
2001 6<sup>th</sup> Ave, Suite 650  
Seattle, WA 98121  
206-553-5615

Consumer Product Safety Commission  
1111 3<sup>rd</sup> Ave, 810  
Seattle, WA 98101  
206-553-5276

U.S. Customs Service Office of Enforcement  
1000 Second Avenue, Suite 2300  
Seattle, WA 98101  
206-553-7531

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U.S. Department of Education Office of the Inspector General  
915 Second Avenue  
Seattle, WA 98174-1099  
206-220-7800

Environmental Protection Agency  
Eastern Regional Office  
N. 4601 Monroe, Suite 202  
Spokane, WA 99205-1295

Equal Opportunity Commission  
Federal Office Building  
909 First Avenue, Suite 400  
Seattle, WA 98104-1061  
206-220-6883

Federal Emergency Management Agency  
Washington State Emergency Mgmt. Division  
Building 20, M/S: TA-20  
Camp Murray, WA 98430-5122  
253-512-7200

Federal Trade Commission  
Northwest Region  
2896 Federal Building  
915 Second Ave.  
Seattle, WA 99174  
206-220-6363

General Services Administration  
PO Box 41000  
Olympia, WA 98504-1000  
360-902-7300

Department of Health  
1112 SE Quince St.  
PO Box 47890  
Olympia, WA 98504-7890  
360-236-4010

Department of Housing & Urban Development  
909 1<sup>st</sup> Ave, Suite 200  
Seattle, WA 98104-1000  
206-220-5101

Interstate Commerce Commission  
1300 S. Evergreen Park Drive SW



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Olympia, WA 98504-7250  
360-664-1160

Department of Interior  
U.S. Fish & Wildlife Services Regional Director  
8702 N. Division  
Spokane, WA 99218  
509-456-4082

Department of Justice  
Drug Enforcement Administration  
1124 W. Riverside Ave, Suite L300  
Spokane, WA 99201  
509-353-2964

Department of Labor  
Occupational Safety & Health (OSHA)  
1111 Third Ave, Suite 715  
Seattle, WA 98101-3212  
206-553-5930

National Transportation Safety Board  
915 2<sup>nd</sup> Ave.  
Seattle, WA 98174  
206-220-7754

Department of Transportation  
Office of Inspector General  
915 2<sup>nd</sup> Ave. 664  
Seattle, WA 98174  
206-220-7754

Department of Treasury  
Bureau of Alcohol, Tobacco, & Firearms  
Seattle, WA 98101  
206-220-6450

Department of Veterans Affairs  
Office of the Inspector General  
2030 9<sup>th</sup> Ave. 210  
Seattle, WA 98121  
206-553-2706

## 7.6 Drug Free Workplace

Whitman County Recognizes alcohol and drug abuse as potential health, safety, and security problems. Whitman County expects all employees to assist in maintaining a work environment free from the effects of alcohol, drugs, or other intoxicating substances. Compliance with this substance abuse policy is made a condition of employment.

Whitman County prohibits employees from the unlawful manufacture, dispensing, possession, use, distribution, or purchase of non-prescribed drugs and intoxicants on County premises and from working under the influence of alcohol, illegal drugs, or intoxicants during working hours.

Employees are required to report to their jobs in an appropriate mental and physical condition, ready to work. If an employee may be impaired because of taking medication according to a doctor's prescription, he is expected to discuss it with his/her supervisor before commencing work that day.

Any employee who is convicted of any violation of any criminal drug statute (including misdemeanors) for a violation occurring on Whitman County property or time shall notify his or her supervisor within five (5) days of the date of conviction. A conviction includes any finding or guilty (including one agreed to by the employee), or pleas of no contest and/or any imposition of a fine, jail sentence, or other penalty.

Employees who have an alcohol or drug abuse problem are strongly encouraged to seek assistance through any programs offered through the county's health carriers or the Employees' Assistance Program. Any violation of this substance abuse policy will result in discipline up to, and including discharge.

Drug Abuse Education Program. Through its Wellness Program, the County will utilize all available County resources, such as provided through the Alcoholism Center and Health Department to educate employees as to the dangers of drug abuse.

Revised: June, 1992

## 7.7 Notice of Health Insurance Portability and Accountability Act of 1997 – HIPAA

You are eligible to participate in a group health plan offered to Whitman County Library employees (to actually participate, you must complete an enrollment form and may need to pay part of the premium through payroll deduction).

Federal law (called HIPAA) requires that we notify you about two very important provisions in the plan. The first is your right to enroll in the plan under its “special enrollment provision” if you acquire a new dependent, or you or an eligible dependent decline coverage under this plan because of alternative coverage and later lose such coverage due to certain qualifying reasons. Second, this notice advises you of the plan’s preexisting condition exclusion rules that may temporarily exclude coverage for certain pre-existing conditions that you or your family may have.

### Special Enrollment Provisions:

#### Rule #1:

**Loss of Coverage:** If you are declining enrollment for yourself or your dependents (including your spouse) because of other health insurance coverage, and that coverage terminates due to certain qualifying reasons (i.e., exhaustion of COBRA or state law continuation rights; loss of eligibility for other coverage due to legal separation, divorce, death, termination of employment or reduction in hours; or because employer contributions for the other coverage ceases) you “may” in the future be able to enroll yourself or your dependents in this plan, provided that you request enrollment within 30 days after your other coverage ends, and that you meet certain other important conditions described in the plan SPD (Summary Plan Description).

#### Rule #2:

**Marriage, Birth, or Adoption:** In addition, if you acquire a new dependent as a result of marriage, birth, adoption, or placement for adoption, you “may” be able to enroll yourself, your spouse, and your newly acquired dependents, provided that you request enrollment within 30 days after the marriage, birth, adoption, or placement for adoption, and that you meet certain other important conditions described in the SPD.

#### Important Warning:

If you decline enrollment for you or your dependents, you must complete the attached “Form for Employee to Decline Coverage.” On the form, you are required to state that coverage under another group health plan or other health insurance coverage is the reason for declining enrollment, and you are asked to identify that coverage. If you fail to complete the form, neither you nor your dependents will be entitled to the special enrollment rights described in Rule #1 above, but you will still have the special enrollment rights described in Rule #2. Without the special enrollment rights described in Rule #1, you must wait until the plan’s annual enrollment period to enroll, except in cases of marriage, birth, adoption or placement for adoption. Further, when

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you eventually do enroll during annual open enrollment, you will be treated as a “late enrollee.”

### Pre-Existing Condition Provisions:

#### Pre-Existing Condition Defined.

A pre-existing condition is any condition (whether physical or mental), regardless of the cause of the condition, for which medical advice, diagnosis, care or treatment was recommended or received with the 3-month period ending on your enrollment date or, if earlier, the first day of the waiting period for such enrollment. (For new hires who are hired into a benefits eligible job, the 3-month period starts on the date of hire.)

#### For How Long is Coverage for Pre-Existing Conditions Excluded?

Our plan excludes coverage for your or your dependents’ pre-existing condition for 3 months, starting on your enrollment date, or, if earlier, the first day of the waiting period for such enrollment. (For new hires who are hired into a benefits eligible job, the 3-month period starts on the date of hire.)

#### Creditable Coverage:

Prior Periods of Coverage May Shorten or Even Eliminate our Plan’s 3-Month PCE Period. In general, you will be given “credit” for all days on which you had qualifying health care coverage *prior* to joining our plan. Days of prior coverage are “credited” by reducing, day-for-day, the 3-month pre-existing condition exclusion period you otherwise would face under the plan. More specifically, our plan’s 3-month PCE period will be shortened one day for each day that you had “*creditable coverage*” under another health plan, provided that you do not have a 63-day lapse in coverage after your creditable coverage ended. A waiting period to get into a plan generally does not count as a lapse in coverage. (Some people elect COBRA coverage under their prior plan just to ensure they don’t experience a 63-day lapse in coverage.) Creditable coverage includes coverage under a group health plan, health insurance coverage, a State health benefits risk pool, Medicare, Medicaid, and certain other coverages. Coverage you may have as a dependent—e.g., under your spouse’s plan—will count for this purpose.

#### Alternative Method:

Our plan uses the “*Alternative Method*” of crediting prior group health coverage. Under this method, the plan first will determine your creditable coverage under the Standard Method discussed in the preceding paragraph (under that method, the plan determines how much creditable medical coverage you had in general, without regard to the specific type of coverage). Then, the plan will count the number of days during that time on which you had coverage in each of the five following categories: (1) dental; (2) vision; (3) prescription drugs; (4) substance abuse treatment; (5) mental health. Your 3-month PCE period for coverage in each of these five categories of benefits will be reduced by the number of days or prior creditable coverage you show in each of the categories. A 63-day or greater lapse in coverage with respect to a specified category will not result in a loss of credit for prior coverage for

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that category, provided that you didn't have a lapse in coverage of your overall creditable medical coverage.

How to Show Us That You Had Creditable Coverage Before Joining our Plan: In order for the 3-month PCE period to be shortened as described above, you must show us that you had prior creditable coverage under another group health plan, a health insurance policy, a State health benefits risk pool, Medicare, Medicaid, etc. To demonstrate to us that you had other creditable coverage, you should provide us with a "*Certificate of creditable coverage*" from your prior plan. Other evidence of coverage will also be accepted. Most group health plans, health insurers and HMOs automatically furnish these certificates to individuals when coverage is lost. In addition, all plans, insurers and HMOs are required to provide these certificates upon request. The certificate will tell us how long you had coverage under your prior plan, and when it ended. Following the receipt of the certificate, we will ask the entity that issued the certificate to disclose additional information so we can determine your creditable coverage with respect to the five categories described under the alternative method, unless the original certificate contains that information.

You have the right to request a certificate from a prior plan, insurer, HMO, or other entity through which you had creditable coverage. If, after making reasonable efforts, you have difficulty getting a certificate from your prior plan, insurer, HMO, or other entity through which you had creditable coverage, please contact us at the address or phone number above, and we will attempt to assist you.

After we receive your certificate(s) or other evidence of coverage, we will determine whether, and for how long, our plans PCE period will apply to you. If we determine that our plan's PCE period will apply to you, we will advise you of this.

## 7.8 Family and Medical Leave Personnel Procedure – FMLA/FLA

### Purpose:

To explain how the Family and Medical Leave Policy (Chapter 4.26) will be administered.

### Eligibility:

To be eligible for leave under the federal Family and Medical Leave Act (FMLA), an employee must have worked for the District for 12 months (over any time frame, including a break in service not to exceed 7 years) and have worked a minimum of 1250 hours in the 12 months immediately preceding the request for leave. Except for Military Caregiver Leave, the District uses a rolling 12 month period calculated backwards from the date an employee first uses leave.

### Leave Entitlement:

An eligible employee may be granted up to 12 workweeks of unpaid leave during any 12 month period for one or more of the following reasons:

For incapacity due to pregnancy, prenatal medical care, or child birth, and care of the newborn;

For pre-adoption activities, or to care for a child after placement in the home for adoption or foster care;

To care for the employee's parent, spouse, or child with a *serious health condition*;

For the employee's *own serious health condition* that makes the employee unable to perform the essential functions of his/her job;

### Exigency Leave:

For a *qualifying exigency* arising from an employee's parent, spouse or child's call to active National Guard or military Reserve duty in support of a contingency operation.

Exigency leave is only available to family members of those in the National Guard and Reserves and to *certain retired military recalled to duty*.

Does not apply to families of active members of the regular armed forces\

Only applies to a federal call to duty or a state call *under order of the president*.

### Military Caregiver Leave:

An employee who is the spouse, son, daughter, parent, or *next of kin* of a covered service member with a serious illness or injury incurred in the line

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of duty while on active duty is entitled to a total of 26 *workweeks* of unpaid leave *during a single 12-month period* to care for the service member.

There is a separate “FMLA year” for *military caregiver leave*. It is measured *forward from the first day caregiver leave is used and ends 12 months later*.

There is a separate “FMLA year” for *military caregiver leave*. It is measured *forward from the first day caregiver leave is used and ends 12 months later*.

### Leave for Pregnancy Disability and to Care for Newborn:

In addition to the federal FMLA described above, state law provides certain additional leave rights in connection with pregnancy related disability and to care for a newborn.

#### Pregnancy Disability Leave:

For the period of time the employee is temporarily disabled or incapacitated due to pregnancy or childbirth, must be granted regardless of the employee’s eligibility for FMLA.

If the employee is eligible for FMLA leave, the Pregnancy Disability leave will run concurrently with her FMLA leave.

If the employee is not eligible for FMLA leave, the employee must use her paid leave(s) (per District sick and vacation leave policies) for Pregnancy Disability Leave.

Once the employee has exhausted her paid leave, she may be placed on leave without pay status for the duration of her Pregnancy Disability Leave.

#### The Washington Family Leave Act (FLA):

Provides certain additional leave benefits to care for a newborn .

Except for *qualifying exigency leave* and *service member caregiver leave*, the FLA largely mirrors the FMLA, with the same eligibility standards and entitlement to 12 weeks of leave for family and medical reasons. As with FMLA leave, the employee is required to use accrued paid leave(s) as part of their FLA leave.

In most situations, leave under the FLA runs concurrently with FMLA leave. FLA leave does not run concurrently with Pregnancy Disability Leave. In this instance, FLA leave is in addition to any leave taken for Pregnancy Disability.

*For example*, assume an FMLA and FLA eligible employee works up to her delivery date, and (per her doctor’s certification) needs 6 weeks of Pregnancy Disability Leave to recover from childbirth. This 6 week period is also covered by FMLA leave. Once the employee is no longer disabled from childbirth, she

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is still entitled to 12 weeks of FLA leave to care for the newborn. Thus the total leave entitlement would be 18 weeks - 6 weeks of Pregnancy Disability leave, and 12 weeks of FLA leave. Only the first 12 weeks of leave would run concurrently with FMLA leave.

### Differences between federal FMLA and state FLA:

Under the federal Family and Medical Leave Act (FMLA), the District must continue to pay its portion of the employee's health insurance premium for up to 12 workweeks of FMLA leave.

*The District is not required to pay employee health insurance premium under the state Family Leave Act (FLA) or for Pregnancy Disability Leave unless they run concurrent with FMLA leave.*

In the above example, the District's obligation to pay its portion of the health insurance premium ends with the completion of 12 weeks of FMLA leave, even though the employee may be entitled to use an additional 6 weeks of FLA leave.

As long as the employee is on paid leave, he/she should continue to receive their benefits in the normal manner.

Under COBRA, once an employee is placed on leave without pay status, he/she is entitled to continue their health insurance on a self-pay basis.

The federal FMLA may run concurrently with other state leave statutes such as Worker's Compensation, Pregnancy Disability Leave, FLA, or Family Care Act Leave. Whenever possible, the District will run leaves concurrently.

Disability or incapacity due to pregnancy or childbirth may not run concurrently with the state FLA.

### Limitations on FMLA Leave Entitlement:

Married couples employed by Whitman County Library are limited in the amount of family leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent with a serious health condition to a combined total of 12 weeks (or 26 weeks if leave to care for a covered service member with a serious injury or illness is used). FMLA leave for birth and aftercare, or placement for adoption or foster care, must end within 12 months of the birth or placement.

Employees may take FMLA leave intermittently (e.g., in separate blocks of time for a single qualifying reason), or on a reduced work schedule. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operation. If FMLA leave is for birth and care of the newborn, or placement for foster care or adoption, use of intermittent leave is subject to District approval.



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### Continuation of Pay and Benefits:

FMLA leave is unpaid leave. However, per District policy, employees are required to use their accrued paid leave (e.g. sick, vacation, and/or holiday leave) as part of their FMLA leave entitlement.

Employee use of paid leave, to run concurrent with FMLA leave, must comply with the District's normal policies for using paid leave. Once the employee has exhausted their paid leave, they should be placed on leave without pay for the duration of their FMLA leave.

During the 12 (or 26) workweeks of FMLA leave, the District will continue to pay its portion of health insurance premiums, provided that the employee continues to pay his/her share of the health insurance premiums, if any. *Failure of the employee* to pay his/her portion of the premium may result in cancellation of health insurance. It is the *employee's responsibility* to arrange for continuation of premium payments while on FMLA leave.

If the employee has exhausted FMLA leave, and extends their leave as leave without pay (LWOP), the employee may continue health insurance benefits on a self-pay basis under COBRA.

Benefits that operate on an accrual basis (e.g., vacation and sick leave) will not accrue during any unpaid leave under this policy. Moreover, an employee on leave without pay (LWOP) will not accrue seniority or service time for the employee's eligibility for performance review, salary review or adjustment. The employee's anniversary date should be adjusted per current policy.

An employee's eligibility for qualified benefits (e.g., worker's compensation, retirement or deferred compensation) will be governed by the terms of each respective benefit plan.

### Employee Notice & Responsibilities:

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the District's normal call-in procedures.

Employees seeking *Qualifying Exigency Leave* must give reasonable and practical notice if the exigency is foreseeable. The notice should include: information that a covered family member is on active duty or been called to active duty, provide a *listed* reason for leave (see list of reasons at end of document), and an estimate of the duration of the requested leave.

For *Military Caregiver Leave* employees must give as much notice as practicable.

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Employees must provide sufficient information for the District to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave.

*Employees also must inform the District* if the requested leave is for a reason for which FMLA leave was previously taken or certified.

*Periodic notification during leave.* Employees should contact their immediate supervisor or manager every two (2) weeks by telephone and once a month in writing/email to report on their status and intentions to return to work at the end of their leave period, unless other arrangements have been made.

### Certification Requirements

The District may require certification from a health care provider substantiating the employee's leave request. *Anytime an employee expects to be or is absent for more than 3 consecutive work days as the result of his or her own serious health condition (including pregnancy), the employee may be required to submit a medical certification.* Certification requirements differ according to whether the leave is for the employee's own serious health condition or that of a covered family member. When an employee foresees the need for leave and has provided at least 30 days notice, the District may request certification before the leave begins. *The employee must provide certification within 15 calendar days of the District's request. Failure to provide the requested certification may delay the leave.*

The District may require a second, and in some cases a third, medical opinion, at the District's expense, depending upon the circumstances. During the course of the leave, the District may under certain circumstances require additional medical recertification every 30 days. In addition, if the circumstances giving rise to the need for leave have changed significantly, or if the District has reason to doubt the validity of the stated reason for the absence, the District reserves the right to request recertification at any time.

Employees seeking *Qualifying Exigency Leave* or *Military Caregiver Leave* must certify they are eligible to take leave.

*Qualifying Exigency Leave.* The employee should provide a copy of the service member's active duty orders, documentation verifying time, place, and date of scheduled pre- or post-deployment activities, and/or complete the Department of Labor (DOL) form WH-384.

*Military Caregiver Leave.* The employee should provide a copy of the Department of Defense (DOD) "*invitational travel orders*" or "*invitational travel authorization,*" and/or complete form WH-385.

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All employees returning from FMLA leave taken because of their own serious health condition are required to furnish a “*Fitness for duty*” certification before they will be allowed to return to work. The District will consider making a reasonable accommodation for any disability an employee may have where required by law. Medical certification may also be required for any employee who claims he or she is unable to return to work at the scheduled conclusion of a leave or who requests a leave extension.

### Reinstatement After Leave:

Eligible employees taking leave under this policy will be reinstated to their former position, or to an equivalent position with equivalent benefits and other terms and conditions of employment. However, no employee is entitled under this policy to any right, benefit, or position other than that to which the employee would have been entitled had he or she not taken leave. Thus, for example, if a layoff or some other extenuating circumstance or business condition arises which affects the employee’s position, reinstatement may not be possible.

The District also reserves the right to deny leave reinstatement to key employees, where such denial is necessary to prevent substantial and grievous economic injury to the District’s operations.

Key employees should be notified in writing of the District’s intention to deny reinstatement as soon as a determination is made that such injury would occur.

Key employees are defined as salaried FMLA eligible employees who are among the highest-paid 10 percent of all employees employed by the District within seventy-five miles of the facility at which the employee is employed.

### Definitions:

#### Child:

Includes a biological, adopted, foster child, stepchild, legal ward, or a child of an employee standing in *loco parentis* (i.e., in place of a parent), who is under 18, or older than 18 if incapable of self-care because of a mental or physical disability.

#### Parent:

Includes the biological, adoptive, or step parent, or individual who stood in *loco parentis* to an employee when the employee was a child.

#### Spouse:

Either a husband or wife as defined under Washington Law and does not include a domestic partner.

#### Serious Health Condition:

Includes an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care

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facility, or continuing treatment by a health care provider (i.e., doctors of medicine or osteopathy who are licensed to practice medicine or surgery by the state in which they practice), or involves a period of incapacity requiring 3 or more days absence from work and necessitates continuing treatment by a health care provider or any period of incapacity due to pregnancy or prenatal care.

### Covered Service Member:

*An individual* with a serious illness or injury, incurred in the line of duty, while on active duty, as determined by the Department of Defense (DOD), that may render him/her medically unfit to perform the duties of his office, grade, rank, or rating and for which he/she is undergoing medical treatment, recuperation, therapy, or outpatient treatment or is on a *temporary disability retired list* (TDRL).

### Next of Kin:

As in the case of defining a son or daughter, "parent" is defined broadly and includes the service member's biological, adopted, or foster parent; stepparent; or other person who stood in loco parentis to the service member. *"Parent" does not include in-laws.* "Next of kin" *excludes* a service member's spouse, parent, or child, and is defined as the following blood relatives, in this order of priority:

- Blood Relatives with legal custody of the service member by court order or statute;
- Siblings;
- Grandparents;
- Aunts and Uncles; and
- First Cousins

The service member, however, may designate a specific blood relative as next of kin in writing, and that will control. Employers can ask employees for reasonable documentation of family relationships; a simple statement will suffice.

### Qualifying Exigencies (Eight types of qualifying exigencies):

The regulation contains a "specific and exclusive" list of reasons for qualifying exigency leave, as follows:

Short-notice deployment, meaning a call or order that's given seven or fewer calendar days before deployment. The employee can take up to seven days beginning on the date of notification.

Military events and related activities, such as official military-sponsored ceremonies and family support and assistance programs sponsored by the military and related to the family member's call to duty.

Urgent (as opposed to recurring and routine) child-care and school activities such as arranging for child-care. "Child" is defined more broadly than under the childbirth and adoption leave portions of the FMLA to include a biological,

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adopted, or foster child; a stepchild; a legal ward of a covered military member; or a child for whom a covered military member stands in lieu of a parent. The child must be either under age 18 or, if older than 18, incapable of caring for herself because of physical or mental disability.

Financial and legal tasks, such as making or updating legal arrangements to deal with a family member's active duty.

Counseling for the employee or his minor child that isn't already covered by the FMLA.

Spending time with the covered service member on rest and recuperation breaks during deployment, for up to five days per break.

Post-deployment activities such as arrival ceremonies and reintegration briefings, or to address issues from the service member's death on active duty.

Other purposes arising out of the call to duty, as agreed upon by the employee and employer.

Revision Date: April 17, 2012

## 7.9 Cobra Coverage Rights

FROM: Human Resources Manager  
To: Employees & Spouse, if applicable, with Health Coverage Benefits  
Date: \_\_\_\_\_  
Re: Continuation Coverage Rights Under COBRA

You (the employee) and your spouse, if applicable, should read this summary notice carefully and sign & return the attached acknowledgement to Human Resources. This notice is for your information and should be kept with your medical, dental, vision, and EAP plan information. If you received this information in the past; please consider this an update.

### Introduction:

You are receiving this notice because you have recently become covered under a group health plan through Whitman County Library. Whitman County Library (the “Employer/*Benefits Administrator*”<sup>2</sup>) maintains group health plans that are subject to this notice: medical, dental, vision, and an employee assistance program (EAP). If you are covered by the medical, dental, vision and/or EAP, you may elect COBRA coverage in one or more of these plans. This notice contains important information about your right to COBRA continuation coverage, which is a temporary extension of coverage under the plan. This notice generally explains COBRA continuation coverage, when it may become available to you and your family, and what you need to do to protect the right to receive it. COBRA applies only to the benefits under the group health plans referenced above and not to any other plans or benefits such as life insurance, disability coverage, accidental death and dismemberment benefits.

The right to COBRA continuation coverage was created by a federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA continuation coverage can become available to you when you would otherwise lose your group health coverage. It can also become available to other members of your family who are covered under the plan when they would otherwise lose their group health coverage. For additional information about your rights and obligations under the plan and under federal law, you should contact the <sup>2</sup>*Benefits Administrator*.

The plan does not offer greater COBRA rights beyond what COBRA requires. Nothing in this notice is intended to expand your rights beyond COBRA’s requirements.

### COBRA Continuation Options:

You may elect to continue the coverage you had prior to the date coverage would otherwise end. Your continuation options may be medical, dental, vision, or EAP. You may elect one or more of the plans available to you.

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Note that when you first enroll in COBRA, you may only continue the coverage you had as an active employee. For example, you can't switch from the Premera WCIF 750 Plan to the Premera WCIF 500 Plan, or vice versa. Also, to elect an EAP, dental plan or vision, you must be enrolled for these benefits at the time you group coverage ends.

### What is COBRA Continuation Coverage?:

COBRA continuation coverage is a continuation of plan coverage when coverage would otherwise end because of a life event known as a "qualifying event." Specific qualifying events are listed later in this notice. After a qualifying event, COBRA continuation coverage must be offered to each person who is a "qualified beneficiary." You, your spouse, and your dependent children could become qualified beneficiaries if coverage under the plan is lost because of the qualifying event. Under the plan, qualified beneficiaries who elect COBRA continuation coverage must pay for COBRA continuation coverage.

If you are an *employee*, you will become a qualified beneficiary if you lose your coverage under the plan because either one of the following qualifying events happens:

- Your employment ends for any reason other than your gross misconduct;
- or
- Your hours of employment are reduced.

If you are the *spouse* of an employee, you will become a qualified beneficiary if you lose your coverage under the plan because any of the following qualifying events happens:

- Your spouse dies;
- Your spouse's hours of employment are reduced;
- Your spouse's employment ends for any reason other than his or her gross misconduct; or
- You become divorced or legally separated from your spouse.

*Your dependent children* will become qualified beneficiaries if they lose coverage under the plan because any of the following qualifying events happens:

- The parent-employee dies;
- The parent-employee's hours of employment are reduced;
- The parent-employee's employment ends for any reason other than his or her gross misconduct;
- The parents become divorced or legally separated; or
- The child stops being eligible for coverage under the plan as a "dependent child."

If you are on a leave of absence under the Family and Medical Leave Act of 1993 (FMLA) and do not return to active employment following the leave, a qualifying event will occur. This allows you and your dependents to continue coverage for up to 18 months from the date that the *Benefits Administrator*<sup>2</sup>

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receives written notice that you will not be returning to work or your FMLA leave ends, whichever one comes first, but no later than the end of the FMLA leave.

### When is COBRA Coverage Available?:

The plan will offer COBRA continuation coverage to qualified beneficiaries only after the *Plan Administrator*<sup>1</sup> has been notified that a qualifying event has occurred. When the qualifying event is the end of employment, reduction of hours of employment or death of the employee, the employer must notify the *Plan Administrator*<sup>1</sup> of the qualifying event.

### You Must Give Notice of Some Qualifying Events:

For the other qualifying events (divorce or legal separation of the employee and spouse or a dependent child's losing eligibility for coverage as a dependent child), you must notify the *Benefits Administrator*<sup>2</sup> within 60 days after the qualifying event occurs by completing and submitting the *Notice to Employer of Qualifying Event Form or Other Event That May Affect Duration of COBRA Coverage*. If you or a family member fails to provide this notice during the 60-day notice period, you will lose your right to elect COBRA coverage. The *Notice to Employer of Qualifying Event Form* is available in the Human Resources section of the Intranet or from the Human Resources office.

The plan provides that your spouse's coverage terminates as of the last day of the month in which a divorce or legal separation occurs. A dependent child's coverage terminates the last day of the month in which he or she ceases to be an eligible dependent under the plan (for example, after attainment of a certain age).

### How is COBRA Coverage Provided?:

Once the *Plan Administrator*<sup>1</sup> receives notice that a qualifying event has occurred, COBRA continuation coverage will be offered to each of the qualified beneficiaries. Each qualified beneficiary will have an independent right to elect COBRA continuation coverage. Covered employees may elect COBRA continuation coverage on behalf of their spouse, and parents may elect COBRA continuation coverage on behalf of their children.

COBRA continuation coverage is a temporary continuation of coverage. When the qualifying event is the death of the employee, divorce or legal separation, or a dependent child's losing eligibility as a dependent child, COBRA continuation coverage lasts for up to a total of 36 months.

When the qualifying event is the end of employment or reduction of the employee's hours of employment, the employee, spouse, and all eligible dependents may elect up to 18 months of COBRA continuation coverage. There are two ways in which this 18-month period of COBRA continuation coverage can be extended, either by a disability extension or second qualifying event extension, both described later in this notice.



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### Medicare Rules:

The employee's understanding of Medicare eligibility rules is crucial in making a retirement date decision. Medicare entitlement can affect an individual's COBRA rights and impact how long a spouse and dependent children can continue COBRA coverage.

If the employee becomes entitled to Medicare *within 18 months prior to* the qualifying event date, COBRA continuation coverage for dependent qualified beneficiaries lasts up to 36 months from the Medicare entitlement date. For example, if a covered employee becomes entitled to Medicare 8 months before the date on which his employment terminates, COBRA continuation coverage for his spouse and children can last up to 36 months from the Medicare entitlement date, which is equal to 28 months of COBRA coverage (28+8=36 months).

If the employee becomes entitled to Medicare *more than 18 months before* the qualifying event, the spouse and dependent children may be eligible for COBRA continuation coverage for 18 months.

If the employee becomes entitled to Medicare *after* the qualifying event date, the spouse and dependent children may be eligible for COBRA continuation coverage for 18 months.

### Disability Extension of 18-Month Period of Continuation Coverage:

If you or anyone in your family covered under the plan is determined by the Social Security Administration to be disabled and you notify the *Plan Administrator*<sup>1</sup> in a timely fashion, you and your entire family may be entitled to receive up to an additional 11 months of COBRA continuation coverage, for a total maximum of 29 months. The disability would have to have started at some time before the 60<sup>th</sup> day of COBRA continuation coverage and must last at least until the end of the 18-month period of continuation coverage.

The disability extension is available only if you notify the *Plan Administrator*<sup>1</sup> in writing of the determination by the SSA within the initial 18-month period but not later than 60 days after the date of the SSA determination.

If you have a loss of SSA disability status, you are required by law to notify the *Plan Administrator*<sup>1</sup> within 30 days of a final determination made by the SSA that you are no longer disabled. Once notified, your extended COBRA continuation coverage will be terminated effective the first month following the SSA's determination of loss of disability status.

### Second Qualifying Event Extension of 18-Month Period of Continuation Coverage:

If your family experiences another qualifying event while receiving 18 months of COBRA continuation coverage, the spouse and dependent children in your family can get up to 18 additional months of COBRA continuation coverage,

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for a maximum of 36 months, if notice of the second qualifying event is properly given to the plan. This extension may be available to the spouse and any dependent children receiving continuation coverage if they lose coverage due to:

Your death;

Your divorce or legal separation; or

Your dependent children lose dependent status under the Plan.

This extension applies only if the event would have caused the enrolled family member to lose coverage under the plan had the first qualifying event not occurred.

As described above, to be eligible for this extension, you or your family members must notify the *Plan Administrator*<sup>1</sup> within 60 days of the later of the date of a divorce, loss of dependent eligibility or the date coverage is lost due to one of the preceding events.

### Newborns and Adopted Children:

A child who is born to or placed for adoption with the covered employee during a period of COBRA continuation coverage is a qualified beneficiary and has independent COBRA election rights.

You must notify <sup>1</sup>*Plan Administrator* in writing of the birth or adoption and elect coverage for your child within the plan's otherwise applicable enrollment period for newborns or adopted children. If the newborn or adopted child is determined to be disabled within 60 days of his/her birth or placement for adoption, the 29-month disability extension may be available for all covered family members.

### How Can You Elect COBRA Continuation Coverage?:

To elect continuation coverage, you must complete the Election Form and furnish it according to the directions on the form. Each qualified beneficiary has a separate right to elect continuation coverage. For example, the employee's spouse may elect COBRA continuation coverage even if the employee does not. COBRA continuation coverage may be elected for only one, several, or for all dependent children who are qualified beneficiaries. A parent may elect to continue coverage on behalf of any dependent children. The employee or the employee's spouse can elect continuation coverage on behalf of all the qualified beneficiaries.

In considering whether to elect continuation coverage, you should take into account that a failure to continue your group health coverage will affect your future rights under federal law. First, you can lose the right to avoid having pre-existing condition exclusions applied to you by other group health plans if you have more than a 63-day gap in health coverage, and election of continuation coverage may help you not have such a gap. Second, you will lose the guaranteed right to purchase individual health insurance policies that do not impose such pre-existing condition exclusions if you do not get

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continuation coverage for the maximum time available to you. Finally, you should take into account that you have special enrollment rights under federal law. You have the right to request special enrollment in another group health plan for which you are otherwise eligible (such as a plan sponsored by your spouse's employer) within 30 days after your group health coverage ends because of the qualifying event listed above. You will also have the same special enrollment right at the end of continuation coverage if you get continuation coverage for the maximum time available to you.

### How Much Does COBRA Continuation Coverage Cost?

Generally, each qualified beneficiary may be required to pay the entire cost of continuation coverage. The amount a qualified beneficiary may be required to pay may not exceed 102 percent (or, in the case of an extension of continuation coverage due to a disability, 150 percent) of the cost to the group health plan (including both employer and employee contributions) for coverage of a similarly situated plan participant or beneficiary who is not receiving continuation coverage. Information on the required payment for each continuation coverage period for each option will be described in detail when you receive the election materials.

### When and How Must Payment for COBRA Continuation Coverage be Made?:

#### First Payment for Continuation Coverage:

If you elect continuation coverage, you do not have to send any payment with the Election Form. However, you must make your first payment for continuation coverage no later than 45 days after the date of your election (This is the date the Election notice is post-marked, if mailed). If you do not make your first payment for continuation coverage in full no later than 45 days after the date of your election, you will lose all COBRA continuation coverage rights under the plan. You are responsible for making sure that the amount of your first payment is correct. Payment contact information will be provided with the election material. At that time, you may contact Benefit Solutions, Inc. (BSI) at PO Box 6, Mukilteo, WA, 98275 (425.771.7359) to confirm the correct amount of your first payment.

#### Periodic Payments for Continuation Coverage:

After you make your first payment for continuation coverage, you will be required to make periodic payments for each subsequent coverage period. The amount due for each coverage period for each qualified beneficiary is shown in the Election Notice. The periodic payments can be made on the monthly basis. Under the plan, each of these periodic payments for continuation coverage is due on the first of the month for that coverage period. If you make a periodic payment on or before the first day of the coverage period to which it applies, your coverage under the plan will continue for that coverage period without any break. The plan will send periodic notices of payments due for these coverage periods.

#### Grace Periods for Periodic Payments:

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Although periodic payments are due on the dates shown above, you will be given a grace period of 30 days after the first day of the coverage period to make each periodic payment. Your continuation coverage will be provided for each coverage period as long as payment for that coverage period is made before the end of the grace period for that payment.

If you fail to make a periodic payment before the end of the grace period for that coverage period, you will lose all rights to COBRA continuation coverage under the plan.

### Termination of Coverage:

You may be entitled to purchase an individual policy directly through the carrier when your COBRA continuation coverage expires. This option will only be available if there is a conversion policy under the group health plan you were enrolled in prior to your qualifying event. Contact the *Plan Administrator*<sup>1</sup> for more details.

### If You Have Questions:

Questions concerning your plan or your COBRA continuation coverage rights should be addressed to the contact or contacts identified below. For your information about your rights under ERISA, including COBRA, the Health Insurance Portability and Accountability Act (HIPAA), and other laws affecting group health plans, contact the nearest Regional or District Office of the U.S. Department of Labor's Employee Benefits Security Administration (EBSA) in your area or visit the EBSA website at [www.dol.gov/ebsa](http://www.dol.gov/ebsa). (Addresses and phone numbers of Regional and District EBSA Offices are available through EBSA's website.)

### Keep Your Plan Informed of Address Changes:

In order to protect your family's rights, you should keep the plan administrator informed of any changes in the addresses of family members. You should also keep a copy, for your records, of any notices you send to the *Plan Administrator*<sup>1</sup> or the *Benefits Administrator*<sup>2</sup>.

### Plan Contact Information:

If you (the employee) or a family member has any questions about this notice or COBRA, please contact the *Benefits Administrator*<sup>2</sup>. You may also ask for additional copies of any of the required notice forms and procedures, which contains important information about plan benefits, eligibility, exclusions and limitations.

*Plan Administrator*<sup>1</sup>: Benefit Solutions, Inc. is the plan administrator for medical, dental, vision insurance and EAP. All notices and other communications regarding the plan and regarding COBRA should be directed to the *Plan Administrator*<sup>1</sup>. If you have questions concerning your right to purchase continuation coverage, please contact the *Benefits Administrator*<sup>2</sup>.

<sup>1</sup>*Plan Administrator/Insurer.*

Attention: WCIF COBRA Department Benefit Solutions, Inc. (BSI)

## Whitman County Rural Library District By-Laws and Policies

PO Box 6  
Mukilteo, WA 98275  
Phone: 425-771-7359  
Fax: 425-771-1226  
Email: [COBRA@BSITPA.com](mailto:COBRA@BSITPA.com)

*<sup>2</sup>Benefits Administrator:*  
Human Resources – Whitman County Library  
102 S. Main  
Colfax, WA 99111  
509-397-4366