

**PORT OF BREMERTON**  
**BOARD OF COMMISSIONERS**  
**REGULAR BUSINESS MEETING**

**A G E N D A**

April 23, 2019  
6:00 PM

Bill Mahan Conference Room  
Port Administration Offices  
Bremerton Nat'l Airport Terminal Bldg  
8850 SW State Hwy 3, Bremerton

**Call to Order**

**Pledge of Allegiance**

**Approval of Agenda**

**Consent Items**

All matters listed under Consent Items have been distributed to each member of the Commission for reading and study, are considered to be routine, and will be enacted by one motion of the Commission with no separate discussion. If separate discussion is desired, that item may be removed from the Consent Items and placed under Action Items by request.

- A. Minutes of the regular business meeting of April 9, 2019.
- B. Payment of checks #            through #            from the Construction Fund for \$            ; and checks #            through #            , #            through #            , and #            through #            from the General Fund for \$            ; and the payment of payroll taxes for \$            .  
*Numbers to be provided prior to meeting*

**Citizen Comments:** *Open to the public for comment. Speakers are asked to keep their comments to less than 3 minutes. A Commissioner may request to waive the 3 minute time limit. Please feel free to submit further comments in writing to the Clerk of the Board.*

**Action Items**

1. Resolution 2019-07 supporting the proposed South Kitsap Community Events Center
2. Resolution 2019-08 supporting a WSDOT Airport Aid Application for the 2019 Airfield Lighting, Signage, NAVAIDS, Electrical Improvements Project
3. Resolutions 2019-09 and 2019-10 updating the Port's Employee Handbook and Travel Policy
4. Short-Term Moorage Agreement with Kitsap Transit

**Commission New Business**

**Staff Reports**

**Commission Reports**

**Executive Session** *(if necessary)*

**Adjournment**

*Regular business and other meetings that may be attended by members of the Board*

<u><i>Date</i></u>	<u><i>Time</i></u>	<u><i>Meeting</i></u>
<i>04/23</i>	<i>12:30 pm</i>	<i>*Kitsap Economic Development Alliance (KEDA) Steering Committee</i>
<i>04/23</i>	<i>6:00 pm</i>	<i>*Commission Regular Meeting – Bill Mahan Conference Rm</i>
<i>04/25</i>	<i>10:00 am</i>	<i>Puget Sound Regional Council (PSRC) Executive Board</i>
<i>05/01</i>	<i>1:00 pm</i>	<i>PSRC Economic Development Board</i>
<i>05/07</i>	<i>10:15 am</i>	<i>Kitsap Regional Coordinating Council (KRCC) Executive Board</i>
<i>05/14</i>	<i>10:00 am</i>	<i>*Commission Regular Meeting – Bill Mahan Conference Rm</i>

*Meetings are subject to change or cancellation*

*\*Denotes events in which two (2) or more Commissioners may attend*

**PORT OF BREMERTON**  
**BOARD OF COMMISSIONERS**  
**REGULAR BUSINESS MEETING**

**MINUTES**

April 9, 2019  
10:00 AM

Bill Mahan Conference Room  
Port Administration Offices  
Bremerton Nat'l Airport Terminal Bldg  
8850 SW State Hwy 3, Bremerton

**Commissioners and Staff Present**

Commissioners

Larry Stokes  
Cary Bozeman  
Axel Strakeljahn

Staff Members

Jim Rothlin  
Fred Salisbury  
Sherman Hu  
James Weaver  
Pamela Wallis  
Anne Montgomery, Atty

**Call to Order**

President Stokes called the meeting to order at 10:00 AM and led the Pledge of Allegiance.

**Approval of Agenda**

**It was moved by Strakeljahn, seconded by Bozeman to:**

Approve the Agenda as presented.

**MOTION CARRIES, 3-0**

**Consent Items**

- A. Minutes of the regular business meeting and executive session of March 26, 2019.
- B. Payment of checks #103944 through #103981 and #901002 and #79268 and #79272 through #79326 from the General Fund for \$205,844.09; #79269 through #79271 from the Construction Fund for \$45,610.37 and the payment of payroll taxes for \$19,810.23.

**It was moved by Bozeman, seconded by Strakeljahn to:**

Approve the Consent Items as presented.

**MOTION CARRIES, 3-0**

## Information Items

### 1. Cruise of Americas – James Weaver, Director of Marine Facilities

Director Weaver discussed the Grand Puget Sound Cruise route, ports of call, duration of route, and cruise ship capacity. The Port has 5 visits this cruise season. It was discussed that the Port should have a robust welcoming committee, including port staff, Commissioners, the City Mayor and possibly the Navy band, or local high school band if possible. Mr. Weaver has goals that include having golf carts to shuttle passengers to amenities in the area, promotions including a press release, social media, and website highlights.

“The Reliance” M/V has just come out of the Shipyard, and requested moorage at Port Orchard Marina for up to 6 mo. Mr. Weaver discussed a previous agreement that was still in place with the Port and will provide that agreement to the Board for review in an upcoming meeting.

### 2. Port Report “Looking Back-Moving Forward” – Jim Rothlin, Chief Executive Officer

Mr. Rothlin delivered a detailed PowerPoint presentation providing a review of 2018 and plans for 2019.

He reviewed the following for 2018:

- Projects completed and deferred at all facilities
- Capital purchases
- Business development – included new leases, extended leases, and Industrial Park master Plan
- Airport/Industrial Park/Marina Marketing
- Other Notables that transpired and a look back on 2018.

Plans for 2019:

- Upcoming projects at all facilities
- Capital Purchases
- Business Development - Airport, Industrial Park, Marinas & Other Facilities
- Preparing for the future-Operations, Administration and Leadership
  - Operations - System Improvements, Marina Improvements
  - Administrative – Staffing, Training, Communication, Community
  - Leadership – Efficient, effective, innovative; prioritization; culture

The Board thanked CEO Rothlin for his report and discussed the need for the Port to focus on the most important (3-4) projects, while embracing an “eyes wide open leadership.”

## **Citizen Comments**

Jerry McDonald

- Discussed Aviation Conference and Senate Bill 53-70; Mr. Rothlin stated that Dylan Doty had sent the Port information on that bill, which is currently being looked at.

Roger Gay, South Kitsap

- Discussed the park and ride going up in Mason County.
- Pointed out that the website states that businesses located at the Port supply nearly 1100 jobs, but we referenced 2500 jobs today. Suggests we update website with current information.
- Further suggested that we use the terminal building lobby to market the Port with the community as they come in to use the restrooms during events.

## **Action Items**

1. Selection of Art Anderson Associates for Marina On-Call Engineering Service  
*Presented by James Weaver, Director of Marine Facilities*

**It was moved by Bozeman seconded by Strakeljahn to:**

Approve Art Anderson Associates for a 3-year Marina On-Call Engineering Service Agreement.

Following discussion;

**MOTION CARRIES, 3-0**

Commissioner Stokes was excused from the meeting at 11:50 AM due to an unavoidable obligation.

**Commission New Business** - None

## **Staff Reports**

*James Weaver, Director of Marine Facilities*

- Director Weaver presented a video from SoundWest showing the proposed Bremerton Marina construction. Mr. Weaver discussed parking spaces, current contracts, and allocations to live-aboards. Concerns regarding adequate parking were discussed, along with looking into alternative options moving forward. The primary concern remains for the boaters, as they are the ones affected.
  - Citizen Jerry McDonald had a comment on the drop off area and his hopes of our tenants being able to use that area after construction.

**Commission Reports** - None

## **Adjournment**

There being no further business before the Board, the meeting was adjourned at 12:10 p.m.

Submitted,

Approved,

Jim Rothlin  
Chief Executive Officer  
April 18, 2019

Axel Strakeljahn  
Commission Secretary  
April 23, 2019

Draft

**PORT OF BREMERTON**  
**AGENDA SUMMARY**

Agenda Item No.      Action Item #1  
Subject:                South Kitsap Community Events Center Support  
Exhibits:                Resolution 2019-07  
Prepared By:            Jim Rothlin, CEO  
Meeting Date:          April 23, 2019

**Summary:**

A proposal for the downtown development plan in Port Orchard was presented at the December Port Commission meeting by West Sound Group. The entire multi-use project which includes residential, commercial, retail and public use received unanimous support from the Port Commissioners, which they stated the Event Center was a key component to the program. The project was subsequently presented in a packed room of supporters to the Kitsap Public Facilities District with the purpose of requesting funding support of the South Kitsap Community Events Center. This center would support a multitude of public and privately sponsored events that will connect with the Port of Bremerton's Port Orchard Marina events, the community, other parts of Kitsap County and creates interest from visitors outside the county as well.

This type of project supports the Port's mission of economic development and quality of life in the community. It creates jobs, stimulates the local economy, and attracts visitors to the area. This type of infrastructure in a community is what outside businesses seek when searching for new locations, which assists the Port in its recruiting efforts to bring businesses and more jobs to the Port district. Further, the Port has a large investment in downtown Port Orchard which includes the Port of Bremerton's Port Orchard Marina. This project enhances the amenities that surround the marina, adding value to the tenants and surrounding businesses.

This project is exactly the type of revitalization the waterfront of Port Orchard requires, and it provides the Kitsap Public Facilities District the opportunity to invest in an area that it has yet to invest in.

The West Sound Group has expressed interest for written endorsement from each of the City of Port Orchard, Kitsap County and the Port of Bremerton, confirming its participation as a public partner supporting this development.

Fiscal Impact:

The terms of this resolution have no fiscal impact to the Port. Should the Sound West Group be awarded the money from KPFD, the dollars received will be directed through the Port as the recipient.

**STRATEGIC PURPOSE:**

This action supports development of Port property, economic development and improvement of community benefits. Specifically, it supports the Ports 5-year strategic plans through strategy 1.c. to “Proactively participate in and fund regional economic development efforts and initiatives” and strategy 5.b., to “Develop and maintain public access opportunities”.

Recommendation:

Approve the resolution regarding the Port’s participation as a public partner to support the proposed South Kitsap community events center.

Motions for Consideration:

**Motion to approve Resolution 2019-07 to confirm the Port’s participation as a public partner with the City of Port Orchard and Kitsap County to support the proposed South Kitsap community events center.**

**PORT OF BREMERTON**  
**KITSAP COUNTY, WASHINGTON**  
**RESOLUTION NO. 2019-07**  
**DATED: April 23, 2019**

**A RESOLUTION** of the Board of Commissioners, Port of Bremerton, confirming its participation as a public partner with the City of Port Orchard and Kitsap County to support the proposed South Kitsap Community Events Center.

**WHEREAS**, the City of Port Orchard and the South Kitsap community have been lacking and in need of a central gathering place and community “Events/Activity Center” venue for decades; and,

**WHEREAS**, a regional development team has created a Master Plan for the redevelopment of an area of downtown Port Orchard including shoreline restoration, parking, retail and residential development; and

**WHEREAS**, this project would result in a more than \$100 million investment of Port Orchard’s downtown that could include a Corporate Headquarters for Kitsap Bank; and

**WHEREAS**, the Kitsap Bank HQ and surrounding Master Plan project would create hundreds of jobs, retail activity, shoreline restoration, public spaces and could result in Kitsap Bank remaining in the community of its founding for decades to come; and

**WHEREAS**, the Master Plan project is dependent upon the construction and operations of a Community Events Center (CEC) as part of the project; and

**WHEREAS**, the Kitsap Public Facilities District (KPFDD) is evaluating the proposed funding of a large portion of the CEC dependent upon the Public Partners raising the remaining funding by pursuing local, state, and federal grant sources, private supporters and other appropriate sources; and

**WHEREAS**, the Port of Bremerton (POB) has agreed to serve as a Public Partner for this purpose and is willing to facilitate the funding of the project; and

**WHEREAS**, Kitsap County is also considering joining the City of Port Orchard and the Port of Bremerton as a Public Partner as described above; and

**WHEREAS**, the KPFDD is seeking confirmation that the communities effected and benefitted by the CEC are willing to support the project.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners,  
Port of Bremerton,

- The Port of Bremerton as a Public Partner in this project will assist with the effort to identify and secure funding for the CEC project, including local, state and federal grant sources, private benefactors and other appropriate sources for the funding of the project;
- Will provide expertise and participation as a joint applicant in funding requests;
- Will coordinate with Public Partners, including the City of Port Orchard and Kitsap County, to determine underlying CEC ownership and operations funding sources;
- Funding committed by the KPFD to the CEC project will not be fully awarded until the Public Partners have raised the additional funds to fully support the project and its projected operating costs.

**ADOPTED** by the Board of Commissioners of the Port of Bremerton at the regular public meeting thereof held this 23<sup>rd</sup> day of April 2019 and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the Seal of the Commission.

\_\_\_\_\_  
Commission President

\_\_\_\_\_  
Commission Vice President

ATTEST:

\_\_\_\_\_  
Commission Secretary

**PORT OF BREMERTON**  
**AGENDA SUMMARY**

Agenda Item No: Action Item #2  
Subject: WSDOT Grant Resolution  
Exhibits: Resolution 2019-08  
Prepared By: Fred Salisbury, Chief Operations Officer  
Meeting Date: April 23, 2019

**Summary:**

To apply for a WSDOT grant, the Airport must submit a signed assurance in the form of a resolution that local matching funds are available and authorized for the proposed project. Staff is applying for state funding for the 2019 Airfield Lighting, Signage, NAVAIDS, Electrical improvements Project. In the current budget, \$2,000,000 is budgeted for the project. Ninety percent of the project will be funded by the FAA. The remaining ten percent or \$200,000 is the required sponsor's match. This WSDOT grant would represent 5% of the project which equals \$100,000. The project involves replacing the existing High Intensity Runway Lighting system, the Medium Intensity Taxiway Lighting system, electrical transformers, emergency generator, PAPI, REILS, and airport beacon.

**Fiscal Impact:**

A savings of \$100,000

**Recommendation:**

Support application for a WSDOT grant for the 2019 Airfield Lighting, Signage, NAVAIDS, Electrical Improvements Project.

**Motion for Consideration:**

**Move to approve Resolution 2019-08 supporting a WSDOT Airport Aid Application for the 2019 Airfield Lighting, Signage, NAVAIDS, Electrical Improvements Project.**

**PORT OF BREMERTON**  
**KITSAP COUNTY, WASHINGTON**  
**RESOLUTION NO. 2019-08**  
**DATED: April 23, 2019**

**A RESOLUTION** of the Board of Commissioners, Port of Bremerton, supporting a Washington State Department of Transportation (WSDOT) Airport Aid Application for a runway pavement maintenance project at Bremerton National Airport, and providing assurance of available local match funds.

**WHEREAS**, WSDOT has established a competitive Airport Aid Program for pavement, safety, maintenance, security, and planning projects; and

**WHEREAS**, the Port of Bremerton has submitted an airfield lighting, signage, NAVAIDS, and electrical improvements project at Bremerton National Airport.

**WHEREAS**, the total cost of the project is estimated at \$2,000,000 for engineering, construction, and construction management of which the Port share is \$100,000.

**NOW, THEREFORE BE IT RESOLVED** that the Board of Commissioners, Port of Bremerton, support the Airport Aid application for completion of the 2019 Airfield Lighting, Signage, NAVAIDS, Electrical Improvements Project and assure the availability of the Port's matching funds.

**ADOPTED** by the Board of Commissioners of the Port of Bremerton at the regular public meeting thereof held this 23<sup>rd</sup> day of April, 2019, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the Seal of the Commission.

\_\_\_\_\_  
Commission President

\_\_\_\_\_  
Commission Vice-President

ATTEST:

\_\_\_\_\_  
Commission Secretary

**PORT OF BREMERTON**  
**AGENDA SUMMARY**

Agenda Item No: Action Item #3  
Subject: Updated Employment Handbook and Travel Policy  
Exhibits: Resolution 2019-09 – Employment Hand Book  
Resolution 2019 –10 - Travel Policy  
Prepared By: Sherman Hu / Chief Financial Officer  
Meeting Date: April 23, 2019

**Summary:**

The Port of Bremerton had a 15 years old Employment Hand Book and Travel Policy. Over the time, many of the human resource rules and regulations have been changed. It's critical for the Port to have an up-to-date Employment Hand Book and Travel Policy to effectively manage the human resource function.

Employment Hand Book, the Port strengthened narratives in each section, e.g. "equal employment opportunity/affirmative actions", "Confidentiality of Business Information", "Whistle Blower Protection", "Open Door Policy", "Employee Conduct", just give few examples.

Travel Policy, the Port decided to use per diem expenses for meals. The per diem expense is paid at the U.S. General Services Administration (GSA) rates set by fiscal year, effective October 1 each year.

**Fiscal Impact:**

\$1,200.00 spent to have HR Consultants provide a professional review.

**Recommendation:**

Recommend to approve Resolution 2019-09 for the updated Port Employment Hand Book.

Recommend to approve Resolution 2019-10 for the updated Port Travel Policy.

**Motion for Consideration:**

**Move to approve Resolution 2019-09 Employment Hand Book**

**Move to approve Resolution 2019-10 Travel Policy**

**PORT OF BREMERTON  
KITSAP COUNTY, WASHINGTON  
RESOLUTION NO. 2019-09  
DATED: April 23, 2019**

**A RESOLUTION** of the Board of Commissioners, Port of Bremerton, rescinding Resolution 2008-88 and adopting an Employee Handbook.

**WHEREAS**, the Port of Bremerton's staff and operations have undergone changes, and

**WHEREAS**, legal requirements related to personnel policies and benefits have changed, and

**WHEREAS**, a written handbook pertinent to today's needs are desirable to clearly define employer and employee rights and responsibilities, conditions of employment, and to establish a legal basis for payment of certain benefits, and

**WHEREAS**, the existing Personnel Policy and Procedures Manual has not been revised since December 16, 2008.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners, Port of Bremerton, that Resolution 2008-88 be superseded by Resolution 2019-09, and the Employee Handbook attached hereto and made a part hereof be approved and adopted for the Port of Bremerton, and

**ADOPTED** by the Board of Commissioners of the Port of Bremerton at the regular public meeting thereof held this 23<sup>rd</sup> day of April, 2019, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the Seal of the Commission.

\_\_\_\_\_  
Commission President

\_\_\_\_\_  
Commissioner

ATTEST:

\_\_\_\_\_  
Commission Secretary



# EMPLOYEE HANDBOOK

Adopted: April 23, 2019

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## **SECTION 1 GENERAL PROVISIONS**

### **1.1 Purpose**

The purpose of this Employee Handbook is to implement a system of personnel administration governing the recruitment, selection, employment, transfer, removal, conduct, discipline and welfare of the employees of the Port of Bremerton. These policies are general guidelines only, not promises of specific treatment in specific situations. These personnel policies are not intended to be nor should they be construed as a contract, express or implied, or as a guarantee of employment for any specific durations. The Port places the highest value on our employees and their well-being. We strive to cultivate satisfied, productive workers, with the support necessary to achieve the objectives of their positions. It is the Port's hope that the information contained in this manual will further these ends. This revision of the Port of Bremerton Employee Handbook replaces and supersedes all previous versions of the Port's Personnel Manual.

These adopted Employee Handbook policies, as well as subsequently adopted provisions, guide the Port's personnel management practices relating to all Port employees unless they are in conflict with a labor management agreement between the Port and the employees, in which case the labor management agreement will apply.

### **1.2 Authority**

These personnel rules and procedures have been adopted by the Board of Commissioners, Port of Bremerton, under authority granted by R.C.W. 53.18.040, governing the operation of port districts.

The Chief Executive Officer and Port Attorney serve at the pleasure of the Board of Commissioners. The Chief Executive Officer is authorized to hire, counsel, discipline, and discharge all Port employees.

Authority is delegated to the Chief Executive Officer for the day-to-day administration of these policies. The Chief Executive Officer in turn may delegate specific responsibilities and authority for administration of these policies to designated subordinates.

### **1.3 Equal Employment Opportunity/Affirmative Action**

Equal Employment Opportunity - It is the policy of the Port to provide equal opportunity for all applicants for employment regardless of race, color, religion, national origin, marital status, pregnancy, age, sex, sexual orientation, gender identity and expression, genetic information, military status, or the presence of any sensory, mental, or physical

handicap except where specific age, sex or physical requirements constitute a bona fide occupational qualification necessary for proper and efficient performance of that position. To ensure that the Port has the most efficient employee recruitment, selection, and appointment procedures possible, discriminatory practices in any form will not be permitted. The full cooperation of each department head, elected official, supervisor, and employee is necessary to make certain that the Port remains an equal opportunity employer.

Affirmative Action Program - The Port of Bremerton's affirmative action program is contained in Resolution No. 90-45, dated October 8, 1990.

#### **1.4 Business Ethics and Conduct**

The continued success of the Port is dependent upon our community trust, and we are dedicated to preserving that trust. Employees owe a duty to the Port, co-workers, customers, and the general public to act in a way that will merit the continued trust and confidence of these groups. The impressions of the Port depend, to a large degree, upon the manner in which employees interact with the public. Employees are, therefore, expected to serve as ambassadors to the community by openly and actively supporting the Port's goals and business practices. Employees are expected to provide good customer service by communicating and acting in ways that promote customer confidence and good will.

The Port will comply with all applicable laws and regulations and expects its directors, officers, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct. This includes conduct that is likely to be "perceived" as unethical.

Employees will comply with all work-related directives issued by their designated supervisor. Employees will refrain from conduct, language or actions which are offensive toward Port officials, fellow employees, and/or the public. In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your immediate supervisor and, if necessary, with the Human Resources contact for advice and consultation.

Compliance with professional business ethics and conduct is the responsibility of every Port employee.

## **SECTION 2 HIRING**

### **2.1 Qualifications for Employment**

The desired qualifications and requirements for positions are contained in the job descriptions approved by the Chief Executive Officer.

### **2.2 Basic Recruitment and Selection**

Where the masculine or feminine gender has been used in any job classification or in any provision of this manual, it is used solely for the purpose of illustration and will not in any way be used to designate the sex of the employee eligible for the position, or the benefits of any other provisions.

Immediate family members will not be hired, transferred, or employed in any position where there is: (1) a supervisory/subordinate relationship; or (2) a close working relationship within the same department or functional area that affects the efficiency, safety or welfare of the department and its employees.

In such instances, one or both of the employees involved may be required to transfer to another available area, asked to resign, or employment may be terminated.

### **2.3 Application**

The Chief Executive Officer is authorized to recruit and retain staff for the management and operation of the Port.

Advertising procedures when used, may include, but not be limited to: The State Employment Security Office, local newspapers, online sources such as Indeed or Zip Recruiter, private employment offices, the Washington Public Ports Association, the Washington Airport Management Association, professional societies and appropriate trade journals.

Applications for employment should be submitted on the standard form available at the Port Office, on the Port's website or by resume as determined by the Chief Executive Officer. The application collects information on specific job experience and training and contains questions designed to obtain only job-related information.

Interviews and exams may be required depending on the nature and duties of the position being filled. Examinations may be oral, written, or performance tests, and will pertain to those matters that test the capability of the candidate to efficiently discharge the duties of the position involved.

All statements submitted on the employment application or resume, including references, will be subject to investigation and verification prior to appointment.

Employment is contingent upon successful completion of a pre-employment drug test and background check. A credit report will be required for positions of "trust," which includes responsibility to receive and process cash, checks, and credit card payments and to prepare reconciliations and bank deposits, in compliance with Washington State S.B. 5827.

## **2.4 Selection**

All candidates for open positions at the Port will be evaluated based on the requirements and essential functions of the position to be filled. Selection will be made in a non-discriminatory manner.

Offers of employment will be made by the Chief Executive Officer in writing and must acknowledge the terms and conditions of employment. This document must be signed and dated by the employee and a copy placed in the employee's personnel file.

## **2.5 Orientation of New Employees**

The Chief Financial Officer or designee(s) will assist each new employee in completing the required employment forms, brief the employee on available employee benefits, provide the employee with a copy of the Port's Employee Handbook, and brief the employee on other procedures, policies, rules and regulations.

The employee's immediate supervisor will brief the employee on his or her specific job requirements and procedures.

If any employee is issued company property, such as safety equipment, laptop computers, cell phones, etc., they will be required to sign an agreement that they will return these items upon termination or repay the company for any items not returned. In this agreement, the employee will acknowledge that the value of the item(s) can be withheld from their final check.

## **2.6 Probationary Employment Period**

The purpose of the probationary employment period is to provide a period during which a new employee's ability to effectively function in a position will be evaluated. This probationary period applies to all new employees.

The probationary employment period will begin with the date of employment and will continue for three (3) consecutive calendar months.

The Port may consider all or a portion of the time an employee has worked for the Port as a temporary employee as partial or full completion of the probationary period. The Chief Executive Officer is authorized to approve any adjustments to the probationary period.

An employee may either resign or be discharged without notice during the probationary period.

All employee benefits will be effective the first day of the month following the date of employment in Full-time Regular or Part-time Regular status.

## **SECTION 3 PERSONNEL PROCEDURES**

### **3.1 Classes of Employees**

Full-time Regular Employee - An employee who works a full-time normal work week of 40 hours, and whose position is not considered to be of a temporary nature.

Part-time Regular Employee - An employee who works less than the normal 40-hour work week.

Temporary Employee - An appointment made for a limited period of time necessitated by special circumstances.

Probationary Employee - Any employee, either full or part time, who has not completed the three (3) month probationary employment period.

### **3.2 Job Descriptions**

Each identifiable position in the Port organization structure will be described in writing by a job description approved by the Chief Executive Officer.

Each employee when hired will be provided with a copy of the job description for his/her position. Additionally, when an employee changes positions, the employee will be provided a copy of the job description covering the new position.

As a minimum, job descriptions should include:

- Position title.
- Normal hours of work.
- Title of immediate supervisor.
- Titles of positions supervised, if any.

- A brief summary of the major objectives of the job.
- Specific examples of essential duties and responsibilities in priority order.
- Desired qualifications with respect to previous experience and special knowledge, skills, and abilities required to perform the essential functions of the position.

### **3.3 Personnel Records**

The Executive Assistant will maintain a separate administrative and confidential file for each employee. The administrative file contains normal employee records such as position, title, pay, changes in employment status, performance reviews, etc. The confidential file contains reference checks and any other information of a confidential nature. Employee personnel records will be confidential and will be accessible only to the employee or his/her designee, his/her immediate supervisor, or other officials authorized by the Chief Executive Officer. All personnel records are available to the Port Commission.

Employee medical and other benefits' records are considered private and will not be disclosed without the employee's specific, written authorization.

### **3.4 Attendance**

An employee should not be absent without notifying his/her supervisor. Employees must make a sincere effort to notify their supervisor as early as possible prior to the beginning of the work shift of the reason for any absence. If the absence continues beyond the first day, the employee must notify the supervisor on a daily basis unless other arrangements have been made with the supervisor.

An employee who is absent from his/her designated position for a period of three (3) consecutive days and has failed to notify the employer, may be considered as having abandoned his/her position, and will be considered a voluntary termination.

### **3.5 Hours of Work**

Work hours for non-exempt employees are set by the Chief Executive Officer to ensure the most efficient operation of the Port and the convenience to the public. Normal non-exempt administrative office hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday. Flexible work schedules must be recommended by the employee's supervisor and approved by the Chief Executive Officer. The schedule must be regular in nature and not change on a daily basis. The Port's harbor and airport facilities may operate 7 days a week, except for specific holiday schedules. Hours of operation are subject to change.

All full-time regular non-exempt employees will work a standard forty (40) hour work week.

Since the principal periods of activity for marinas and airports occur during the summer, on weekends and holidays, the supervisors of these facilities are authorized to modify the work schedule and work hours of employees to accommodate the special needs of facility operations. Hours of work may be modified in special circumstances by the Chief Executive Officer, or in his/her absence his/her designee, provided that hours of work per month for employees do not exceed a monthly average of forty (40) hours per week. Employees will be given at least ten (10) days advance notice of any schedule change not associated with a sudden and/or emergency absence or extenuating circumstances.

A rest period of fifteen (15) minutes is allowed within each four (4) hours worked for non-exempt employees. The authorized rest period will be counted as hours worked. Rest periods are to be scheduled to not interfere with the conduct of Port business. Employees may choose to use the 15-minute break in smaller segments during the 4-hour shift, however, the option chosen must be arranged with the employee's supervisor in advance and should be followed on a continuing basis.

### **3.6 Overtime**

Overtime will be paid at the rate of 1.5 times the regular rate of pay for all hours in excess of 40 hours per week, for all employees working in non-exempt positions. Employees required to work on a holiday will be paid 2 times the regular rate of pay for the first (8) eight hours and regular pay for any remaining worked hours. Overtime pay is based on actual hours worked. Vacation, sick, or other leave of absence hours, will not be considered hours worked for purposes of calculating overtime. Travel time will be considered hours worked for a call-in circumstance.

As a general policy, overtime work must be kept to the minimum necessary to perform the required work. Authorization for overtime requires prior approval by the supervisor.

Employees in exempt positions are not eligible for overtime, however, compensatory time may be allowed for extra hours worked, with the approval of the Chief Executive Officer.

### **3.7 Training**

To encourage and facilitate training opportunities for all employees, staff development and training requirements will be periodically assessed and, subject to budgetary limitations, professional, technical and vocational training opportunities may be afforded to employees at the Port's expense. Full-time employees who have completed at least

six (6) months of employment may be granted time with pay for authorized job-related training or educational programs, workshops, and seminars.

If a nonexempt employee's travel time to or from a mandatory event or meeting cuts across their normal work hours, then those hours are also compensable and subject to overtime. This is true regardless of the day of the week. For example, if normal business hours are 8 am to 5 pm, and the employee travels to an out-of-town training leaving at 3 pm and arriving at 6 pm, the employee is entitled to two (2) hours of travel pay. This is true even if the travel is on a weekend and normal workdays are Monday through Friday.

Written request for Port approval should be made and approved in advance of course registration. The request will include specifics of the course and how the employee's completion of the course will benefit the Port. Authorization for all training will be at the sole discretion of the Chief Executive Officer. Reimbursement will be made only upon a grade "C" or better. Regular attendance at classes is a requirement of reimbursement.

The Port will pay directly for continuing training and renewal of certifications required by the employee's job description.

### **3.8 Promotion/Demotion**

Promotions will be approved by the Chief Executive Officer. Promotions will be based on, at a minimum, the supervisor's recommendation, evaluation of past performance and ability to perform the essential functions of the new job and will be handled in a non-discriminatory manner.

Any job transfer to another position will be subject to a 90-day probationary period in which the employer and employee can determine suitability in the new position.

Demotion recommendations will be made by the supervisor, after a thorough evaluation, and will not be discriminatory. All demotions will be approved by the Chief Executive Officer.

### **3.9 Voluntary Termination (Resign/Quit)**

Employees should not give less than fourteen (14) calendar days' prior written notice of intended resignation except with the approval of the Chief Executive Officer. Failure to give 14 days' notice may result in: 1) forfeiture of accrued vacation, 2) no reference information provided to prospective employers, and/or 3) no consideration for rehire.

### **3.10 Involuntary Termination (Dismissal)**

When the need arises for an involuntary termination of an employee, the employee's supervisor will make a recommendation to the Chief Executive Officer for approval.

All employees, upon separation from the Port, will be required to turn in Port keys, gate cards, cell phones, etc. and any other Port property prior to receiving his/her full final paycheck. See Section 4.4.

### **3.11 Lay-Offs**

A lay-off is removal from a position due to program reduction, elimination of a position due to reorganization, budgetary restrictions, or other administrative adjustments.

Employees, except probationary and temporary employees, will receive at least fourteen (14) calendar days' prior written notice of lay-off or pay in lieu thereof. Probationary and temporary employees will be subject to dismissal without advance notice.

### **3.12 Disability**

An employee may be separated for disability only when he/she can no longer perform the essential functions of the position because of physical or mental impairment. The Port will, where possible, and as required by law, provide reasonable accommodation.

All cases of termination for mental or physical reasons must be supported by medical evidence acceptable to the Chief Executive Officer.

Where the Port deems it necessary, and subject to the limitations of the its Medical Leave policy, Americans with Disabilities Act (ADA), and the Washington Law Against Discrimination, the Port may require a physical examination at its expense and performed by a physician of its choice.

Separation due to mental or physical incapacitation will be made after the exhaustion of all accrued vacation and/or sick leave, as applicable.

The Port may grant medical leave as applicable and in accordance with its medical leave policy.

### **3.13 Exit Interview**

The Chief Executive Officer may conduct an exit interview with employees leaving Port employment. All Port property in an employees' care and custody must be returned upon termination of Port employment. The Port may withhold all or a portion of an employee's final paycheck until all Port property has been accounted for as authorized by the original acknowledgement of receipt of Port property at the time it is received.

### **3.14 Temporary and Part-Time Appointments**

Temporary or part-time employment may be approved by the Chief Executive Officer under the following conditions:

- As substitution for an employee who is temporarily absent from their position.
- When it is necessary for the efficient conduct of business to make a temporary or part-time appointment to immediately fill a vacancy until a replacement is found.
- Where budget appropriations provide only for temporary or part-time employment.
- Where seasonal peak work loads, or emergency work loads of limited duration dictate the necessity of "extra help".
- To provide job-sharing opportunities.

Part-time employees working 20 hours or more per week will receive a pro-rata share of vacation and sick leave fringe benefits. For the purpose of computing service increments and eligibility for benefits, one year of employment will include at least twelve (12) calendar months and will be computed on the basis of 2,080 paid hours per year.

Medical fringe benefits will be available to part-time employees working 20 or more hours per week. The employee's share of the premium will be determined by the percentage of time worked compared to full-time employees (e.g., if a part-time employee works 25 hours per week (63% of full-time), then the Port will pay 63% of the Port's medical premium share paid for full-time employees, the employee will pay the remainder of the premium.

Part-time employees may be eligible for pro-rated long-term disability insurance according to the terms of the Port's long-term disability insurance coverage. Part-time employees must work 30 or more hours per week to be eligible for pro-rated long-term disability insurance.

Temporary employees do not receive any fringe benefits.

## **SECTION 4 COMPENSATION POLICIES AND PROCEDURES**

### **4.1 Compensation Policies**

Port compensation policies and programs are intended to be commensurate with the duties, responsibilities and authority of the position.

Port positions are classified as *salaried* employees in positions that are exempt from overtime, and as *hourly non-exempt* employees for all other positions.

The Port Commissioners will be responsible for establishing the budget for the compensation of the Port employees, including the Chief Executive Officer and the Port Attorney. The Chief Executive Officer will set the salaries of the non-union employees in accordance with the budget. The budget may include compensation for performance considered to be exceptional by surpassing pre-established goals.

Employees will not be paid at a rate lower than the Federal or State minimum wage, whichever is greater.

The Chief Executive Officer may review salary and wage levels each year and set salary and wage levels based upon, but not limited to, the following factors:

- Cost of living adjustment.
- Increase or decrease in assigned duties and responsibilities.
- Merit increase in recognition of superior work performance during the previous year.
- Comparability relative to duties, responsibilities and authority with similar positions in other organizations with similar size, functions and market area.

Paychecks are available through direct deposit only.

In the event of superior contribution or accomplishment by an employee during the year, the Chief Executive Officer may provide a special merit salary or wage increase or a one-time merit award for the individual at the time of the event.

#### **4.2 Pay Periods**

Employees are paid on a bi-weekly basis with pay days falling on alternate Fridays.

Any employee who is paid for time not worked or otherwise received compensation to which they were not entitled, will have the overpayment deducted from their check the following pay period or additional pay periods as may be authorized.

#### **4.3 Payroll Deductions**

Normal and customary State and Federal deductions will be made from checks of Port employees.

#### **4.4 Final Paychecks**

In cases of either voluntary or involuntary separations, employees will be paid on the next regularly scheduled pay day.

The Port will withhold from the employee's paycheck only those deductions required by law and any Port-approved voluntary deductions authorized by the employee, applicable to union contract, or statute.

If any employee was issued company property, such as safety equipment, laptop computers, cell phones, etc., they were required to sign an agreement that all items must be returned at termination of employment. This agreement allows the Port to collect the value of each item, less any depreciation, from the employee's final paycheck if the item is not returned before separation.

## **SECTION 5 EMPLOYEE BENEFITS**

### **5.1 Health Insurance**

The Port of Bremerton will provide certain group health and welfare coverage such as medical, dental, and vision for all full-time, regular employees through a carrier selected by the Port. The Port reserves the right to change group health coverage carriers if it benefits the Port.

Premiums for group health coverage for employees and their eligible dependents will be on a cost-sharing basis. Increases in annual premiums over the prior year are currently being split between the Port and the employee with the Port paying the greater share.

The level of coverage and deductible amounts, if any, may be determined by the Chief Executive Officer at any time.

Employee contributions are by payroll deduction.

A health and welfare committee, for purposes of discussing future healthcare increases and/or changes in coverage, will be made up of a representative from management, administration and the union.

Part-time regular employees working 20 hours or more will participate in premiums as defined in Section 3.14. Any employee working less than twenty hours per week will not be eligible for this benefit.

Employees and dependents desiring either medical, dental, vision, or other health benefits are required to carry the same level of coverage.

Employees on authorized leave without pay in accordance with Section 6.11 will be eligible to continue health insurance benefits provided the employee pays the full premium for the benefits.

## **5.2 Life Insurance Coverage**

Life insurance coverage will be provided for each full-time regular employee, and part-time regular employee working twenty (20) hours or more. Dependent coverage is available at employee expense. Employee contributions are by payroll deduction.

## **5.3 Disability Insurance**

All employees are covered under Washington State Industrial Insurance. Contributions to this program are made by both the employee and the Port. Employee contributions are by payroll deduction.

All eligible employees working 30 hours or more per week are entitled to long-term disability benefits selected and paid for by the employer. The benefit waiting period is 90 days. A waiting period is defined as a period of being continuously disabled. No long-term disability benefits are payable for the 90-day waiting period. Temporary employees are not eligible for this benefit.

## **5.4 Retirement Plan**

All employees working in eligible positions and meeting the minimum hours established by the State Public Employees Retirement System receive retirement coverage from the date of employment as members of the State Public Employee's Retirement System. Under this system, the employee and the Port each contribute toward the cost of the retirement program. Employee contributions are by payroll deduction.

## **5.5 Deferred Compensation Plan(s)**

Two deferred compensation plans are offered as an option to Port employees. These plans give employees the opportunity to set aside additional funds for retirement. Contributions to these programs are by employee payroll deduction. No Port contribution is made to these plans.

## **5.6 Social Security/Industrial Insurance**

All employees are covered under the Federal Insurance Contribution Act from the date of employment. Employee contributions are by payroll deduction. Industrial insurance provided is in accordance with the State Worker's Compensation Act.

## 5.7 Personal Expenses

Expenses incurred by employees in the conduct of authorized Port business will be paid in accordance with the Port's current Travel Policy. Please see your supervisor for a copy of this policy.

Expense claims should be submitted at the end of each month. Checks for payment of expenses will normally be approved by the Port Commission at the first meeting of the following month.

## 5.8 Paid Holidays

Employees are eligible for paid holidays, beginning with their date of hire. Holiday pay will be an amount equal to an employee's regular pay multiplied by the number of hours in an employee's typical work shift. Paid holidays will be observed as follows:

Holiday	Observed
New Year's Day	January 1st
Martin Luther King, Jr.'s B'day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veteran's Day	November 11th
Thanksgiving Day	Fourth Thur. & Fri. in November
Christmas Day	December 25th
Personal Holiday	

## 5.9 Holiday Rules and Regulations

Whenever any legal holiday falls on a Sunday, the following Monday will be the observed holiday. When the holiday falls on Saturday, the preceding Friday will be the observed holiday.

The facility supervisor may modify the holiday schedule for management and administrative employees as required, provided that employees receive an equivalent number of paid holidays in any given year.

Holidays which occur during vacation or paid sick leave will not be charged against the leave.

A regular part-time employee will only receive those paid holidays which fall on his/her regularly scheduled working days, and the paid holidays will consist of only the employee's regularly scheduled working hours.

The personal holiday will be available to eligible employees who are employed on January 1 of each year. The personal holiday must be taken during the calendar year or entitlement to that holiday will lapse. The personal holiday will be pro-rated for part-time staff working more than 20 hours per week, and not available to part-time (working less than 20 hours per week), probationary or temporary employees. The use of the personal holiday may not be requested or scheduled to the detriment of any Port operations.

### **5.10 Vacation**

During the designated years of continuous employment, each full-time regular employee will receive the vacation accrual amount indicated in the following chart:

<u>Years of Continuous Employment</u>	<u>Monthly Accrual Rate (Hours)</u>	<u>Maximum Annual Hours</u>
0-1	8.0000	96
2-3	9.3333	112
4-5	10.6667	128
6-9	12.0000	144
10-14	13.3333	160
15+	16.6667	200

Each part-time regular employee will receive prorated vacation accrual based on the percentage of time worked compared to full-time employees, i.e., an employee working 20 hours per week will earn 50% of the full-time accrual amount at the same seniority level.

Vacation days may be accumulated to a maximum of 40 days or the equivalent of two years' vacation accrued at the applicable monthly accrual rate, whichever is greater. Employees will be allowed a cashout of accrued vacation, in one week increments only, and no more than two weeks at any given time, provided they have reached, or will reach in the current month, 40 days' accruable hours. Cashout must be a minimum of

one week of vacation at any given time and must not exceed five weeks per year. Vacation cashout will be added to non-union employees' gross earnings for purposes of computing VEBA contribution. This cashout is not intended to replace employee vacation time off. Employees are encouraged to use their vacation time for vacation in order to obtain the rest and relaxation that vacations are intended for. Vacation accruals in excess of the maximum accrual amount will be forfeited if not used or cashed out.

Vacation leave must be used in at least one-quarter hour increments and at the discretion of the employee's supervisor.

Vacation cannot be taken in advance of it being earned.

Upon termination of employment whether voluntary or otherwise, employees who have successfully completed the required probationary period will be paid for all unused accumulated vacation time earned within the above-stated limitations unless forfeited under the terms of Section 3.9. Pay for unused vacation will be compensated at the employees' salary or wage rate at termination.

Vacation benefits for part-time regular employees working 20+ hours per week will be established based upon the ratio of hours actually worked to a standard work year. Part-time employees working less than 20 hours per week and temporary or extra help employees, will not be granted vacation benefits.

Vacations will be granted in accordance with the request of an employee, provided the time requested is not detrimental to the operation of the Port. The scheduling of vacations will be subject to the approval of the employee's supervisor.

Vacation periods for employees should be staggered or scheduled so as to avoid adverse impact on Port programs as much as possible. In the event of conflicts between leave periods requested by employees, the employee with the greater seniority will be given preference.

No employee will earn the equivalent of a month's vacation credit during a month when the employee is absent without pay more than three working days.

### **5.11 Sick Days**

Sick leave may be applied to absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care; and to provide care for same for a family member as defined in the Washington Paid Sick Leave Law effective January 2018 as posted on Port bulletin boards. Sick leave may also be applied to absences that qualify for leave under the state's Domestic Violence Leave Act.



An employee's physical incapacity sick time will not be approved if the injury is directly traceable to simultaneous employment other than with the Port.

No Port employee will be entitled to sick days while absent due to sickness caused by the employee's misconduct, or sickness or disability sustained while on a leave of absence without pay.

An employee may apply his/her sick leave to family care as provided in the medical leave policy, Section 6.2.

If an employee's period of temporary disability due to illness or injury extends beyond his/her accrued sick leave, then he/she may apply accrued vacation credit to the extended period.

Sick leave accrued in excess of the maximum ninety (90) days will be added to the employee's VEBA account at the employee's regular hourly rate of pay. This section is valid only as long as the Port continues contributions to the VEBA accounts.

An employee may transfer available sick time to another employee provided:

- An emergency situation exists which has caused the need for sick leave.
- The employee receiving the sick leave does not have sufficient sick and/or vacation leave available for the amount of sick time needed.
- The employee providing the sick leave has a minimum of 80 hours of sick time available after the transfer.

The amount of leave to be transferred will be based on "hours." The dollar value of the leave will be based on each employee's rate of pay. All sick leave transfers must be approved by the Chief Executive Officer.

## **SECTION 6 LEAVES OF ABSENCE**

### **6.1 General**

Leave will be granted in accordance with the following rules on the basis of the work requirements and whenever possible with the personal wishes of the employee.

All leaves, whenever possible, should be approved in advance by the employee's supervisor.

In accordance with the Washington Family Care Act, Port employees are entitled to use available sick, vacation or personal holiday leave as provided in this Employee

Handbook to care for a sick minor child with a routine illness, for a spouse, registered domestic partner, parent, parent-in-law or grandparent with a serious or emergency health condition, or for a sick child who is incapable of self-care because of a physical or mental disability.

Such leave may only be used after it is “earned” by the employee. The employee must comply with all other conditions and terms under the employer’s policy regarding use of the leave, as applicable in this policy or any appropriate collective bargaining agreement.

The Port will not discriminate (e.g., terminate, threaten to discharge, demote, suspend, discipline or otherwise discriminate) against any employee because the employee has exercised a right or filed a complaint under the Washington Family Care Act.

## **6.2 Medical Leave**

The Port follows Family and Medical Leave Act (FMLA) guidelines because we support employees who need to take time off work to care for the needs of their children, themselves, their spouses, their domestic partners, and their parents.

The Port will provide medical leave in accordance with the following policy:

All employees who have at least twelve (12) months of continuous employment and have worked at least 1,250 hours during the twelve-month period immediately preceding the requested leave start date, are eligible for medical leave. This leave must be for a serious health condition (either employee, spouse, domestic partner, parent or child) that makes the employee unable to perform the essential functions of his/her job. The twelve-month period for determining leave entitlement is calculated from the date medical leave is used rolling backward twelve months.

Eligible employees are entitled to use medical leave:

- To care for a child following birth or placement of a child with the employee for adoption or foster care.
- To care for a spouse, child, or parent of the employee who has a serious health condition.
- If the employee is unable to perform his/her own job because of the employee’s own serious health condition.

Qualifying leave may be taken on an intermittent or reduced schedule when medically necessary. Leave for the birth or adoption of a child must be taken as one consecutive leave period within twelve months of the birth or adoption and may not be taken on an intermittent or reduced schedule basis.

If both the employee and his/her spouse work for the Port of Bremerton, together they have twelve weeks' total leave for the birth of their child, placement for adoption, foster care, or to care for a sick parent. However, the full twelve weeks of leave is still available to each of them for their own, their child's, or their spouse's serious health condition.

Employees must use their available vacation, sick, unused personal holiday, or comp time balance for their leave in accordance with Sections 5.10 and 5.11 of this Employee Handbook. Only after all leave has been exhausted is the employee entitled to leave without pay. While employees are on medical leave, they will not accrue any vacation or sick leave. Employee's health insurance benefits will continue at the level and conditions that would have been provided had they remained continuously employed until the leave ends or such time that they inform the Port that they will not return to work, whichever occurs first.

If an employee plans to take medical leave, they must give their supervisor at least thirty (30) days advance written notice before the commencement of the leave stating the reason for requesting medical leave, and the start and end dates of the leave. Forms for this notice are available from the Chief Financial Officer. If written notice is not possible due to an emergency, you must give notice as soon as possible.

The Port will provide a written response granting or denying the request and stating the conditions of the leave of absence, including conditions upon which the employee will return, as soon as possible after the Certification of Health Care Provider form has been received by the Port.

If leave is for a planned medical treatment (for the employee or a family member), the employee must make a reasonable effort to schedule the treatment to minimize disruption of the Port's business.

A "child" includes a biological child, adopted or foster child, stepchild, legal ward or a child for whom the employee stands in lieu of parents (i.e., grandparents). A child must be either under age 18, or 18 years of age or older and incapable of self-care because of mental or physical disability.

A "parent" includes the employee's parent, but not the parent of the employee's spouse.

The medical leave divides a "serious health condition" (illness, injury, impairment, or physical or mental condition) into six categories:

- Inpatient care at a hospital, hospice or residential medical care facility.
- Incapacity for more than three days with continuing treatment by a health care provider.

- Incapacity relating to pregnancy or prenatal care.
- Chronic serious health conditions.
- Permanent or long-term incapacity.
- Certain conditions requiring multiple treatments.

The Port may require medical certification for the employee's own or their family member's serious health condition. Certification must be made by the employee's own or their ill family member's health care provider. If Certification is required, a form will be provided to the employee by the Port's Chief Financial Officer.

A medical certification must state:

- When the serious health condition began.
- How long it is expected to last.
- The medical facts surrounding the condition.
- If leave is for the employee's serious health condition, that the employee is unable to perform the functions of his/her job.
- For intermittent or reduced hours leave for planned medical treatment, the schedule and duration of treatment.

The form provided by the Port includes all of this required information; however, it is the employee's responsibility to ensure that his/her health care provider has completed the form with all appropriate information.

The Port may, at its own expense, require employees to obtain a second certification from another health care provider of the Port's choice. If the first and second certifications differ, the Port may, at its own expense, require employees to obtain a third certification from a health care provider selected jointly by both the employee and the Port. The third health care provider's certification is final and binding for both parties.

When an employee returns to work from an approved medical leave, they will return to the same position or another position with equivalent employment benefits, pay, and other terms and conditions of employment.

However, there is one exception to the requirement to restore employment: If a highly-compensated employee requests family leave, the Port can deny job reinstatement to prevent "substantial and grievous economic injury" to their operations. If the highly-compensated employee is already on leave when notified, reinstatement can be denied only if the employee fails to return to work after a reasonable period of time after receiving notice. A "highly-compensated employee" is a salaried employee who is

among the highest paid 10% of all employees within 75 miles of the employee's work site.

Although the Port can deny employment reinstatement to highly-compensated employees whose absence would substantially disrupt the Port's business, the Port cannot deny leave or continuation of health benefits.

If an employee elects not to return to work from his/her approved medical leave, the Port will discontinue employee health insurance payments and is entitled to recover any employer-paid premium for health insurance made during the leave period.

### **6.3 Pregnancy Disability Leave**

Employees will be granted leaves of absence for the time they are disabled and physically unable to work as a result of their pregnancy. An employee is normally expected to return to work when she receives a release from the doctor that it is ok to return (typically after six weeks). During this disability period, the employee must keep the Port informed of her condition and expected date of return. At least two weeks advance notice is required before the employee's return to work. Any employee who, due to childbirth complications, is unable to return to work when scheduled, must present a signed statement from her attending physician. The physician must indicate the nature of the complication and the expected return date. If the employee returns to work immediately upon release by her physician, she will be returned to the same, or similar job, of at least comparable pay.

Any time taken for pregnancy disability leave will be counted towards the twelve weeks allowable under the Port's medical leave policy.

An employee is required to use accrued vacation and sick leave time while on pregnancy leave for the purpose of taking care of her newborn.

### **6.4 Maternity/Paternity Leave**

Employees may be granted up to five (5) days with pay for purposes of bonding with their newborn. This leave will be deducted from an employee's Family Medical Leave bank in accordance with the Port's medical leave policy (Section 6.2). This leave must be taken within the first six (6) months of the birth of the child.

### **6.5 Military Leave**

Employees must give notice of intention to take leave to their department supervisor or designee, or the CEO within five (5) days of the soldier/spouse receiving official notice of the order to active duty, or official notice of receiving leave from active duty.

Employees who are on a military leave of absence extending beyond 31 days are responsible for paying any applicable health care premiums or other such payments unless otherwise provided by law. Employees will be granted up to fifteen (15) days of paid leave during any one (1) calendar year. Employees may also elect to use accrued vacation or other applicable accrued paid leave during their military absence.

Employees are required to report back to work according to the following schedule, and may be requested to present the Port with proper documentation of their military service:

- Military Service of 30 Days or Less  
The employee must report to work by the start of the first regularly-scheduled work day that occurs eight (8) hours after the person returns home.
- Military Service of 31 Days to 180 Days  
The employee must notify the Port of their intent to return to work within fourteen (14) days after completing a period of military service.
- Military Service of 181 Days or More  
The employee must notify the Port of their intent to return to work within ninety (90) days after completing the period of military service.

The Port will provide Military Family Leave in accordance with its medical leave guidelines. When used in conjunction with other types of medical leave, this provides up to twenty-six combined weeks of unpaid leave in each twelve (12) month period. Eligible employees may take a leave to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave). This provision becomes effective immediately upon enactment.

During a period of military conflict, military spouses are entitled up to a total of fifteen (15) days of unpaid leave per deployment. The leave can be taken:

For any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty."

When the soldier/spouse is on leave from their deployment; or

After the soldier/spouse learns of the deployment, but before they commence active duty.

Upon returning from leave, the employee will be restored to their original job, or to another job with equivalent pay, benefits, and other employment terms and conditions.

## **6.6 Bereavement Leave**

Up to three (3) days of paid leave may be allowed for a death in the family. An additional two (2) days may be granted for a maximum of five (5) days when travel out of state is required to attend the funeral. Family is defined as grandparent, parent, step-parent, spouse, brother, sister, child, step-child, grandchild, or the in-law equivalent of parent, brother or sister.

## **6.7 Jury or Witness Duty Leave**

Upon application, regular full-time or regular part-time employees may be granted leave of absence with pay if the absence is because they have received a court order to appear as a witness or juror. Any paid leave granted under this section will be limited to the time required for jury service and will not exceed a maximum of thirty (30) days.

Any compensation for jury or witness fee, exclusive of mileage, will be deducted from the employee's paycheck the pay period following receipt, unless such compensation has already been reimbursed to the Port by the employee.

## **6.8 Emergencies**

The Chief Executive Officer may excuse employees from duty with normal pay in emergency situations. Example of emergencies would include disasters such as fires or floods, or other natural phenomena which prevents employees from working or reporting to work.

Employees who are scheduled, prior to the declaration of an emergency, to take a vacation day, personal holiday, sick day or other scheduled day off should the office be declared closed will have time off charged to the leave allotment as originally scheduled.

If an emergency occurs which requires only one of the Port's locations to be closed, every effort will be made to reassign those employees affected to a temporary location for the remainder of the work day. If reassignment is not practical, the CEO will determine if it is in the best interest of the employees to send them home for the remainder of the day.

Other leaves may include Religious Holiday, Administrative, or Domestic Violence, Sexual Abuse, or Stalking Leave as required by Washington State law.

## **6.9 Inclement Weather**

The Port acts to ensure the safety of its customers and its employees during inclement weather. All decisions to open late, remain closed or close early will be made by the

CEO in conjunction with other Port management staff. Decisions will generally rely on actual observed conditions rather than predictions.

If the Port remains closed for an entire day due to weather, all staff scheduled to work that day will be paid for the number of hours they were scheduled to work. If the Port opens as scheduled but later sends employees not required to work in inclement weather home, those who came in and worked until the official closure will be paid for the remainder of their shift.

Management understands that everyone may not be able to travel to work during inclement weather even if the Port is open. Please use your best judgement in assessing the risk of coming to work and returning home based on individual circumstances. Commuting to and from the employee's workplace in inclement weather is the responsibility of the employee. In the event an employee is going to be absent due to severe inclement weather, the employee should provide proper notification of the absence in accordance with Port policy. Non-exempt employees who chose not to come in for any or all the hours the Port is officially open have the options to charge the absence to the following accrued leave accounts:

- Unused personal holiday account.
- Accrued vacation leave.
- Accrued compensatory time previously approved by the CEO.
- New approved compensatory time worked within the same pay period if it does not result in overtime.

If the employee comes in to work, up to two hours late due to inclement weather they are only required to charge one half of their late time to the above leave accounts.

If an employee does not have a positive balance of a personal holiday, vacation or compensatory time, the employee will receive time off without pay for the period of time absent due to inclement weather.

Should the CEO declare the offices closed before normal working hours, employees will be notified by their department Director by way of calls to employee's homes / cell phones. It is the employee's responsibility to keep Port Administration informed of current personal contact information. Each Director should have a copy of his/her department's notification procedure on file with Human Resources and will be responsible for keeping the policy up to date. Each Director will also be responsible for distributing the procedure to all employees in the department and for notifying them of any changes.

Should an employee be required to perform an essential function service during hours which have been excused by the Chief Executive Officer, that employee will be paid

his/her regular hours and will be allowed compensatory time at a later date for actual worked hours. Compensatory hours must be used within 90 days from the day earned. If an employee is called in to perform essential services and is paid other than straight time, no compensatory time will be granted.

For the purposes of this policy, employees are considered "essential" when they are required by the CEO or Director to be at their workplace during hours when other employees might be excused by the CEO as referenced above.

Examples of essential services include but are not limited to:

- Runway snow plowing
- Payroll processing

Any other essential services must be approved in advance by the Chief Executive Officer.

#### **6.10 Unauthorized Absence**

Any unauthorized absence of an employee from work will be deemed to be an absence without pay and may be cause for disciplinary action. However, it is recognized that at times there may be extenuating circumstances for unauthorized absence and due considerations will be given in each case. The final decision will be made by the Chief Executive Officer.

#### **6.11 Leave Without Pay**

A leave of absence is time allowed away from work, to cover unusual circumstances occurring in the employee's life. The leave of absence is used when the employee's time off from work is not covered under existing benefits such as sick leave, paid vacation, or paid holidays. Therefore, all available vacation and sick leave must be used prior to the approval of unpaid leave.

Requests by regular full-time employees for leave without pay must be requested in writing and referred to the Chief Executive Officer for approval. In no case should leave of absence without pay exceed one year.

Vacation or sick leave benefits or any other fringe benefits will accrue only as provided in the appropriate section of this manual or by other applicable contractual agreement or rule of law while an employee is on a leave of absence without pay.

The position vacated by an employee requesting leave without pay will ordinarily not be held open.

Additionally, the employee cannot be guaranteed reinstatement in the same, similar, or compatible position relative to pay, rank, or responsibility.

## **SECTION 7 OPEN-DOOR POLICY**

Misunderstandings or conflicts can arise in any organization. To ensure effective working relations, it is important that such matters be resolved before serious problems develop. Most incidents will resolve themselves naturally; however, if a situation persists that you believe is detrimental to you or to the Port, we encourage bringing the matter to your supervisor first, and then secondly, at your option, to the department director, the Chief Financial Officer, the Human Resource contact, or any member of management. These individuals will endeavor to work out a satisfactory solution to the problem. We are an open-door organization; any questions, problems, concerns and suggestions are always welcome.

## **SECTION 8 EMPLOYEE CONDUCT**

### **8.1 General Conduct**

Employees should conduct themselves in such a manner as to be a credit to the Port. Service and courtesy are the watch words.

Employees are expected to dress in a manner appropriate to their position, proper in respect to specific occupations, and convey a professional appearance. Certain employees may be required to meet special dress standards, such as wearing uniforms, depending on the nature of their job. On Fridays, employees are allowed to dress in a more casual fashion than is normally required with jeans being acceptable; however, employees are still expected to present a neat appearance and are not permitted to wear inappropriate attire. Inappropriate attire is defined, but not limited to: thongs/flip-flops, halter tops, shorts, midriff tops, T-shirts with potentially offensive slogans or pictures, see-through or mesh clothing, and ripped, ragged, or dirty clothing. Body piercings, while not prohibited, must be conservative and tasteful. Tattoos on the head, neck or hands are strongly discouraged.

Employees must use information gained in professional relationships in a responsible manner.

In any public statement or actions made as an individual employee, he/she should at all times be accurate, exercise proper restraint, and show respect for the opinions of others.

## **8.2 Political Activity**

Solicitation for or payment to any political organization and the solicitation of any funds for political purpose on Port property is prohibited. Nothing in this Section prohibits an employee from participating fully in campaigns relating to constitutional amendments, referendums, initiatives and issues of similar character, and for political offices.

Port employees have the right to vote and express their opinion on all political subjects and candidates, hold any political party office, or participate in the management of a candidate's political campaign. However, an employee of the Port must not hold a public office or participate in the management of a partisan political campaign or political organization when the holding of such office or participation is incompatible with, or substantially interferes with, the discharge of official duties while in Port employment.

## **8.3 Outside Employment**

An employee must not engage in employment other than their Port job if such employment interferes with the efficient performance of their Port job, constitutes a conflict of interest, or would result in a poor public image for the Port.

## **8.4 Acceptance of Rewards, Favors, Gifts, etc.**

No reward, favor, benefit, gift, or other form of remuneration in addition to regular compensation should be accepted by an employee for the performance or non-performance from any vendor, contractor, individual, firm, or from any other source having or proposed to have an interest in, or a relationship, with the Port.

## **8.5 Employee Conduct and Discipline**

All Port employees are expected to represent the Port to the public in a professional manner which is courteous, efficient, helpful, civil, and respectful, always operating under the guiding values. Each employee must take personal responsibility to ensure that his or her conduct and performance meet these expectations.

Examples of expected conduct include:

- Showing respect and courtesy towards customers, the public, and fellow employees.
- Acting with integrity at all times.
- Providing orderly and cost-efficient services to the Port, tenants, customers, as well as the public.
- Adherence to the Port's policies, procedures, and safety rules.
- Compliance with direction from supervisors.

- Accepting responsibility for one's own actions, learning, growth, and development.
- Preserving and protecting the Port's equipment, grounds, facilities, and resources.
- Providing timely, honest, and complete communications.
- Maintaining a clean and neat appearance appropriate to their work assignment, as determined by their position.
- Working with other employees in a cooperative, supportive, and helpful relationship.
- Being accountable to the public, each other and the organization.

In cases of employee misconduct, an employee may be subject to discipline, suspension, or dismissal for any actions listed below. The examples of misconduct listed below should not be construed as all-inclusive. The Port retains the right to discipline and discharge employees for misconduct not specified on this list.

- Abusiveness toward a fellow employee, supervisor, or citizen.
- Failure to efficiently execute job functions.
- Insubordination.
- Lack of teamwork with other employees.
- Violation of Port policies, regulations, or rules.
- Appearing to be under the influence of alcohol or any drug or mood-altering substance, including marijuana.
- Abuse of prescribed drugs on the job.
- Unauthorized absence.
- Unauthorized use, possession, removal, neglect or willful damage to any Port property, equipment or materials.
- Malicious or careless acts which may result in personal injury, property damage or expense.
- Falsification of Port records or reports, including records of time worked.
- Repeated absence or tardiness for any reason.
- Conviction of a felony or misdemeanor involving theft or moral turpitude.
- Accepting gifts, fees, or other valuable items in the performance of duties for the Port, except as provided in this policy.

- Unauthorized distribution of literature or solicitation of customers or employees on Port premises.

Should circumstances require more severe disciplinary action, the Chief Executive Officer should be advised of the circumstances through the employee's supervisor. The Chief Executive Officer is responsible for actions related to suspension and termination of employees.

### **8.6 Confidentiality of Business Information**

Employees, consultants and volunteers of the Port of Bremerton may receive and have access to confidential information regarding its taxpayers, clients and other employees and officials. They are obligated to keep this information confidential. Other information is also considered confidential, such as attorney-client privileged communications, information used in negotiating land acquisitions or purchases, and other information exempt from the public disclosure laws. Employees, consultants and volunteers who have access to confidential information must safeguard this information and protect it from misuse or further dissemination. Employees, consultants and volunteers are prohibited from copying or distributing confidential information without appropriate authorization. This obligation exists during employment or an employment contract and it continues indefinitely after employment or the employment contract with the Port ends.

Employees, consultants and volunteers who violate this Policy, and the trust and standard of accountability that is expected shall be subject to appropriate disciplinary action, up to termination, and appropriate legal action.

## **SECTION 9 HARASSMENT, BULLYING, AND RETALIATION**

The Port does not tolerate harassment, bullying, or retaliation and will thoroughly investigate any allegation made against any Port worker regardless of his/her identify or position. A safe and civil environment is necessary for employees to achieve the high standards we expect. It is the intent of the Port to provide its employees with a safe and healthy working environment. Demonstration of appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying is expected of all employees.

Illegal harassment includes conduct that is intended or has the effect of making one's workplace environment uncomfortable because of their race; religion; color; national origin; families with children; sex (including sexual harassment and pregnancy); marital status; sexual orientation; age over forty; veteran; mental or physical disability; or use of a trained guide dog or service animal.

Examples of prohibited conduct include, but are not limited to, derogatory or vulgar comments, sexually suggestive language, unwanted or unwelcome jokes, pictures, stories, unwelcome solicitations of a sexual nature, or intimidation.

If the Port determines that harassment, bullying, or retaliation have occurred, disciplinary action up to and including termination will be promptly taken.

Any supervisor who has knowledge of the discriminatory behavior and who fails to take action to eliminate the behavior, will be subject to corrective action.

All employees are required to notify their supervisor if they have any questions, concerns or complaints related to this policy. Additionally, co-workers are instructed to report inappropriate behavior to their supervisor even if not personally offended by the improper conduct.

Finally, direct communication with the harasser, informing him or her of the nature of the conduct that is deemed offensive, may be a good first step at resolving unwanted harassment, bullying, or hostile work environment. If the unwanted behavior persists, or if you are not comfortable addressing the situation directly with the perpetrator, you are required to notify your supervisor, or any supervisor, or the Chief Executive Officer immediately. No one will be retaliated against, in any way, for reporting harassment or bullying. If anyone experiences or observes retaliation, they are instructed to immediately notify their supervisor or the Chief Executive Officer immediately. If the Chief Executive Officer is alleged to have engaged in harassment, bullying or retaliation, you are encouraged to notify one of the commissioners for the Port. They can be reached through the contact information on the Port phone list.

## **SECTION 10 NO SMOKING POLICY**

The Port of Bremerton believes in the dignity and importance of the individual employee and their rights, along with the public, to work and conduct business in a smoke-free environment. It has been medically documented that tobacco smoke can endanger the health of smokers and non-smokers; further, smoking interferes with productivity and results in increased long-term facility maintenance costs.

Pursuant to RCW 70.160, Smoking in Public Places, no Port employee is allowed to smoke within a Port-owned building or a vehicle used by and open to the public, including any area located within 25 feet of entrances, exits, windows that open, and ventilation intakes that serve an enclosed public place at any time.

There will be no use of any form of tobacco in any Port or personal vehicle when transporting people on Port-authorized business. Additionally, employees cannot

interact with any customer, tenant, contractor, or member of the public at any time while representing the Port in an official capacity while using tobacco products.

Employees may use tobacco products during break times only in designated smoking areas, provided that no smoking occurs within 25 feet of a public place. All materials used for smoking, including cigarettes, matches, or oral tobacco use materials, will be disposed of in appropriate containers. Supervisors will ensure periodic cleanup of any designated smoking areas. If the designated smoking area is not properly maintained, these areas may be eliminated at the discretion of management.

The Port will help employees who want to quit tobacco use by helping them access recommended cessation programs and materials.

## **SECTION 11 DRUG-FREE WORKPLACE**

It is the policy of the Port of Bremerton to maintain a drug-free workplace. Unlawful manufacture, cultivation, distribution, dispensing, possession, or use of a controlled substance as defined in RCW Chapter 69.50, THE UNIFORM CONTROLLED SUBSTANCES ACT, or intoxicant is prohibited in the workplace. The workplace is defined as the employees' assigned location(s) for carrying out responsibilities of his/her position, which include all locations over which the employer has right of access or control, or where the employee is required to be during his/her workday.

An employee who appears to be under the influence of alcohol or any drug or mood-altering substance, including marijuana (Resolution No. 2016-06, Initiative 502), that could cause observable symptoms of possible impairment, will immediately be escorted to a Port-selected facility for drug testing. If the test is positive for any detectable amount of illegal drugs, the employee will face discipline up to and including termination.

This policy does not apply to persons taking prescription drugs and narcotics as directed by a physician or dentist, provided use does not endanger the employee or others. It is the employee's responsibility to check with his/her healthcare provider as to whether or not a prescription or over-the-counter drug will impair performance and to notify his/her supervisor of the impairment and the period of time the medication will be used.

In addition to the requirements of this policy, any Port of Bremerton personnel performing security activities regulated by the Federal Aviation Administration (FAA) and Transportation Security Administration (TSA) at Bremerton National Airport will be required to abide by the current FAA approved drug testing program and anti-drug policy procedures.

It will be a condition of employment that each Port employee will:

Abide by the terms of this policy; and

Notify the Chief Executive Officer of any criminal drug statute conviction against him/her no later than five (5) days after the date of such conviction.

Employees with substance abuse problems are encouraged to seek assistance from a substance abuse professional or program. Information regarding such professionals or programs can be obtained from the Chief Executive Officer.

Employees may be disciplined, up to and including termination, for violation of any of the prohibitions listed above. Additionally, the Port may require successful completion of a Port-approved substance abuse rehabilitation program prior to return to work.

Any Port employee may be subject to drug testing in the case of reasonable suspicion. Additionally, nothing in this policy should be construed as limiting the Port of Bremerton's right or responsibility to test employees for the use of controlled substances and/or intoxicants.

Employees holding safety sensitive positions who test positive for the use of drugs and illegal substances must be removed from their position and are subject to discipline up to and including termination.

Definition of "safety sensitive positions" include positions requiring a commercial driver's license (CDL), maintenance and operations positions involving the operation of heavy equipment, use of power equipment including, but not limited to, saws, drills, sanders, nail guns, lawn mowers, and weed whackers, and any positions requiring operation of vehicles or equipment on the airport or in-water in the marina.

## **SECTION 12 FIREARMS AND OTHER WEAPONS**

It is the intent of the Port of Bremerton Commission that all Port of Bremerton facilities provide a safe environment for its employees to work and its customers to do business.

The Port recognizes that employees may possess a permit to carry concealed firearms on their person. However, concealed and non-concealed firearms or other weapons are prohibited from being carried on the employee's person while on Port property, in a Port vehicle, or at a Port worksite. Management reserves the right to search the premises or Port vehicles for weapons at any time.

Any breach of this policy will be considered grounds for disciplinary action up to and including termination.

## **SECTION 13 TELEPHONE AND CELL PHONE USE**

This policy applies to all Port of Bremerton employees, contractors, and other users of Port supported or owned telephone systems and to all personnel who provide for the use, operation, maintenance and support of those systems.

### **13.1 Overview**

Port telecommunications equipment is provided to employees for the purpose of conducting Port business. It is recognized that employees may occasionally need to conduct personal business during normal working hours. The Port's telecommunication equipment may be used on a limited basis to conduct personal business so long as:

The activity does not cause an additional cost to the Port for telecommunication systems the Port owns or services it purchases; and

The activity conforms with all other Port policies related to conduct by an employee; and

The activity does not affect the employee's job performance; and

The activity does not promote discrimination as defined in this Handbook, harassment in any form, copyright infringement, promotes an employee's personal political beliefs, or any unlawful activity.

### **13.2 Cellular Telephone Authorization**

An employee who is provided a cell phone or stipend by the Port will be expected to follow this policy. All current or future State and Local laws regarding the use of cell phones in vehicles must be obeyed.

Department directors are responsible for the authorization of all cell phones and other wireless devices issued to employees within their department and are also responsible for the authorization of a Port stipend for personal cell phone use for Port business.

#### Port Issuance of Cell Phone

The Port may supply a cell phone when such issuance is a benefit to the Port and will not be construed as a privilege or benefit. Use of a Port cell phone may be of convenience to the employee or elected official, but convenience alone will not determine usage.

Cell phones issued to an employee or elected official will remain the property of the Port. Should such property become damaged, lost, or stolen due to the

negligence of the employee or elected official, such property will be replaced or repaired at the employee or elected official's own expense. Obligation to replace or repair will not include "normal wear and tear". The following is required to receive a Port issued cell phone:

- Employee must agree to the terms of, and sign, the Port's Property Agreement form.

#### Stipend Program for use of Personal Cell Phones

Department directors shall have sole discretion to determine what department employees are eligible to receive a stipend. Once determined, the employee may be eligible to receive a monthly stipend for use of their personal cell phone. The personal cell phone would replace the need to carry a Port-owned cell phone. The following is required to receive a Port stipend for use of a personal cell phone:

- Employee must agree in writing (Port's Stipend Agreement) to have his/her personal cell phone accessible and available at all times during Port business hours or while otherwise required to be available for Port business.

Upon approval of the department director, the Port shall pay a stipend as provided in the Stipend Agreement to an employee using his/her personal cell phone for Port business. Such payment will be considered "wages" for federal income tax purposes and are subject to withholding and payment of employment taxes.

## **SECTION 14 COMPUTER, ELECTRONIC MAIL, AND INTERNET**

This policy applies to all Port employees, contractors, and other users of Port supported or owned computer systems and to all personnel who provide for the use, operation, maintenance, and support of those systems.

The policy statements that follow fall into five categories: overview, allowed and non-allowed uses, privacy, security, and monitoring/access.

### **14.1 Overview**

Access to computers, the internet, and e-mail is a Port resource and, as such, is subject to the existing policies dealing with the appropriate and ethical use of Port resources.

When utilizing a computer, accessing the internet, or using e-mail, Port employees are representing the Port, and therefore, all rules of conduct, which apply in the work place also apply. These resources are provided to assist in performing official duties.

When utilizing a computer system provided by the Port, the following guidelines apply:

- The network servers and individual work stations are protected by anti-spy ware and firewalls. To protect against downloading viruses, spy ware and placing the network at a significant security risk, users must contact the authorized computer official with any warnings or alerts generated on all downloaded files. If in doubt about the safety of a file or its source, please forward it to the properly authorized computer official (without opening it).
- The Port provides Instant Messaging (IM) service (currently ShoreTel Communicator) that must be used to communicate non-essential communications as defined by the Washington State Public Disclosure Act and users are not to participate in instant messaging for personal purposes.
- To protect against downloading viruses, spy ware and placing the network at a significant security risk, users will not download software (software includes games, wallpapers, special icons or any other non-work related items) onto their computers from the internet or load software from any other source onto their computer. If software is needed to perform job duties, the employee should contact the properly authorized computer official to obtain it.
- Users will not alter the hardware configuration of their computer in any way. This includes, but is not limited to, opening the case to remove or alter memory, hard drives, cards, etc. If something is wrong with a computer, a properly authorized computer official should be contacted and employees should not attempt the fix the problem.
- E-mail messages must be professional in content. The content and tone of the message reflects the Port of Bremerton. Employees must use Port e-mail systems to conduct Port business, except in the limited instances defined below.

## **14.2 Allowed & Non-allowed Uses**

The following are guidelines for allowed and non-allowed uses:

### Allowed Uses:

- All work-related ordinary and necessary business uses.
- Subscription to job-related mailing lists.
- Notice of social and public service events to employees and others.
- Gatherings such as lunches, birthdays, receptions, etc.

- Port-wide notifications which are used for communicating good will among employees (holiday greetings, congratulatory messages, etc.).
- Personal correspondence with spouse, family or friends if it is of reasonable duration and frequency and is made during personal time (such as after-work hours or lunchtime) AND complies with all statements set forth by this policy. Such use must be limited to a very small percentage of an employee's overall use.
- Incidental personal internet use (like social media), if it is of minimal duration and frequency, is made during personal time (such as lunch time or after work hours) AND complies with all statements set forth in this policy. Again, use must be limited to a very small percentage of an employee's overall use.

Non-allowed Uses:

- Promotion of discrimination on the basis of sex, race, age, color, marital status, national origin, sex, sexual orientation, the presence of any disability or perceived disability, gender identity, military status, religious or political beliefs, or any other classes protected under the law.
- Sending harassing, intimidating, abusive, or offensive material to or about others.
- Personal use for reasons other than stated in allowed uses, above.
- Copyright infringement.
- Causing congestion on the network by such things as the propagation of chain letters, broadcasting inappropriate messages to groups or individuals, or excessive use of the data storage space on the e-mail host server.
- Promotion of personal political or religious beliefs.
- Activities for personal or commercial financial gain. This includes, but is not limited to, chain letters, commercial solicitation, and sale of personal property.
- Stock trading.
- Personal business use.
- Storing, processing, displaying, sending, or otherwise transmitting offensive or obscene language or material. This includes "hate literature," sexually harassing materials, pornography, and other sexually explicit materials.
- Participating in political campaigns, political communication in any election or other political activity (partisan or non-partisan), or solicitation for or against a political candidate or issue.

- Any other unlawful activity.

### **14.3 Privacy**

***All data and voice processing equipment, software, peripheral devices, internet accounts, and data residing within or on those devices are the property of the Port of Bremerton. Communication over networks or to private individuals should not be considered private.***

Employees should have no expectations of privacy in the use of the Port's computer system. Electronic mail messages, computer files, and voice mail are considered "documents" under the Washington State Public Disclosure Act. As such, it should be assumed that this information may be subject to release to any member of the general public upon request to the Port of Bremerton. Files, mail logs and Internet access records are copied to back-up tapes daily by the properly authorized Port official. Back-ups are retained for a scheduled period of time. Files and electronic mail messages are not physically "deleted" when deleted from your computer or mailbox. The record still exists on the back-up system.

The Internet is an unsecured network. Employees should not have an expectation of privacy in the use of Internet resources.

### **14.4 Security**

Employees will comply with the following guidelines:

- Employees should establish and use passwords for computer system access. Protect access passwords by not writing them down and not sharing them with others.
- Employees should not attempt to illegally access other networks or systems through the internet.
- Employees (other than supervisory personnel) will not read the e-mail of another employee when there is not substantial business purpose for obtaining access to the communications of that employee.
- Employees should not send e-mails or access the internet under another employee's name without that employee's authorization. Sending a message or accessing the internet using someone else's personal computer and e-mail with permission, and in compliance with this policy, is allowed.
- Electronic files must be reviewed periodically, no less than once per week, and purged immediately if no longer needed. Emails critical to projects, agreements, easements, administration, property, leases, purchase or sale of property, personnel, or finances should be printed to hard copy and remain within files to

accompany other supporting documentation. Any and all emails retained on the network system are subject to the Washington State Public Disclosure Act.

#### **14.5 Monitoring/Access**

The Port may monitor computer, e-mail and internet activity of any employee at any time.

Where there has been a clear violation of acceptable use principles, guidelines, standards, or policy, the Port at its discretion may discontinue the employee's access to the computer systems, e-mail, and internet. Employees may also be subject to other disciplinary action or penalties as prescribed elsewhere in the Port's Employee Handbook.

### **SECTION 15 USE OF PORT VEHICLES**

Port-owned vehicles include any automobile, plane, boat, truck, tractor, heavy equipment, golf cart, or any other motorized vehicle which is owned by the Port. Any employee who drives a Port-owned vehicle is responsible for:

- Maintaining a valid Washington State driver's license.
- Having a safe driving record that will not cause the Port's insurance to increase as a result of that record.
- Operating the vehicle in a safe and lawful manner.
- Using the vehicle for official business only.
- Paying any fines related to violations while operating the vehicle.
- Taking reasonable precautions to protect the vehicle from damage or theft.
- Following all safety rules as described in the Accident Prevention Plan. In cases of an accident, please complete the Accident report also included in the Accident Prevention Plan.

See the Port of Bremerton's full Vehicle Use Policy for additional information on operating instructions, safety standards, mileage and other guidelines regarding this topic.

## **SECTION 16**

### **WHISTLE BLOWER PROTECTION**

It is the policy of the Port of Bremerton to encourage reporting, by its employees, of improper governmental action taken by Port officers and/or employees, and to protect Port employees who have reported improper governmental actions in accordance with the Port's policies and procedures. This policy incorporates the applicable state statute, RCW Chapter 42.41, and any modification of that statute will be deemed incorporated into this policy.

#### **16.1 Definitions.**

As used in this section, the following terms have the meanings indicated.

- "Improper governmental action" means any action by a Port 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 is: (1) 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.
- "Retaliatory action" means any adverse change in the terms or conditions of a Port employee's employment.
- "Emergency" means a circumstance that if not immediately changed, may cause damage to persons or property.

#### **16.2 Procedures for Reporting**

Port of Bremerton employees who become aware of improper governmental actions should raise the issue first with their supervisor. If requested by the supervisor, the employee must 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 government action involves his or her supervisor, or the employee feels there has been inadequate action or response from his or her supervisor, the employee may raise the issue directly with the Chief Executive Officer, or such other person as may be designated by the Chief Executive Officer to receive reports of improper governmental action.

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 responsibility for investigating the improper action.

The supervisor, the Port of Bremerton Chief Executive Officer, or Chief Executive Officer's designee, or the Port Commission, will take prompt action to assist the Port in properly investigating the report of improper governmental action. Port officers and employees involved in the investigation will keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorized the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action will be advised of a summary of the results of the investigation, except that personnel action taken as a result of the investigation may be kept confidential.

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

Port employees who fail to make a good-faith attempt to follow the Port's procedures in reporting improper governmental action will not receive the protections provided by the Port in these procedures and may not be eligible for protections stated in RCW Chapter 42.41.

### **16.3 Protection Against Retaliatory Actions**

Port of Bremerton officials and employees are prohibited from taking retaliatory action against a Port employee because he or she has, in good faith, reported or provided information about an alleged improper governmental action in accordance with these policies and procedures.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor, the Chief Executive Officer or the Chief Executive Officer's designee. Port officials and supervisors will take appropriate action to investigate and address complaints of retaliation.

If the employee's supervisor, the Chief Executive Officer or the Chief Executive Officer's designee, does not satisfactorily resolve a Port employee's complaint that he or she has been retaliated against in violation of this policy, the Port employee may obtain

protection under this policy and pursuant to state law by providing a written notice to the Port Commission that:

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

Port employees must provide a copy of their written charge to the Chief Executive Officer no later than thirty (30) days after the occurrence of the alleged retaliatory action.

After receiving either the response of the Port, or thirty (30) days after the delivery of the charge to the Port, the Port employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the Chief Executive Officer within the earlier of, either fifteen (15) days of delivery of the Port's response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the Port for response.

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

Office of Administrative Hearings  
2424 Heritage Court SW #302  
Olympia, WA 98504-2488  
Tel: (360) 664-8717

#### **16.4 Responsibilities**

The Port is responsible for implementing the Port's policies and procedures for:

- Reporting improper action and protecting employees against retaliatory actions.
- Permanently posting a summary of the procedures described in this policy.
- Making available a copy of the summary of the procedures of the full policy to any employee who requests it.
- Officers, managers and supervisors are responsible for ensuring that 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.

## 16.5 List of Agencies

### **UNITED STATES**

Equal Employment Opportunity  
Commission  
909 First Avenue, Suite 400  
Seattle, WA 98104-1061  
800-669-4000  
www.eeoc.gov

### **U. S. ATTORNEY**

700 Stewart Street, Suite 5220  
Seattle, WA 98101-1271  
(206) 553-7970  
www.justice.gov/usao-wdwa

### **STATE OF WASHINGTON**

Attorney General's Office  
Labor and Industries Division  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744  
www.atg.wa.gov

### **KITSAP COUNTY**

Prosecutor's Office, MS-35  
614 Division Street  
Port Orchard, WA 98366  
(360) 337-7174  
www.kitsapgov.com/pros

A more exhaustive list of agencies responsible for enforcing federal, state, and local laws and investigating other issues involving improper governmental actions, can be found in the full Port of Bremerton Whistleblower policy. This policy can be obtained from the Chief Executive Officer.

## **SECTION 17 OTHER PORT POLICIES**

The following policies have been adopted by the Bremerton Port Commission and can be requested if needed:

- Accident Prevention Plan
- Deferred Compensation Plan
- Fraternization Policy
- Promotional Hosting Policy
- Travel Policy
- Vehicle Use Policy
- Whistleblower Policy

Washington is an at will state. "At will" means that your employment is a voluntary agreement between you and your employer. Both of you agree to the terms; both for you are free to end the arrangement at any time. The employer can't force you to continue to work against your will; you can't force them to continue to let you work against their will.

**SECTION 18  
ACKNOWLEDGEMENT OF RECEIPT OF  
RESTATED EMPLOYEE HANDBOOK**

**Acknowledgement**

My signature below indicates that I have received a copy of the Port of Bremerton's Restated Employee Handbook, agree to read it and bring any questions forward to my supervisor or appropriate member of management.

I understand that the contents of this Employee Handbook do not constitute a contract of employment between me and the Port for any definite term of employment or for any of the policies, practices or benefits described. I also understand that these policies may be changed periodically by the Port commission and that I will be notified of any changes.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**PORT OF BREMERTON  
KITSAP COUNTY, WASHINGTON**

**RESOLUTION NO. 2019-10**

**DATED: April 23, 2019**

**A RESOLUTION** of the Board of Commissioners, Port of Bremerton, to rescind Resolution 2001-27 and to establish basic rules and regulations governing the reimbursement of travel and other business expenses incurred by Port Commissioners and employees.

**WHEREAS**, Resolution 2001-27 has become obsolete, and

**WHEREAS**, the Port Commission desires to update its travel policy to a more contemporary level.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Commissioners, Port of Bremerton, that Resolution 2001-27 is rescinded and the following policy is adopted to establish basic rules and regulations governing the reimbursement of travel and other business expenses incurred by Port Commissioners and employees.

**SECTION 1. PURPOSE**. The purpose of this resolution is to establish basic rules and regulations governing the reimbursement of travel and other business expenses incurred by Port Commissioners and employees. This resolution is adopted pursuant to the authority of RCW 42.24.080 through 42.24.160 and 53.08.175 and 53.08.176.

**SECTION 2. POLICY**. It shall be the policy of the Port of Bremerton that all Port officials and employees shall have their reasonable and necessary expenses reimbursed when engaged in official port business. Individuals seeking reimbursement have the responsibility for becoming knowledgeable about authorized expenditures and the documentation requirements. Care must be taken to avoid unnecessary or excessive expenditure, as well as expenses not directly and reasonably related to the conduct of Port business or which are otherwise inappropriate. The Port shall not provide reimbursement for these types of expenses. This policy intentionally defines travel and other business expenses as two separate categories.

**SECTION 3. OFFICIAL TRAVEL DEFINED**. Port Commissioners and employees shall be engaged in official travel on behalf of the Port District when engaged in the following authorized activities:

(1) Travel connected with calling upon customers or potential customers of the Port District for the purpose of promoting and selling the services and facilities of the Port District.

(2) Travel required for the purpose of meeting with, negotiating, or consulting with others for the purpose of carrying out official functions, duties or projects of the Port District. Examples of such travel include but are not limited to meetings or conferences on matters related to:

- (a) airport and harbor planning and development,
- (b) employee relations,
- (c) Port rates and tariffs,
- (d) inspection of new facilities or equipment or potential applications,
- (e) industrial development,
- (f) governmental or legislative activities involving Port matters, and
- (g) other similar activities necessary to Port construction, maintenance, or operation.

(3) Travel connected with attendance at meetings of organizations in which the Port District holds memberships, or to which they are for purposes of education, research, promotion or joint action.

(4) Travel connected with attendance at Port authorized education and training seminars conducted by organizations not directly affiliated with the Port.

(5) Travel for attendance at regular and special meetings of the Port Commission by Port Commissioners.

**SECTION 4. AUTHORIZATION FOR TRAVEL.** Travel by Port Commissioners, officials or employees shall be authorized as follows:

(1) By this resolution, the Commissioners and the Chief Executive Officer are authorized for travel in accordance with Section 3.

(2) The Directors or Managers of the Port shall authorize all travel of all employees.

(3) Authorization for travel by Port Commissioners and the Chief Executive Officer which exceeds the budgeted allowance for travel shall be approved at a public meeting prior to the scheduled date of the travel.

**SECTION 5. TRAVEL EXPENSES.** Travel expenses shall be defined to include the following items:

(1) Transportation via official motor vehicle, private automobiles, public transportation (airline, railroad, bus line, or vessel), taxicab, limousine, rented vehicle, or other appropriate means of transportation.

(a) When private vehicles are used, the Commissioner or employee shall be reimbursed at the Internal Revenue Service (IRS) authorized rate (cents

per mile traveled) at the time of the travel. The Port will not provide reimbursement for the costs associated with an employee's receipt of a citation of any kind while on Port business.

(b) To the extent reasonable, rented vehicle, rail, air, bus, or vessel tickets shall be purchased directly by the Port under its credit card or purchase order procedure. If, however, an employee purchases a ticket on his own behalf, a receipt must be submitted with the Claim for Expenses Form seeking reimbursement.

(2) Overnight travel will only be authorized if the employee is traveling a distance of over 50 miles from the Port or from their home, whichever is closer to the employee's destination. Lodging includes hotel, motel, or similar accommodations as may be required. Accommodations must be at the most economical rate available to the employee. Lodging expenses shall include room charges and taxes, parking, appropriate meals charged to the room, and other appropriate incidental expenses that may be charged to the room. Ordinarily, lodging expenses shall be purchased directly by the Port under its credit card procedure. If, however, a Commissioner or employee pays for lodging on his own behalf, a receipt must be submitted with the Claim for Expenses Form seeking reimbursement unless indicated otherwise herein.

(3) Meal reimbursement(s) will not be paid for meals that are included in the registration fee, whether or not the employee partakes of the meal. Continental breakfasts are not considered a meal therefore if a registration includes a continental breakfast the Port would reimburse at the per diem rate. No alcohol is to be purchased. Reimbursement for meals will be at a daily per diem. Per diem expenses for meals shall be paid at the U.S. General Services Administration (GSA) rates set by fiscal year, effective October 1 each year. GSA rates are available online, adjusted annually, and searched by city, state or ZIP code.

The following list contains examples of taxable meal allowance or meal reimbursement situations. This list is not intended to be all-inclusive and is provided for illustrative purposes only.

- a) Twelve-hour shift meal allowances.
- b) The cost of meals if the distance for the business trip does not require an overnight stay or long enough to require you to stop to get substantial sleep or rest.
- c) The cost of a meal if the person is away from their duty station and on a "lunch break" and/or their own time.

Meal reimbursement in these situations will be at the daily per diem for each meal and submitted on the Claim for Expenses form. These meals will be subject to applicable federal and state payroll taxes. The direct supervisor must approve payment of any food or meal expense, including payment of per diem meal expenses. Receipts are not required for per diem meal expenses.

(4) Tips/Gratuities. Payment for table service at a restaurant, commonly referred to as a tip, and tips provided for taxi cabs, valet service and the like, are authorized at an amount not to exceed 15% of the price of the meal or the fee for the service provided. Such tips may be submitted for reimbursement as indicated in Section 6 of this policy. If tips/gratuities exceed the authorized 15%, the excess will not be reimbursed.

(5) Miscellaneous and general expenses connected with travelling may include, but are not limited to, telephone, telegraph and facsimile services, electronic connections for internet and e-mail access, baggage and luggage handling charges, parking fees, taxis, airport shuttle services, stenographic, secretarial, and other charges permitted by law. Claimants are encouraged to submit receipts for all items in this category, however, receipts are only required for miscellaneous and general expenses of \$35.00 or more. Personal entertainment, loss or theft of personal property, personal cell phone or phone expenses for non-Port purposes, airline or trip insurance, or other personal items will not be approved as a travel expense.

(6) Oil company credit cards acquired in the name of the Port are to be used for the purchase of motor fuel and related items only for Port-owned vehicles. Receipts for such purchases are to be submitted to the Chief Financial Officer upon return to Port office.

(7) Authorized Port Credit Cards. Credit cards acquired in the name of the Port are to be used for the purchase of services and goods directly related to Port business. Should the Port Commission, Chief Executive Officer or staff use a Port authorized credit card for travel or other business expenses, the claimant shall:

- (a) Submit a fully itemized travel expense voucher (claim form).
- (b) Accomplish the settlement of the claim within 30 days of the billing date.

**SECTION 6. OTHER BUSINESS EXPENSES.** When properly authorized, Port Commissioners and employees shall be entitled to their necessary and reasonable business expenses incurred on behalf of the Port District. Such business expenses shall include the cost of attending regular meetings of official groups in which the Port District holds memberships or is otherwise affiliated for the purposes of promotion, education, research or joint action. Such expense shall include charges for registration, meals, printed matter, or such other items as may be necessary in order for the Commissioner or employee to participate in the official proceedings of such properly authorized promotional, educational, research, or joint action group. In order that such business expenses may be allowed, however, it must be shown that the meeting was a business meeting and the employee or Commissioner was an appropriate representative of the Port. Charges reimbursed or paid shall be a necessary part of the Commissioner's or employee's participation in the organization on behalf of the Port. Authorized business expenses including costs incurred for promotional hosting are covered by separate resolution.

**SECTION 7. CLAIMS FOR REIMBURSEMENT, FORMS AND APPROVAL.** In filing claims for reimbursement for travel and other business expenses, Port

Commissioners and employees shall use the standard Claim for Expenses Form provided by the Chief Financial Officer. Such claim forms shall be supported by receipts, documents or other evidence as may be required. Each individual must submit a Claim for Expenses Form for his own expenses. However, on occasions when Port Commissioners or staff are attending activities together, one Port Commissioner or staff member may pay for authorized expenses for the other Port Commissioners or staff and request reimbursement for his authorized expenses and those of the other Port Commissioners or staff.

All travel reimbursement requests will be reviewed and approved by their direct supervisors.

**SECTION 8. CREDIT CARDS.** In accordance with RCW 42.24.115, the Port Commission may authorize issuance of credit cards (i.e., VISA/MasterCard) to officers and employees for the purpose of covering expenses incident to authorized travel as defined in this policy. Officers or employees using a credit card issued under this section shall submit a fully itemized travel expense voucher upon billing or no later than 30 days after the billing date. Any charges against the credit card not properly identified on the travel expense voucher or not allowed following the audit required under RCW 42.24.080 shall be paid by the official or employee by check, United States Currency, or salary deduction.

If, for any reason, disallowed charges are not repaid before the credit card billing is due and payable, the Port shall have a prior lien against and a right to withhold any and all funds payable or to become payable to the official or employee up to an amount of the disallowed charges and interest at the same rate as charged by the company which issued the charge card. Any official or employee who has been issued a credit card by the Port shall not use the card if any disallowed charges are outstanding and shall surrender the card upon demand of the auditing officer. The Port shall have unlimited authority to revoke use of any credit card issued under this section, and upon such revocation order being delivered to the credit card company, shall not be liable for any cost.

Officials and employees being issued a credit card will be required to sign a form certifying that they understand that the credit card is to be used for authorized travel as defined in this policy and providing authorization for the Port to withhold any disallowed or unpaid charges plus interest from their pay as provided in RCW 42.24.115.

If a receipt is lost, the date and specific nature and description of the expense and proof of payment (if available through a credit card statement or check) shall be provided to their direct supervisor for written approval, which will be forwarded to the Chief Financial Officer.

**SECTION 9. TRAVEL ADVANCES.** Advances for authorized travel may be made pursuant to the procedure outlined in RCW 42.24.120-160 as now enacted or hereafter amended. The staff is authorized to establish and maintain the revolving fund for travel advances authorized by statute and Port of Bremerton Resolution No. 2002-29.

**SECTION 10. PER DIEM.** The Port Commission authorizes the payment of per diem to any Port Commissioner or employee in lieu of reasonable and necessary expenses. Per diem will be at the rate authorized by law.

**ADOPTED** by the Board of Commissioners of the Port of Bremerton at the regular public meeting thereof held this 23<sup>rd</sup> day of April, 2019, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the Seal of the Commission.

\_\_\_\_\_  
Commission President

\_\_\_\_\_  
Commission Vice-President

ATTEST:

\_\_\_\_\_  
Commission Secretary

**PORT OF BREMERTON**  
**AGENDA SUMMARY**

Agenda Item No: Action Item #4  
Subject: Kitsap Transit Short Term Moorage Agreement  
Exhibits: Kitsap Transit Short Term Agreement  
Prepared By: James Weaver, Director of Marine Facilities  
Meeting Date: April 23, 2019

**Summary:**

Kitsap Transit has requested short term moorage for the Port Orchard Marina outside breakwater for a period of six months during the period of new ferry delivery and testing. Short term agreements with coordinating tax payer funded agencies beyond 30 days require Commission approval. The support of Kitsap Transit in this short-term moorage agreement would be in the amount of \$200 per month, generating a total of \$ 2,400 to benefit the Port during this temporary period.

**Fiscal Impact:**

Positive \$ 2,400.00

**Recommendation:**

The staff recommendation would be to support the short-term moorage agreement with Kitsap Transit for the Port Orchard Marina outside breakwater.

**Motion for Consideration:**

**Move to support the short-term moorage agreement with Kitsap Transit for the Port Orchard Marina outside breakwater for a period of six months**

**PORT OF BREMERTON**  
**SHORT TERM USE**  
**AGREEMENT Authorized by**  
**Resolution 92-7**

IT IS HEREBY understood that this Use Agreement made this 23rd day of April 2019, by and between the **PORT OF BREMERTON**, a municipal corporation organized under the laws of the State of Washington, hereinafter referred to as "Port", and Kitsap Transit, hereinafter referred to as "User", for and in consideration of the mutual agreements, covenants, and promises herein contained as follows:

**USE:** The Port hereby agrees to permit the User to utilize the Port Orchard Marina Transition Dock facility or the East Outer Breakwater for the purpose of Temporary Ferry Operations, and for no other use. User shall be responsible for correction of any and all property damage which would occur as a result in any way to User's activity. User acknowledges that they have viewed the facilities and accept them in their current condition as appropriate for their intended use with no further modifications by the Port. Please see Attachment A.

**TERM:** The term of this agreement shall be April 23, 2019 for a term of 180 days.

**ASSIGNMENT:** This agreement is not assignable or transferable in any fashion.

**RENT:** The User agrees to pay the Port five (5) days in advance, a minimum of \$200.00 or \$6.60 per day per boat plus applicable taxes per day of use. A late fee of one percent (1%) per month, minimum \$40.00 will be assessed on all accounts not paid in advance.

**RISK OF LOSS:** The User assumes all risks, including but not limited to, loss of or damage to equipment or property of the User, or of participants, or any other person on the premises under the terms of this agreement, or of equipment or property used or stored on the premises under the terms of this agreement.

**SECURITY:** Security of User's or invitees' property shall be the sole responsibility of the User. User shall prevent users, attendees and participants from traversing or accessing any and all parts of the Port of Bremerton, Port Orchard Marina facility, except those areas open to the public and that area designated herein for User's purpose, and specified ingress and egress thereto.

**INSURANCE AND INDEMNITY:** The User shall secure comprehensive general liability insurance (Form CG-001) for property damage and bodily injury at the premises in an amount of not less than \$1 million per occurrence and \$2 million aggregate. In addition, User shall keep and maintain in full force and effect during the term of this agreement fire and extended coverage insurance on all fixed improvements located or situated on or in the Premises to the full insurable value thereof. Proceeds from such insurance shall be used to restore the Premises. User shall provide the Port with a certificate of insurance, naming the Port as an additional insured (CG 2010 [form B]) and the premises shall be listed as a covered site on all coverage. The User agrees to hold the Port, its officers, employees and agents harmless from any liability and/or suits for such injuries or property damage as any person might receive or believe he has received from the acts or omissions of the User, their agents, or employees, or any other person(s) using the premises under the terms of this agreement while operating at the Port of Bremerton, including the expense of litigation. No occupancy or use permitted under the terms of this agreement shall commence until such evidence of insurance is presented to and approved by the Port. User agrees to assume full responsibility for the conduct of all persons involved in the said use of the premises.

**CANCELLATION:** This agreement is subject to immediate termination with or without cause by the Port. No written notice is required.

Signed this 23rd day of April, 2019.

USER:

PORT OF BREMERTON

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Chief Executive Officer or Designee

\_\_\_\_\_  
Address

Insurance Requirement Modification:  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Phone