

AGO POLICY

I.54

WELLNESS

Contact: Chief of Staff; Wellness Committee
Cross References: RCW 41.04.362 and RCW 41.04.364; RCW 42.52.070, RCW 42.52.160, WAC 292-110-010, Executive Ethics Board Advisory Opinions No. 96-03, 96-11, 00-11; RCW 51.08.013 RCW 51.44.170; *Use of State Resources Policy*

Approved: 2/1/06 (rev. 06/15/06)

I. POLICY STATEMENT:

This policy recognizes that promotion of the health and wellness of our employees is of the utmost importance in the workplace. Employee wellness programs can help improve morale, reduce absenteeism, and enhance productivity and performance.

A. Definitions:

For purposes of this policy, the following definitions apply:

- **“Normal Working Hours”** for wellness related activities are usually weekdays from 8 a.m. to 5 p.m., except for break and lunch periods, which are based on individual work schedules.
- **“Physical Activities/Exercise”** refers to wellness-related activities involving physical exertion, such as aerobics, pilates, yoga, tai chi, or similar activities.
- **“Wellness Participant”** refers to a state employee who is participating in wellness activity that is occurring within an office facility or is sponsored by the office.

B. Guidelines:

The following guidelines apply:

1. **Official Duties Come First.** Wellness related events may not interfere with the ability of the individual or agency to carry out official duties.
2. **Scheduling Restrictions and Authorizations.** The office’s preference is to schedule wellness related events during lunches, designated breaks, or outside normal working hours, except as authorized in the Responsibilities section below. Wellness Program activities involving organized or systematic physical exercise may not occur during normal working hours. RCW 41.04.362(3). Thus, aerobics, yoga, pilates, or other organized workouts may not occur during normal working hours.

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3. **Use of State Resources.** Any use of state resources in support of wellness programs and activities shall be in accordance with the *Use of State Resources Policy*.

4. **Participant Responsibility and Reduction of Risk and Liability.** The AGO does not assume liability for injuries that may occur from wellness-related events. Wellness participants and sponsors of AGO wellness events will comply with the following:

- **Participant Health: Wellness Participants must be in good health to participate in strenuous physical activities.** Participants must sign an acknowledgment of risk and a release (waiver) of liability for each course or event involving physical activity. An acceptable form is attached. (*See Participant/Volunteer Release Form, Attachment A*)
- **Confidentiality:** “Individual employees’ participation in the wellness program and all individually identifiable information gathered in the process of conducting the program shall be held in strict confidence to the fullest extent permitted by law and shall not in any way jeopardize any employee’s job security, promotional opportunities, or other employment rights.” RCW 41.04.364.
- **AGO Exercise Facilities:** Exercise equipment will not be supplied by the AGO as part of its wellness efforts. Individuals using their own exercise equipment in an AGO facility must do so at their own risk.

C. Funding, Expenditures and Procurement:

1. **Wellness Funding Sources.** Funding for wellness activities may come from participant payments, grants, donations, fund raising, agency budget (administrative or divisional), and Industrial Insurance Retrospective Rating Program funds. Donations should only be accepted from AGO employees.

2. **Authorized Wellness Expenditures.** A non-exclusive list of authorized expenditures for the AGO Wellness Committee or AGO divisions include:

- Awards to wellness activity participants to promote participation. Each award or gift certificate purchased with state funds will cost no more than \$50.00. The criteria for selecting winners must be published when activities are being promoted.
- A wellness-related honorarium or gift of no more than \$50.00 cost may be offered to “free” wellness providers. Restrictions might exist for state officers or employees.
- Wellness products and services from the Department of Personnel.
- Contractor fees such as fees for education, training, consultation, exercise instruction, and exercise facility management.

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- Educational materials such as instructional videotapes, wellness-related games, books, pamphlets, and brochures.

3. **Procurement of Goods or Services.** Activities occurring within AGO facilities must be consistent with state laws and regulations for the acquisition of goods and services and consistent with state ethics law. Staff procuring goods or services for wellness activities shall consult with the fiscal office to ensure compliance with state contracting requirements.

II. RESPONSIBILITIES:

The *Wellness Committee* shall regularly meet and conduct business so as to promote wellness to all individuals within the AGO in a manner that is consistent with this policy and the office's primary functions.

The *Chief of Staff* shall consider and make decisions regarding positions on wellness issues and seek input, where appropriate, from the Core Leadership Team. The *Chief of Staff*, along with affected *Division Chiefs*, shall make decisions consistent with this policy regarding the creation of exercise facilities at any AGO location. The *Division Chief* must create and propose the required operational plans.

Each *Division Chief* shall ensure that a Wellness Liaison is identified for her or his division. *Wellness Committee Members and Wellness Liaisons* must obtain Division Chief approval to serve.

Sponsors of wellness events or activities occurring during normal working hours shall obtain prior management approval. Specifically, *Division Chief* approval is required for division specific events or activities and *Chief of Staff* approval is required for multi divisional events or activities.

Sponsors of wellness services, such as the Wellness Committee, a Wellness Liaison, or another individual in the AGO shall ensure compliance with state contracting guidelines. *Sponsors* shall inform the Wellness Committee, via e-mail, of all wellness events or activities that they promote in AGO facilities.

Sponsors of wellness services, such as the Wellness Committee, a Wellness Liaison, or another individual in the AGO, and *participants* in AGO sponsored wellness physical activities shall ensure that participants in wellness activities involving strenuous physical activity sign a waiver of liability, including an acknowledgement of risk.

The *Wellness Committee* and *event sponsors* shall ensure that funding sources are consistent with this policy and relevant laws, and that special privileges are not sought or acquired.

/s/ Rob McKenna

ROB MCKENNA
Attorney General

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