



Date: March 17, 2009

POLICY 70-40

Cancels: Pol/Pro 70-40 dated 5/30/06  
Pol 70-40 dated 7/24/07

Approved By

Date

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**PARK HOUSING**

**See Also:** RCW 43.81 State Owned Living Facilities; Master Agreement with Washington Federation of State Employees; RCW 42.52, Ethics in Public Service.

This policy applies to all employees and non-employees of the Washington State Parks and Recreation who reside in Agency housing.

1. **Purpose**

Washington State Parks (Agency) recognizes the benefit of having qualified employees available to meet operational emergencies, and that the best assurance of such availability is through on-site employee housing. The Agency also recognizes the benefits accruing to the state through such on-site housing including:

- Greater operational efficiency
- Immediate response time by qualified personnel in times of emergency
- Security and protection of state property, natural resources and visitors
- Greater flexibility in work scheduling

2. **Definitions**

**Bunkhouse Rate** – Generally used for multiple occupancy of a single residence, but also applicable to a residence identified as not meeting the standards and conditions of RCW 59.18.060 (Landlord Duties/Landlord-Tenant Act) as assessed by the Region Director or designee, but which through mutual agreement between the person/tenant and the Region Director/designee the person/tenant is allowed to occupy the residence subject to completion of a housing agreement which may include an attachment signed by both parties delineating any special conditions.

**Housing Agreement** – All agreements or documents which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a residence.

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**Household Unit** – The employee and his/her spouse/significant other, children, and immediate family members.

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**Immediate Family** – Mother/mother in-law, father/father-in-law, grandma/spouse's grandma, grandpa/spouse's grandpa, brother/brother-in-law, sister/sister-in-law, niece/spouse's niece (under the age of 18), and nephew/spouse's nephew (under the age of 18). This includes step relatives.

**Landlord** – The owner, lessor, or sublessor of the dwelling unit (Washington State Parks/Agency) or the property of which it is part, and in addition means any person designated as representative of the landlord.

**Residence** – A structure or that part of a structure which is used as a home, dwelling, or sleeping facility by one person or by two or more persons maintaining a common household, including but not limited to single family residences, and units of multiplexes, apartment buildings and mobile homes.

**Single Family Residence** – A structure maintained and used as a single dwelling unit, notwithstanding that a dwelling unit shares one or more walls with another dwelling unit, it shall be deemed a single family residence if it shares neither heating facilities nor hot water equipment nor any other essential facility or service with any other dwelling unit.

**Tenant** – Any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a housing agreement.

3. **Scope**

- A. On-site housing may be provided to employees who may voluntarily occupy the residence on an "as-available" basis. If no permanent employee wishes to reside in Agency housing it may be made available to nonpermanent employees or non-employees.
- B. Employees residing in park housing do so for the benefit of the Agency and shall pay no rent. Employees will be taxed on the fair market value of the residence; unless, as determined on a case-by-case basis, a direct nexus exists between the housing provided and the employee's job duties.
- C. Employees residing in park housing shall pay utility charges as determined by statewide average actual costs to the Agency, and shall also pay all utility costs for personal enhancements which are to be identified by the employee and approved by the Region Director/designee prior to installation or connection to an Agency utility system or power source. All personal enhancements shall be removed by the employee upon vacating the premises unless otherwise authorized in writing by the Agency.

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- D. The Agency is not responsible for damage or loss to personal belongings stored in or around park housing. It is recommended that tenants obtain renter's insurance to insure personal belongings.

4. **Services Provided**

Employees living on-site will reside in such housing as their principal domicile and that occupancy includes these responsibilities which are without further remuneration:

- Available to perform extended personnel services
- Immediate response in emergency or call back situations
- Protection and security of state property, natural resources, and park visitors during working and non-working hours.
- Reasonable access and response to the public at the residence or by telephone. An Agency provided telephone in a residence shall be answered until 9:00 p.m. from May 15 through September 15, and until 8:00 p.m. during the rest of the year.

The Agency agrees to compensate employees for any actual work performed which requires them to leave the residence as appropriate under the terms of the Master Agreement and/or Merit System Rules. The Agency also agrees that employees living off-site shall not be assigned these responsibilities unless on-site employees are not available.

5. **Conditions**

- A. The Park Manager shall be notified prior to immediate family members establishing residency in park housing. All others not defined as immediate family members must be approved in advance by the Region Director or designee. Total occupancy may not exceed the limits of the dwelling.
- B. The Agency shall not evict any permanent employee for disciplinary or personnel reasons except as a result of termination, demotion, layoff, or without just cause, and only after 30 days written notice. Upon termination of seasonal employment, the employee shall vacate the premises immediately upon the effective date of the termination.
- C. Employees who reside in private accommodations, off park, may live where they choose without restriction to any area or location, provided they can meet their overall scheduled responsibilities.

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D. An employee shall not displace a permanent employee who is occupying a residence unless prior displacement conditions have been included in the tenant's housing agreement. A nonpermanent employee or non-



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employee may be displaced by a permanent employee based on operational necessity and approval by the Region Director/designee.

- E. The Region Director (or other region designee) will designate in writing annually the allowable living and storage space for each residence. Storage space for the resident may be assigned outside of the immediate vicinity of the park residence so long as the storage does not negatively impact park operations or allow co-mingling of park and personal property. Generally, additional storage outside the immediate vicinity of the residence will not be assigned if the residence exceeds the equivalency of 1600 square feet of living space with a 2 car garage (400 square feet.). The Region Director (or other region designee) may also designate, in writing, additional parking space outside the immediate vicinity of the park residence for purposes of storage of resident vehicles (including recreational vehicles), so long as there is no negative impact to park operations or public appearance. Additional space will not be assigned or granted to accommodate approved private business activity.
- F. Region Director/designee may inspect any residence by giving two weeks notice to the Park Manager his/her designee and resident.

**6. Responsibilities**

- A. The Agency agrees to maintain the housing units within reasonable standards and conditions for occupancy. Should occupied housing be determined by the Agency to be unsafe or in need of major repairs which would require the employee to temporarily or permanently vacate the unit, the employee shall have the right to vacate the housing and to have alternate on-site or other Agency housing provided if available.
- B. Tenants shall assume custodial housekeeping responsibilities as directed by the Agency and shall be liable for damages in excess of normal wear and tear. Custodial housekeeping responsibilities shall not include improvements to the housing or facilities unless such activity is accomplished at Agency expense and during work time with the Region Director/designee's approval.
- C. When vacating a residence the tenant shall leave the unit in a clean and orderly condition. Should the unit require professional cleaning service prior to occupancy by another, the Agency shall contract such services and the vacating employee shall be responsible for the associated costs.
- D. Tenants shall respect the privacy and personal property of other park residents.

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- E. Tenants shall prevent pets from interfering with neighbors, the public or normal park routine, and from causing damage to the residence or other property. If kennels or other confinements are needed by the owner, he/she shall construct and adequately maintain such facility in a location approved in advance by the Region Director or designee.
- F. State resources may be used to maintain the residence, residence garage/storage shed, and residence lawn.
- G. Employees and non-employees residing in state owned/leased housing will comply with RCW 42.52, Ethics in Public Service and WAC 292-110-010, Use of State Resources. This includes, but is not limited to, prohibitions against storage of personal items in areas other than the areas designated in writing by region management, personal use of agency owned maintenance buildings, shops and shelters (i.e., for maintenance on a personal vehicle), and personal use of state owned tools or equipment. As the residence is considered a state facility, garage sales are also prohibited.
- H. Private business activity by the resident state employee (while the employee is off-duty), or the employee's spouse and/or children (who are approved for residency), may be allowed upon written authorization of the agency director (or designees). To be allowed, the private business activity must comply with all other local, state and federal laws, and it may not negatively impact the agency's operations. Negative impacts may include, but are not limited to, the following:
- Negative impacts to visitor's services or access;
  - In-person visits to state-owned housing for the purpose of transacting business that negatively impacts agency operations;
  - The incurrence of additional expenses by the state;
  - The use of signage in the state-owned residence;
  - Advertising on state-owned property; and,
  - An appearance of state endorsement of the private business activity.

Additionally, the following apply:

- Prior approval must be sought in writing using agency P&R Form O-397. Approval of the private business activity may be denied or revoked at the discretion of the applicable Region Director (or designee). The affected employee may appeal the denial or revocation in writing to the Deputy Director (or designee). This request, however, will not suspend the disapproval or revocation.
  - P&R Form O-397 must be resubmitted annually when revisiting the housing agreement, or earlier of any changes

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occur. New circumstances that may negatively impact agency operations may result in revocation of the prior approval.

- Example: A revocation may occur due to an unforeseen disruption to park operations occurring after a business was initially approved.
- The employee must also provide written notification of outside employment (P&R Form P-52), if applicable. Interference with performance of official duties or conflict of interest will result in a denial of the outside employment.
- Those having a private business requiring customers to visit the park residence must obtain (and provide proof of obtaining) \$1,000,000 of business liability within 14 days of agency approval for the private business. This insurance must be maintained throughout the time the private business is occurring within the park residence. No deliveries related to the private business will be made to the park office; a separate post office box must be maintained and paid for by the resident unless the residence has a separate mailing and delivery address other than the park office.
- The park name will not be used in any advertising for the business. If a separate mailing and delivery address is available for the residence that used.
- There will be no state time used due to expected or unexpected onsite visitations by clientele of the private business or to receive private business deliveries
- Use of any park resources, including office equipment, tools, maintenance shops, or staff time (resident employee or other), to support the private business is prohibited.
- Employees are restricted from picking up / dropping off any personal business-related items (mail, deliveries, etc.) while in uniform and/or while in a park vehicle, even if the use of the vehicle would be considered "de minimus" due to a direct route or having already been at the same location for park related business (i.e. – post office).
- The requirement to answer the park-provided phone line and remain available in emergencies during certain business hours remains unchanged.
- Any installation of an extra phone line and/or an Internet connection for the private business activity is at the expense of the resident, not the agency.
- During agency-paid moves, the agency will not pay for package, moving, or storage of inventory related to the private business activity.
- No agency-funded improvements to the house, driveway, or parking area of the residences will be made to assist with the private business activity. All agency-funded improvements to parks property will be parks-related. In instances where the private business may benefit from

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a parks-related improvement, that will be disclosed and approved by region management.

- Examples: No plants or irrigation will be added to the make the residence more attractive for private business purposes; no fences will be built around the backyard for private business purposes.
- Nothing in this sub-section would negate any part of the standard housing agreement that the employee and agency both sign on an annual basis.
- The employer will not reimburse the agency employee, spouse, or child for any income lost due to a required evacuation of the premises due to unsafe conditions or need for repairs.

- I. The Region Director/designee will inspect each Agency residence at least one time yearly. When a residence becomes vacant the Region Director or qualified maintenance staff at the Region Director's direction will inspect the residence and correct any discrepancies prior to the residence being occupied.

**7. Prioritization for Occupancy**

**A. Permanent Employees**

1. Park Rangers assigned to the area/park *where* the residence is available.
2. Park Rangers assigned to an area/park *other than where* the residence is available.
3. Maintenance staff assigned to the area/park where the residence is available.
4. Maintenance staff assigned to an area/park other than where the residence is available.
5. Other permanent staff.

**B. Nonpermanent Employees**

**C. Non-Employees**

1. Law enforcement personnel
2. Other

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This policy approved by the Washington State Executive Ethics Board on 3/13/09, as required by RCW 42.52.570