

SILVER LAKE WATER & SEWER DISTRICT
SNOHOMISH COUNTY, WASHINGTON
RESOLUTION NO. 645

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SILVER LAKE WATER & SEWER DISTRICT, SNOHOMISH COUNTY, WASHINGTON, REPEALING RESOLUTION NO. 640; RESOLUTION NO. 331 SECTION 5, AND RESOLUTION NO. 336; ESTABLISHING EMPLOYEE LEAVE SCHEDULES, HOLIDAYS, FLOATING HOLIDAYS, AND CRITERIA FOR ADMINISTERING SUCH LEAVE TIME.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Silver Lake Water & Sewer District:

1.01.005 Findings.

After discussion of various matters the Board of Commissioners makes the following findings of fact:

- A. The Revised Code of Washington 1.16.050 authorizes holidays and one floating holiday for employees of the State and its political subdivisions; and
- B. The Board of Commissioners of the Silver Lake Water & Sewer District established and set holidays observed by the District by Resolution No. 331 adopted in 1977; and
- C. The Board of Commissioners adopted Resolution No. 336, which defined the Election Day Holiday established in Resolution No. 331 as a floating holiday in order to keep the District office open to the public on this work day; and
- D. Most often Columbus Day and Washington's Birthday also occur during the work week; and
- E. Over time the practice of the District became to treat the Columbus Day holiday and Washington's birthday holiday established in Resolution No. 331 as floating holidays to allow the District to remain open for business on these days; and
- F. The Commissioners have determined to ratify this practice and establish Columbus Day and Washington's birthday as floating holidays and clarify eligibility for and use of holidays and floating holidays; and

G. The Commissioners adopted Resolution No. 640, which authorized employee leave and provided for implementation criteria; and

H. Resolution No. 640 requires that employees have one year of service before receiving their first vacation accrual, limiting them from using any vacation time for one year; and

I. The Board of Commissioners recognize the financial impact and emotional strain on new hires not having any paid leave time to conduct personal business for one full year after hire by the District; and

J. It is best to have all employee leave policies and criteria consolidated into one resolution for administrative convenience and efficiencies.

Article I: Sick Leave

1.01.010 Accrual.

A. Regular full-time employees shall accrue cumulative sick leave with pay at the rate of eight (8) hours per month.

B. Regular, part-time employees shall accrue sick leave on a pro rata proportion of eight (8) hours per month, based on actual hours paid in such month divided by 174.

1.01.020 Eligible Employees.

A. Seasonal employees and temporary employees are not eligible for paid sick leave.

B. Regular employees are eligible for sick leave after six months of continuous service.

C. An employee shall not earn sick leave in any particular pay period unless the employee is paid for at least eighty percent of the employee's regular work hours for that pay period.

D. An employee granted a leave of absence with pay shall continue to accrue sick leave during the paid leave of absence.

1.01.030 Use of Sick Leave.

A. An employee may use sick leave for the following reasons only:

1. Personal illness or physical incapacity that renders the employee unable to perform the duties of the position;
2. To care for a child of the employee with a health or emergency condition that requires treatment or supervision,

or for a spouse, domestic partner, parent, parent-in-law or grandparent of the employee with a serious health condition;
3. Enforced quarantine in accordance with certain health regulations;
4. When eligible in accordance with the provisions of Ch. 49.78 RCW as that statute now reads or is hereafter amended or reenacted.

B. Sick leave may be used in increments of not less than thirty (30) minutes.

1.01.040 Duty to Report.

An employee desiring to use sick leave shall inform the general manager, or the employee's immediate supervisor, within an hour of the start of the work shift that the employee is unable to report for duty and the reason why. An employee failing to so report without excuse may be denied sick leave pay. The general manager or immediate supervisor, at his or her discretion, may require a written statement from the employee's physician regarding the employee's health and need for the use of sick leave whenever the employee's request for sick leave time is for longer than three days.

Should an employee be on sick leave for more than a 2 week period or due to an injury or surgery, such employee must provide the District with a Return to Work certification from the employee's physician stating the employee can return to work fully or under clearly stated work restrictions or limitations.

1.01.050 Computing Off Days.

In computing sick leave, only those days on which the employee would be required to report for work are included.

1.01.060 Payroll Certification.

Each designated supervisor shall indicate on each time card the absence of an employee because of sickness or injury. The payroll preparer shall have the duty to ensure that no payment is made to an employee for absences exceeding the employee's current accrual of sick leave.

1.01.070 Coordination with Disability Benefits.

Employees receiving disability benefits by virtue of any law or resolution now or hereafter enacted are entitled to sick leave pay only to the extent such disability benefits are less than the sick leave benefits provided hereunder. An employee eligible for industrial insurance compensation for

time loss because of an on the-job injury shall be paid and charged sick leave in the amount of the difference between the employee's then regular base hourly wage or salary and the employee's time loss payments. Should an employee who has received full sick leave payment from the District for days of absence from work also be paid under industrial insurance for such days, the amount paid the employee under industrial insurance shall be recouped by the District from the employee's subsequent wage payments, in accordance with Chapter 49.48 RCW.

1.01.080 Payment upon Retirement or Termination.

A. Upon retirement, an employee shall be paid 25 percent of the employee's accrued sick leave; provided, that any employee who was employed by the District prior to the enactment of Resolution No. 331, adopted March 9, 1977, and who has been continuously employed by the District since that time, shall be paid 100 percent of the employee's sick leave accrued prior to March 9, 1977 upon retirement. For purposes of this section, "retirement" means leaving District service with not less than 144 months of service credit as an employee of the District, as determined in accordance with the Washington State Public Employment Retirement System Plans.

B. Employees who resign or who are laid off by the District due to a reduction in force or lack of work and who have completed at least five years of continuous active service with the District shall be paid 15 percent of their accrued sick leave; provided, that an employee who voluntarily resigns must provide the District with at least 2 weeks written notice of resignation as a condition to receiving payment for sick leave. Employees whose employment is involuntarily terminated for any reason shall not be eligible for payment of accrued sick leave.

C. The amount of payment for accrued sick leave shall be calculated at the employee's then regular base hourly wage or salary.

D. For purposes of this section, "accrued sick leave" means sick leave accrued up to a maximum of 180 days. Accrued sick leave which exceeds the maximum 180 days shall not be carried over into subsequent years and shall be forfeited.

1.01.100 Payment upon Death.

Should an employee die while in the course of continuing District employment, the employee's surviving spouse or domestic partner or if there is no surviving spouse or domestic partner, then the employee's estate shall be paid 25 percent of the employee's accrued sick leave, calculated at the employee's then regular base hourly wage or salary at the time of death.

1.01.110 Effect of Fraud.

Any employee who fraudulently obtains or uses, or otherwise abuses, sick leave is subject to discipline up to and including discharge from employment.

1.01.120 Maintaining Records.

The payroll preparer shall have the responsibility to maintain the official District records of accumulated sick leave for all departments.

Article II: Vacation Leave

1.01.200 Accrual.

A. Effective immediately the annual paid vacation for all regular full time employees shall be as follows:

<u>Anniversary Date for</u>	<u>Vacation Rate</u>
<u>Continuous Years of Service</u>	
1 year	10 days
2 years	12 days
3 years	12 days
4 years	15 days
5 years	15 days
6 years	18 days
7 years	18 days
8 years	18 days
9 years	18 days
10 years	21 days
11 years	21 days
12 years	22 days
13 years	22 days
14 years	23 days
15 years	23 days
16 years	23 days
17 years	24 days
18 years or more	25 days

Provided, that any current regular full time employee of the District who, as of the effective date of this Resolution, earns annual paid vacation days in excess of 25 days per year shall continue to accrue vacation days for each year hereafter at the same number of annual vacation days accrued in the year 2009 for such employee. Such accrual shall be in accordance with this resolution.

B. Regular, part-time employees shall accrue vacation leave on a pro rata portion, based on actual hours paid in such month divided by 174.

C. Except as provided in Sections 1.01.220 and 1.01.230, an employee may accumulate paid vacation leave not to exceed two (2) times the employee's annual leave. For example, an employee who has 10 years of continuous employment with the District may accumulate up to 42 days of vacation leave. Vacation leave that exceeds the maximum accrual amount set forth herein may not be carried over into subsequent years and will be forfeited.

D.) Newly hired regular, full-time employees shall receive the first one-half of their first year's annual accrual after six months of continuous service and the second one-half of their first year's annual accrual after one year of continuous service. Subsequent vacation accruals shall be on the employee's anniversary date in accordance with the vacation schedule set forth in 1.01.200 A.

1.01.210 Eligible Employees.

A. Seasonal employees and temporary employees are not eligible for vacation leave.

B. An employee shall not earn vacation leave in any particular pay period unless the employee is paid for at least 80% of the total number of the employee's regular work hours for that period.

C. Employees granted leave of absence with pay shall continue to accrue vacation leave during such paid leave of absence.

D. Employees granted leave of absence without pay shall not accumulate vacation leave during said leave of absence, but upon resumption of active employment their prior service shall be included in computing the rate of vacation leave. Except as otherwise required by law, accrual of length of service for such employee shall not occur for the length of

time of such leave of absence without pay and such employee may not take or receive payment for vacation leave until the employee again qualifies for vacation leave as a new employee as provided in Section 1.01.200 and 1.01.220. The records of the District shall be used to establish prior service credit.

1.01.220 Use and Deferral.

A. With the prior approval of the general manager or the general manager's designee, an employee may use accrued vacation leave after satisfactory completion of six months of continuous active service with the District. The general manager or general manager's designee shall schedule vacation leave so as to meet the operating requirements of the District and, as far as practicable, the preference of the employees.

B. No employee may take vacation leave in excess of the accrual credited to the employee's vacation account at the time the vacation is taken.

1.01.230 Payment upon Termination.

A. Employees who resign or who are laid off by the District due to a reduction in force or lack of work and who have completed at least one year of continuous active service with the District shall be paid their accrued vacation leave; provided, that an employee who voluntarily resigns must provide the District with at least 2 weeks written notice of resignation as a condition to receiving payment for vacation leave. Eligible employees shall be compensated for accrued vacation leave at the employee's then regular base hourly wage or salary. Employees whose employment is involuntarily terminated for any reason shall not be eligible for payment of accrued vacation leave.

1.01.240 Payment upon Death.

Should an employee die while in the course of continuing District employment, the employee's surviving spouse or domestic partner or if there is no surviving spouse or domestic partner, then the employee's estate shall be paid for such deceased employee's accrued vacation as set forth in this resolution.

1.01.250 Maintaining Records.

The payroll preparer shall have the responsibility to maintain the official District records of accrued vacation leave for all employees.

Article III Additional Leave Policies

1.01.300 Bereavement Leave.

A regular full-time employee may receive up to three days of paid bereavement leave upon the death of the employee's child, parent, spouse, domestic partner, sibling, grandparent, grandchild, parent-in-law, sibling-in-law, stepparent, stepchild or stepsiblings or other relative living as a member of the immediate household of the employee. The employee may request additional days of vacation, sick leave, or personal holiday for purposes of bereavement, subject to the approval of the general manager or the general manager's designee.

A regular part-time employee may receive up to three days (prorated, based on a percentage of their regular part-time weekly hours divided by 40) paid bereavement leave upon the death of those family members listed above. The employee may request additional days of vacation, sick leave or personal holiday for purposes of bereavement, subject to the approval of the general manager or the general manager's designee.

1.01.303 Jury Duty Leave.

A regular full-time employee called upon for jury service in any municipal, county, state or federal court shall advise the District upon receipt of such call. If required to be absent from work for such service, the employee shall be reimbursed for any loss of wages for up to five (5) days while actually performing such service; provided, that the employee shall provide the District a copy of the properly endorsed check or voucher that the employee received for such service. The District Manager may, in the District Manager's sole discretion, consider extending jury duty pay in the event that the employee's jury duty service extends beyond five (5) days. The amount the employee shall be reimbursed shall be determined by subtracting the amount received by the employee for such jury service, excluding any mileage reimbursement, from the amount the employee would have otherwise earned at the employee's straight time hourly rate of pay during regular working hours, while performing such service. Employees excused from jury duty for one-half (½) day or longer shall return to work immediately and work the remainder of the day.

1.01.305 Personal Leave of Absence.

After completing a year of employment, an employee may apply, in writing, for a personal leave. This leave is an

approved absence without pay or benefits. The application shall state the reason for the personal leave request and the length of leave requested. Personal leaves may be granted at the sole discretion of the District and shall not exceed three (3) calendar months. No benefits shall accrue during the personal leave. An employee who fails to return to work at the end of the personal leave or who accepts employment elsewhere during the leave without the District's consent will be considered to have resigned without the required notice. Employees on personal leave are responsible for paying their own, their spouse's or domestic partner's and their dependents' cost of maintaining any benefit plan.

1.01.310 Family and Medical Leave.¹

Eligible employees will be granted up to 12 weeks without pay in a rolling 12 month period, measured backward from the date an employee uses any FMLA leave, for certain family and medical reasons. To be eligible for such leave, an employee must have worked for the District for at least 12 months and at least 1,250 hours in the preceding 12 months.

An eligible employee may request up to 12 weeks of FMLA leave per "leave year" for one or more of the following reasons:

- To care for the employee's child after birth or placement for adoption or foster care; this is in addition to any leave for temporary disability or sickness due to pregnancy or childbirth. If both parents are employed by the District, combined leave shall not exceed 12 weeks; or
- To care for your child (if such child is under the age of 18 or incapable of self-care), spouse, domestic partner or parent who has a serious health condition; or

¹ *The District's adoption of this policy should not be construed as the District's incorporation and/or adoption of the federal or state family and medical leave laws, including but not limited to 29 U.S.C. §2611 et seq., Chapter 49.78 RCW and/or related regulations. The District expressly reserves the right to amend, alter or eliminate this policy, in its discretion.*

- For the employee's own serious health condition that makes the employee unable to perform the essential functions of the job; or
- For a "qualifying exigency" arising out of the fact that the employee's spouse, child or parent is a covered military member who is on active duty, or has been notified of an impending call to active duty in support of a contingency operation. For purposes of this policy, "covered military members" are members of the National Guard or Reserves, and certain retired military service personnel, who have been called to active duty or notified of an impending call to active duty. Qualifying exigencies are generally activities related to the active duty or call to duty, including attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings.

An eligible employee may also take up to 26 weeks of leave during a single 12-month period to care for an injured service member who is the employee's spouse, parent, child or next of kin. A "covered service member" is a current member of the Armed Forces, National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation or therapy; or is in outpatient status; or is on the temporary disability retired list. For purposes of this kind of leave, the 12-month period begins with the first day the employee takes leave. The combined total of leave for all purposes described in this policy may not exceed 26 weeks in the applicable leave year.

For purposes of this policy, a "serious health condition" is an illness, injury, impairment or physical or mental condition that involves: (1) any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility; (2) a period of incapacity of more than three (3) consecutive, full calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care

provider; (3) a period of incapacity due to pregnancy or for prenatal care; or (4) a period of incapacity or treatment due to a chronic serious health condition, for a permanent or long-term condition which treatment may not be effective, or to receive multiple treatments for restorative surgery after an accident or injury or for a condition that would likely result in an incapacity of more than three full, consecutive calendar days in the absence of medical treatment (e.g., chemotherapy or dialysis).

Leave taken pursuant to this family and medical leave policy is unpaid leave. However, employees are required to use any accrued paid leave (sick leave and vacation leave) available to them as part of their 12 weeks of leave. Paid leave may not be used as an extension of a leave. In requesting leave, you are required to notify the District if you use paid leave for a reason covered by the family and medical leave so that the District may designate the leave as counting against your family and medical leave allowances. Sick leave and vacation leave will not accrue during periods of unpaid leave.

Intermittent or reduced schedule leave may be taken when medically necessary for either your own serious health condition or for that of a family member. Intermittent or reduced schedule leave may also be taken when necessary because of a qualifying exigency arising from a family member's military service. If family and medical leave is to be used for birth or placement for adoption or foster care, use of intermittent or reduced schedule leave is subject to the District Manager's approval. Where intermittent or reduced schedule leave is needed for planned medical treatment, an employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the District's operations. Where an employee needs intermittent or reduced schedule leave based on planned medical treatment, the District reserves the right to transfer the employee to an alternative position with equivalent pay and benefits that can better accommodate such recurring leave.

Employees must ordinarily provide the District with at least 30 days written notice of an anticipated family and medical leave, when such leave is foreseeable. If the family and medical leave is not foreseeable, employees must provide notice as soon as practicable (which is generally

the same day or next business day after the need for leave becomes known). Absent unusual circumstances, employees are required to follow the District's regular procedural requirements when requesting leave under this policy. When requesting leave, employees must provide sufficient information for the District to determine whether the leave may qualify as family and medical leave, and the anticipated timing and duration of the requested leave.

When leave is taken for a serious health condition (either the employee's or a family member's) that is expected to extend beyond five (5) consecutive working days, the family and medical leave request must be supported by a medical certification on a form to be provided by the District. The District may require a second or third opinion, at the District's option and expense, periodic recertification of the serious health condition and, when the leave is for an employee's own serious health condition, a certification that the employee is fit to return to work. Employees who need leave for a qualifying exigency arising from a family member's military leave must provide a certification confirming the need for leave. The District may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave. The District may also delay or deny approval of leave for lack of proper certification establishing the need for leave.

During all leave under this family and medical leave policy, the District will continue to contribute to your VEBA account on the same basis as during regular employment. If you take unpaid leave, you must pay the premiums for other non-health insurance plans which may be available from the District from time to time. Under certain circumstances, if an employee fails to return to work at the end of the leave, the employee may be responsible to pay back the District for the employer's VEBA contributions.

Employees returning to work following a family and medical leave are entitled to return to the employee's former job or an equivalent position, unless the District's circumstances have so changed as to make it impossible or unreasonable to do so.

1.01.315 Maternity Leave.

Female employees are entitled to an unpaid pregnancy leave of absence for the period of her actual disability due to pregnancy, childbirth or related medical conditions. Pregnancy leave will be counted against the employee's family and medical leave allowances, but may extend beyond the employee's accrued family and medical leave allowances. All employees seeking leave under this policy should provide written notice of the intended leave dates at least 30 days in advance of the leave or as soon as possible in the case of an emergency.

Employees returning from such leave are entitled to the same job or similar job, unless the District's circumstances have so changed as to make it impossible or unreasonable to do so.

1.01.320 Military Leave.

Any employee who is a member of the Washington National Guard or of the army, navy, air force, coast guard, or marine corps reserve of the United States, or of any organized reserve or armed forces of the United States shall be entitled to and shall be granted military leave of absence from such employment for a period not exceeding twenty-one days during each year beginning October 1st and ending the following September 30th. Such leave shall be granted in order that the person may report for active duty, when called, or take part in active training duty in such manner and at such time as he or she may be ordered to active duty or active training duty. Such military leave of absence shall be in addition to any vacation or sick leave to which the officer or employee might otherwise be entitled, and shall not involve any loss of efficiency rating, privileges, or pay. During the period of military leave, the employee shall receive his or her normal pay.

1.01.330 Military Family Leave

(1) During a period of military conflict, an employee who works an average of 20 or more hours a week and who is the spouse of a member of the armed forces of the United States, national guard, or reserves who has been notified of an impending call or order to active duty or has been deployed is entitled to a total of fifteen days of unpaid leave per deployment after the military spouse has been notified of an impending call or order to active duty and before deployment or when the military spouse is on leave from deployment. "Period of military conflict" means a

period of war declared by the United States Congress, declared by executive order of the President, or in which a member of a reserve component of the armed forces is ordered to active duty pursuant to either sections 12301 and 12302 of Title 10 of the United States Code or Title 32 of the United States Code. An employee who takes leave under this policy may elect to use accrued paid leave in connection with the military family leave.

(2) An employee who takes leave under this policy shall be restored to a position of employment in the same manner as an employee entitled to leave under chapter 49.78 RCW is restored to a position of employment. The District shall continue benefits for an employee on military family leave in the same manner as an employee entitled to leave under chapter 49.78 RCW continues benefits, as specified in RCW 49.78.290.

(3) An employee who seeks to take leave under this chapter must provide the District with notice, within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment, of the employee's intention to take leave under this chapter.

1.01.340 Domestic Violence Leave.

Employees who are victims of domestic violence, sexual assault or stalking may take reasonable unpaid leave, intermittent leave, or leave on a reduced schedule to take care of legal or law enforcement needs or to get medical treatment, social services assistance or mental health counseling, or to participate in safety/relocation planning. Employees who are qualifying family members of a domestic violence victim are also eligible for leave under this policy. For purposes of this policy, the term "qualifying family member" means child, spouse, parent, parent-in-law, grandparent or person the employee is dating. Employees may elect to use accrued paid leave (vacation and/or sick leave) for this leave.

Employees wishing to take leave under this policy must give as much advance notice of the need for the leave as possible. If advance notice is not possible due to an emergency situation, the employee must provide notice of the need for the leave no later than the end of the first

day of such leave. Leave requests must be supported with one or more of the following:

- A police report indicating that the employee or the employee's qualifying family member was a victim;
- A court order providing protection to the victim;
- Documentation from a healthcare provider, advocate, clergy or attorney;
- The employee's written statement that the employee or employee's qualifying family member is a victim and needs assistance.

Upon return from this leave, employees will be reinstated to their same position or another position with substantially equivalent benefits and terms and conditions of employment.

1.01.400 For purposes of this resolution the following definition applies:

A. Domestic partner means an employee and another person who meet *all* of the following criteria:

1. they have shared the same regular and permanent residence for 12 months or more, and
2. they have a close personal relationship, and
3. they are jointly responsible for their "basic living expenses," as defined below, and
4. they are not married to anyone, and
5. they are each eighteen (18) years of age or older, and
6. they are not related to each other as parent, child, brother, sister, niece, nephew, aunt, uncle, first cousin, grandparent or grandchild or any other blood relationship that would bar marriage in the State of Washington, and
7. they were mentally competent to consent to their domestic partnership when it began, and
8. they are each other's sole domestic partner and are responsible for each other's common welfare.

B. "Basic living expenses" means the cost of basic food, shelter, and any other expenses of a domestic partner. The individuals need not contribute equally or jointly to the

cost of these expenses as long as they agree that both are responsible for the costs.

1.01.450 Crediting of Prior Accrued Benefits.

The vacation or sick leave for each current regular full time employee which is accrued as of each respective employee's 2009 anniversary date of hire but unused at that time shall be credited to the employee regardless of the terms of this resolution. Accrued leave time limitations set forth in this resolution shall apply only to a current District employee's leave time accruing after each respective employee's 2009 anniversary date of hire; provided however payments to an employee for accrued and unused sick leave time, regardless of service shall be subject to the provisions of section 1.01.080 and provided further, payments of sick leave upon the death of an employee, regardless of when earned shall be subject to the provisions of section 1.01.100.

Payment of accrued vacation, regardless of when earned by the employee, when such employee resigns or is laid off by the District due to a reduction in force or lack of work shall be subject to provisions of section 1.01.230. Payments of accrued vacation, regardless of when earned upon the death of an employee which occurs while in the course of continuing District employment shall be subject to the provisions of section 1.01.240.

1.01.500 Employee Leave Donation Policy.

A current regular full time employee may voluntarily transfer such employee's accrued sick or vacation time to another regular full time employee of the District in critical need of extending paid leave prior to commencing an unpaid leave in accordance with the provisions of this resolution. No transfer of accrued leave may occur for medical conditions resulting from workers' compensation or self-inflicted injuries, or injuries that may have occurred during the course of committing a criminal act, (i.e. felony or assault). Employees may not use donated leave time during a period of disciplinary suspension. The act of soliciting and/or accepting any form of compensation, gratuity, or any thing of value directly or indirectly in return for donating or receiving leave time off accruals provided for herein is strictly prohibited.

1.01.510 Donor Criteria.

To make a transfer of leave time the following criteria apply:

- a) an employee must be current full time employee employed for at least one (1) year;
- b) donations must be in whole day increments and may not exceed 10 days total in a calendar year;
- c) donations are irrevocable;
- d) donor employee must have a minimum balance of 20 accrued sick days prior to transfer of sick days;
- e) no accrued balance is required when donating vacation days; and
- f) donor must submit a written request to the District Manager or designee.

1.01.530 Recipient Criteria.

To receive a transfer of leave time the following criteria apply:

- a) the employee must have qualified for leave time in accordance with the provisions of this resolution;
- b) the employee must be a current full time employee for a minimum of one (1) year;
- c) all of the employee's accrued sick, vacation, float days and compensatory float time must be exhausted;
- d) the recipient employee is not receiving short or long term disability or Workers' Compensation insurance benefits or have a Workers' Compensation claim pending that is allegedly related to the absence;
- e) total donated time cannot exceed projected length of time medically certified for the covered condition;
- f) the recipient employee must submit appropriate medical documentation/physician's letter provided by the attending physician or certified/licensed provider; and
- g) unused donated sick or vacation time is irrevocable and shall remain in the recipient's account.

1.01.550 General Criteria.

- a) All requests must be written by the donor and must comply with the Donor and Recipient Criteria and Requirements set forth above.
- b) Participation in the program is voluntary.
- c) The donor's leave records shall be debited the amount of time being donated.
- d) The recipient's leave records shall be credited with the amount of time being donated at the recipient's rate of pay. During the receipt of donated leave time, the recipient shall remain eligible to accrue sick and vacation leave.

- e) Donated leave time that extends a staff member's paid absence shall be factored in when calculating medical/FMLA leave and the maximum time standards permitted by the leave time policies set forth in this resolution.
- f) Total maximum donations per single recipient shall not exceed twelve (12) months.
- g) FMLA will run concurrently for the first twelve (12) weeks of the leave.
- h) Twelve (12) weeks shall be the maximum for staff on intermittent leave.

1.01.600 Holiday.

a) Effective immediately, the following schedule of paid holidays shall be provided to regular full time employees:

Holiday	Observance	
	Month	Day
New Year's Day	January	January 1st
Martin Luther King	January	3rd Monday
President's Day	February	3rd Monday
Memorial Day	May	Last Monday
Independence Day	July	July 4th
Labor Day	September	1st Monday
Veteran's Day	November	November 11th
Thanksgiving	November	4th Thursday
Day after Thanksgiving	November	4th Friday
Christmas Day	December	December 25th

b) Whenever any legal holiday falls upon a Sunday, then the following Monday shall be the legal holiday. Whenever any legal holiday falls upon a Saturday, then the preceding Friday shall be the legal holiday. Provided, by motion the Board of Commissioners may authorize all employees to coordinate the taking of a floating holiday on the same day effecting a close of the District's office and operations.

c) In addition to regular scheduled holidays listed in section 1.01.060 a), each regular full time employee shall be provided annually three floating holiday days. Floating holidays shall be accrued on the first working day of each calendar year or upon a new employee's date of hire.

d) Floating holidays must be used during the year in which they accrue and shall not carry over to the next year. Floating holidays must be taken in increments of 8 hours.

Employees shall not be compensated for any unused floating holidays upon separation from employment with the District.

e) Temporary, part time or seasonal employees shall not be eligible to receive paid holidays or floating holidays.

f) Section 5 of Resolution No. 331 is hereby repealed in its entirety.

g) Resolution No. 336 is hereby repealed in its entirety.

h) Resolution No. 640 is hereby repealed in its entirety.

1.01.700 Implementation and Administration.

The General Manager or such manager's designee is authorized to develop, write and use all written documents, forms, applications, receipts and accounting records to implement and administer any and all of the leave time policies and procedures set forth in this resolution.

1.01.900 Conflict.

Any and all resolutions or portions thereof in conflict with this resolution are hereby repealed in their entirety.

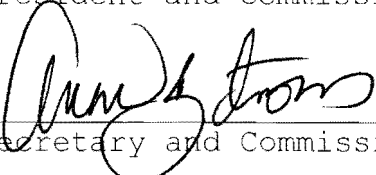
1.01.930 Severability.

Should any part or provision of this resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the resolution as a whole, or any part thereof other than the part declared to be invalid.

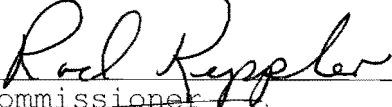
ADOPTED by the Board of Commissioners at a regular meeting of the Silver Lake Water & Sewer District, Snohomish County, Washington this 10th day of December, 2009.



President and Commissioner

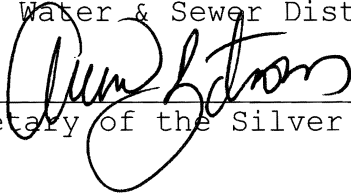


Secretary and Commissioner



Commissioner

I CERTIFY the above to be a true and correct copy of Resolution No. 645 adopted by the Board of Commissioners of the Silver Lake Water & Sewer District this 10th day of December, 2009 as said Resolution appears in the records of the Silver Lake Water & Sewer District.



Secretary of the Silver Lake Water & Sewer District