

**SILVER LAKE WATER & SEWER DISTRICT
SNOHOMISH COUNTY, WASHINGTON
RESOLUTION NO. 658**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SILVER LAKE WATER & SEWER DISTRICT, SNOHOMISH COUNTY, WASHINGTON, RELATING TO “ON-CALL,” “CALL BACK” AND OVERTIME PREMIUM PAY FOR DISTRICT EMPLOYEES.

WHEREAS, in the ordinary course of its operations Silver Lake Water and Sewer District (the “District”) must provide a variety of critical utility services 24 hours a day, 7 days a week; and

WHEREAS, the need for these services may occur when those employees who have the necessary skills to perform such services are not on duty; as a result, the District must ensure that skilled employees are always readily available by placing some employees on an “on-call” status; and

WHEREAS, the employee is not performing work during this time, but is expected to be generally available to respond to a “call-back” situation in accordance with District’s standards and requirements; and

WHEREAS, the District Board of Commissioners desire that the District maintain hiring competitiveness, ensure employee retention and satisfaction, and establish itself as a preferred employer; and

WHEREAS, the District’s on-call, call-back and overtime premium pay has not been adjusted or changed since 1997; and

WHEREAS, District staff has conducted two separate surveys of peer group agencies, including cities, special purpose districts and public utility districts to learn the methods, rates and work status that such peer groups use to determine the compensation of employees for on-call, call-back and overtime premium pay; and

WHEREAS, the District Board of Commissioners have reviewed this information; and have determined to establish new on-call, call-back and overtime premium pay policies; now, therefore,

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

I. PURPOSE OF POLICY

The District is responsible for operating and maintaining District-owned water and sewer utility systems and other facilities serving approximately 17,000 connections for a population of nearly 45,000 residents. Care for systems of this magnitude particularly during non-business hours is

critical and requires District staff to be available to respond to emergencies 24 hours a day, 7 days a week. The District ensures that skilled employees are always readily available by placing designated employees on an on-call status pursuant to an on-call schedule determined by the District Manager or designee in the District Manager's or designee's discretion. The purpose of this policy is to define and establish the standards for and expectations of employees performing on-call and call-back duties, and to provide fair and equitable compensation to those District employees performing such duties.

II. STATUS AND RESPONSE

1. **“On-Call” Status.** “On-call” status means that period of time falling outside of an employee's on-duty hours that the employee must be available by phone, pager or other electronic communication device for a possible “call-back” to duty in order to respond to District calls/emergencies. Although the employee is generally free to engage in his/her normal life activities while on call, the employee must be fit and able to report to work within an acceptably short period of time with actual total drive time from point of departure to the District boundary line being not more than thirty minutes. An employee who is on-call is required to report to work when called. Employees are prohibited from consuming alcohol or otherwise being under the influence of any mind-altering substance or illicit drug while on-call. On-call employees who are taking prescription medications which potentially compromise or impact their ability to safely perform their job duties, including operating a vehicle, should immediately notify the District of such and follow the District's general protocol for finding a substitute to perform on-call duties.

2. **“On-Call Back Up” Status.** For any period of time during the year in which the District administrative office is not open for business for any portion of the day for three or more consecutive days, the District shall have a qualified District employee in an on-call back up status. This means that the backup employee must follow the same standards and restrictions set forth above for on-call employees, and be prepared to respond to call-backs on an as-needed basis, as determined by the District. Employees designated as “back up” are eligible for compensation in accordance with the same criteria and formulas as the primary on-call person.

3. **Call-back.** A “call-back” is a period of time outside of an employee's on-duty hours when the District requires an employee to report back to work because of special needs or emergencies. If called back, any employee who reports to work must be fit and able to perform normal duties and other duties as may be reasonable under the circumstances, and in accordance with the District's applicable policies, standards and protocols.

III. COMPENSATION

1. **On-Call Status Pay.** Each employee shall be compensated for on-call status as follows: forty-five dollars (\$45.00) per day for any day in which the District administrative office is open for business for any portion of the day (typically normal weekdays); and seventy-five dollars (\$75.00) per day on any day in which the District administrative office is not open for business for any portion of the day (typically weekends, holidays and special office closures).

This pay is referred to as “On-Call Status Pay” and is included as part of a non-exempt employee’s regular rate of pay for purposes of calculating any overtime worked by the employee.

2. **Minimum Call-Back Pay.** Non-exempt employees who are called back to duty following the end of their regular shift will be paid for a minimum of two (2) hours, even if their actual work time was shorter; provided, that if the employee’s regular shift starts less than two (2) hours from the time the employee was called back, the employee shall receive call back pay only for such time as occurs before the employee’s regular shift starts; and provided, further, that if the employee is able to resolve the call-back by use of electronic communications, including telephone and/or SCADA communication via laptop or other computer telemetry without travel to the District facility or emergency worksite, the employee shall be compensated only for time actually worked, which shall be calculated based on fifteen (15) minute increments.

3. **Overtime.** The District shall pay overtime for all work that is actually performed by an employee which exceeds eight (8) hours in a day or forty (40) hours in a workweek. All overtime must be assigned, requested and/or approved in advance by the General Manager or designee. The District’s “work week” commences on Sunday at 12:[00] a.m. and runs through [11:59] p.m. on the following Saturday, unless otherwise established by the General Manager or designee with approval of the Board of Commissioners. The District does not include time not actually worked, such as paid vacation, sick or holiday leave, in its calculation of overtime. In the case of call-backs, except as otherwise provided in this Resolution below, non-exempt employees shall be paid overtime only to the extent that the call-back work performed by them exceeds the eight (8) hour daily and/or forty (40) hour workweek minimums provided for herein (“Overtime Work”).

4. **Overtime rates.**The standard overtime rate for a non-exempt employee shall be one-and-one half (1.5) times the regular rate of pay for that employee. The standard overtime rate shall be paid for overtime work (as defined above) performed on any day in which the District administrative office is open for business for any portion of the day (a “business day”). The non-business day overtime rate for a non-exempt employee shall be two (2.0) times the regular rate of pay for that employee. The non-business day overtime rate shall be paid for overtime work performed on any day in which the District administrative office is not open for business for any portion of the day, regardless of whether the work performed by the employee qualifies as Overtime Work.

IV. ADMINISTRATION OF THE POLICY:

1. **Recordkeeping:** Employees will report the total hours for on-call status and call-back pay on the timesheet provided by the Finance Department for inclusion of compensation in paychecks. For purposes of call-back pay, only that time actually worked by the employee shall be reported; the District will apply the minimum call-back pay criteria where applicable. Falsification of time records, including improper reporting of on-call or call-back work, is strictly prohibited and shall constitute grounds for serious disciplinary action, up to and including termination.

2. **Substitutions:** Employees may request in advance to have a substitute cover for him/her for a designated portion of the employee's scheduled on-call duties for reasons acceptable to and approved by the General Manager or designee. Each employee shall record the change in on-call status on the employee's respective time sheet. The hours which were covered by the substitute shall be deducted from the total on-call time of the primary employee, and shall be paid to the substitute.

3. **Emergencies:** Employees while on-call shall inform their immediate supervisor as soon as possible if, for some reason (example: sudden illness of self or a child) the employee knows the employee will not be available to answer a call.

4. **Non response:** An employee on on-call or back up status is subject to discipline, up to and including termination, if the employee does not respond and/or is not ready to work when called back. Should this occur, compensation for on-call status will normally be forfeited for the employee's entire on-call rotation, as determined by the General Manager or designee.

5. **Implementation and Administration.** The General Manager or 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 policies and procedures set forth in this resolution. The General Manager or designee is directed to review the policies and practices of this resolution every three years and present a report on these to the Board of Commissioners.

6. **INCONSISTENT POLICIES RESCINDED** All District resolutions, policies and procedures which are inconsistent with this resolution, including Resolution Nos. 331 and 478, are hereby rescinded, modified and superseded to be in accordance with this resolution.

V. TREATMENT OF TIME ON TIMESHEETS:

1. **Not considered work time:** Time spent on-call shall not be considered work time, and does not count toward hours of work for the purpose of calculating overtime. Although the on-call pay is combined with the employee's check or automatic deposit, the on-call compensation is separate from and is paid over and above the work hours in a work period.

2. **Subject to deductions:** On-call pay is subject to state and federal taxes, and retirement deductions.

VI. 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.

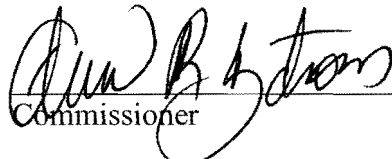
ADOPTED by the Board of Commissioners at a special open public meeting of the Silver Lake Water & Sewer District, Snohomish County, Washington this 10th day of November, 2010.



President and Commissioner



Secretary and Commissioner



Commissioner

CERTIFICATION

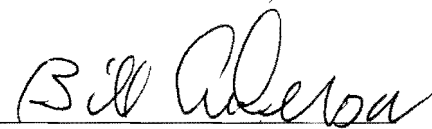
I, the undersigned, Secretary of the Board of Water and Sewer Commissioners of Silver Lake Water and Sewer District, Snohomish County, Washington (the "District"), hereby certify as follows:

1. The attached copy of Resolution No. 658 (the "Resolution") is a full, true and correct copy of the Resolution duly adopted at a regular meeting of the Board of Water and Sewer Commissioners of the District held at the regular meeting place thereof on 10th day of November 2010, as that Resolution appears on the Resolution Book of the District; and the Resolution will be in full force and effect immediately following its adoption; and

2. A quorum of the members of the Board of Water and Sewer Commissioners was present throughout the meeting and a majority of those members present voted in the proper manner for the adoption of the Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of November 2010.

SILVER LAKE WATER AND SEWER DISTRICT,
SNOHOMISH COUNTY, WASHINGTON



Bill Anderson, Secretary