

**SILVER LAKE WATER AND SEWER DISTRICT
SNOHOMISH COUNTY, WASHINGTON
RESOLUTION NO. 762**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SILVER LAKE WATER AND SEWER DISTRICT, SNOHOMISH COUNTY, WASHINGTON, RELATING TO “ON-CALL”, “CALL-BACK”, AND OVERTIME PREMIUM PAY FOR DISTRICT EMPLOYEES AND REPEALING RESOLUTION NO. 748.

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 the District’s standards and requirements; and

WHEREAS, the District’s 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 Board of Commissioners discussed the District’s overtime rules on June 14, 2018 and provided direction to staff to update the District’s policies to include paid time off in the calculation of hours worked; and

WHEREAS, the District has included an employee’s weekly on-call pay in the calculation of their overtime rate; and

WHEREAS, the District has had an informal rule that defined the normal commute area for same day travel as north of Seattle and Everett, and staff is recommending formalizing and simplifying the rule as a fifteen mile radius abutting Puget Sound; now, therefore,

BE IT RESOLVED by the Board of Commissioners of the Silver Lake Water and 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 18,170 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

General Manager or designee. 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 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’s 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 back-up 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’s 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’s 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 work following the end of their regular shift shall be paid a minimum of two (2) hours of overtime for such call outs. If an additional call out occurs within a two (2) hour period, no additional minimum is

warranted. Should a call out event exceed two (2) hours, then an employee's overtime status is determined as outlined in *Section 3 – Regular Overtime below*.

3. Weekly Call-Back Pay Included in Weekly Hourly Rate. For the purposes of calculating an FLSA non-exempt employee's standard overtime and non-business overtime rate when an employee is on on-call status, the employee's call-back pay earned during the week shall be included in the calculation for their standard and non-business day overtime rate.

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's facility or emergency worksite, the employee shall be compensated only for time actually worked, at the employee's overtime rate, which shall be calculated based on fifteen (15) minute increments.

If an additional call-out occurs within that first two-hour period, no additional minimum is warranted.

4. Regular 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 work week. 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 shall include paid time off, as outlined in Resolution No. 754 or its successor, in its calculation of overtime.

5. 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's 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's 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.

6. Hourly Overtime Pay Rate. For the purposes of calculating a FLSA non-exempt employee's standard and non-business day overtime rate, it shall be the employee's regular monthly salary divided by 168 hours.

7. Normal Commute Area. The normal commute area for the District shall be a radius of fifteen miles or abutting Puget Sound. The District shall follow the FLSA for determining if and for how long an employee is on paid status when traveling.

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 they 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. Resolution No. 748 is hereby repealed. All District resolutions, policies, and procedures which are inconsistent with this resolution, including Resolution No. 331, are modified, and superseded to be in accordance with this resolution.

V. TREATMENT OF TIME ON TIME SHEETS:

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 regular open public meeting of the Silver Lake Water and Sewer District, Snohomish County, Washington this 12th day of July, 2018.



President and Commissioner



Secretary and Commissioner



Commissioner

CERTIFICATION

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

1. The attached copy of Resolution No. 762 (the "Resolution") is a full, true and correct copy of the Resolution duly adopted at a regular meeting of the Board Commissioners of the District, held at the regular meeting place thereof on the 12th day of July, 2018, 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 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 12th day of July 2018.

**SILVER LAKE WATER AND SEWER DISTRICT,
SNOHOMISH COUNTY, WASHINGTON**

A handwritten signature in black ink, appearing to read "Anne Backstrom", written over a horizontal line.

Anne Backstrom, Secretary