

**SILVER LAKE WATER & SEWER DISTRICT  
SNOHOMISH COUNTY, WASHINGTON  
RESOLUTION NO. 767**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SILVER LAKE WATER & SEWER DISTRICT, SNOHOMISH COUNTY, WASHINGTON, RESTATING AND AMENDING THE DISTRICT'S PAID TIME OFF POLICIES FOR DISTRICT EMPLOYEES, THE DISTRICT'S ADDITIONAL LEAVE POLICIES, THE DISTRICT'S SHARED LEAVE AND HOLIDAY POLICIES; AND REPEALING RESOLUTION NO. 754.**

**Recitals**

**a.** On December 28, 2017, the Board of Commissioners approved Resolution No. 754, which created a new Sick Leave Policy effective January 1, 2018, that was consistent with the mandates of Washington State Initiative No. 1433 and its correlating regulations.

**b.** Separate from the above-referenced legal development, the District revisited its other paid time off policies and, in light of this review, through the adoption of Resolution No. 754, the District: (1) adopted a new Paid Time Off ("PTO") policy to replace its existing Vacation Policy; (2) restated its additional leave policies, including bereavement leave, jury duty leave, personal leave of absence, family and medical leave, maternity leave, military leave, military family leave and domestic violence leave; (3) amended its shared leave policy and (4) amended its holiday policy.

**c.** Since the passage of Resolution No. 754, a few gaps in the policies and an unintended definition have been identified. The District desires to: (1) further define the parameters of cash outs for accrued sick leave or paid time off upon separation of employment, as set forth in Sections 1.6 and 2.6 of Resolution No. 754; (2) further define eligibility for holiday pay, as set forth in Section 5 of Resolution No. 754; revise the definition of eligible family members to include parent-in-law for the District's bereavement leave, as set forth in Section 3.1 of Resolution No. 754; and (4) allow for cash out of additional accrued paid time off, as set forth in Section 2.5.3 of Resolution No. 754.

**d.** The District has determined that this is best accomplished by repealing Resolution No. 754 and replacing it with Resolution No. 767.

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

**1. Repeal and Replace Resolution No. 754:** Resolution No. 754 is hereby repealed in its entirety and replaced with the following resolution:

**1.01.005**      **Findings**

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

- a. Pursuant to state law, the District is authorized, and in some cases obligated, to provide certain time off to its eligible employees.
- b. The District recognizes the benefits that paid time off and other leaves of absences afford to its employees. The District not only wishes to comply with federal, state and/or local mandates regarding time off for its employees, but to also provide employees with the peace of mind and flexibility that accompanies such time off, subject to the parameters and conditions reasonably established by the District herein.
- c. The Board of Commissioners has determined that it is appropriate to repeal Resolution No. 754, adopted on December 28, 2017, and to adopt this resolution in its place, to reflect changes to both the law and to the District's current operational needs and desired policies and procedures.

**ARTICLE I: SICK LEAVE**

**1.1. Accrual**

**1.1.1** Commencing as of January 1, 2018, all nonexempt regular full time employees shall accrue sick leave at the rate of either (8) eight hours per month or one (1) hour for every forty (40) hours worked, whichever is greater. All regular part time or seasonal employees shall accrue (1) hour for every forty (40) hours worked. Exempt employees, who generally do not track and report their hours worked, shall accrue paid sick leave at the rate of eight (8) hours per month, or 96 hours per calendar year.

**1.1.2** Employees shall begin accruing sick leave as of their date of hire; however, employees will not be eligible to use paid sick leave until they have completed thirty (30) days of service with the District.

**1.1.3** Sick leave based on hours worked shall be calculated on hours actually worked by an employee, including overtime hours and any minimum call-back hours credited to the employee (which for purposes of this policy shall be considered "time worked"), but excluding holidays and other paid time off.

**1.2. Use of Sick Leave**

**1.2.1** Employees may use paid sick leave for any of the following reasons:

- a. An absence resulting from an employee's own mental or physical illness, injury or health condition; to accommodate the employee's need for medical diagnosis, care or treatment of a health condition; or the employee's need for preventative medical care.
- b. To allow the employee to provide care for a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis; care for a family member who needs preventative medical care.
- c. To care for a child (biological, adoptive, foster, step-child) or child for whom the employee stands in loco parentis, is a legal guardian for, or is a de facto parent) in an emergency situation that requires supervision.
- d. If the District is closed by order of public official for any health-related reason, or where the employee's child's school or daycare is closed for such a reason.
- e. Absences covered by the District's Domestic Violence Leave Policy; or
- f. In accordance with those reasons authorized by the Washington State Family Care Act.

**1.2.2** For purposes of this sick leave policy, "family member" means the employee's child (biological, adoptive, foster, step-child) or child for whom the employee stands in loco parentis, is a legal guardian for, or is a de facto parent; spouse or registered domestic partner; parent and parent-in-law, grandparent; grandchild or sibling.

**1.2.3** Nonexempt employees may use sick leave in increments of not less than fifteen (15) minutes. Exempt employees are generally not required to report absences of less than four (4) hours and therefore shall use sick leave in more than four (4) hour increments.

**1.2.4** Employees will be notified of their paid sick leave balances each month on their pay stub and/or separate statement, including accrued paid sick leave since the last notification, used paid sick leave since the last notification, and current balance of paid sick leave available for use.

### **1.3. Notification**

Employees should request to use their sick leave as far in advance as possible. This generally means that an employee should provide notice at least ten (10) days in advance of any planned or other foreseeable absence (such as for a planned appointment or procedure) and at least one (1)

hour prior to the employee's shift for any unforeseeable or emergent absence (unless such notice is not practicable under the circumstances, in which case the employee should provide notice as soon as practicable).

#### **1.4. Verification**

The District may require an employee to provide proof of illness, injury, or health condition from a qualified health care provider for absences of more than three (3) consecutive days, unless such verification would result in an unreasonable burden or expense to the employee, as established pursuant to Washington State regulation. If an employee believes that the required verification will result in an unreasonable burden or expense, the employee should notify the District of this, preferably in writing, and provide an explanation that (1) the employee's use of the sick leave is for one of the reasons authorized in Section 1.2 of this policy and (2) how the verification requirement will result in an undue burden or expense. Upon receipt of such notice from the employee, the District will consider the employee's explanation and proceed in accordance with the process set forth in WAC 296-128-660. Otherwise, failure to provide the required verification may result in a loss of leave benefits for that work period and/or may result in further disciplinary action.

#### **1.5. Carryover**

**1.5.1** At the end of each calendar year, employees may carry over up to 1,440 hours of paid sick leave into the following calendar year. Accrued sick leave beyond this maximum amount shall not be carried over into the following year and shall be forfeited.

**1.5.2** Any employee whose accrued sick leave exceeds the maximum carryover amount set forth in Section 1.5.1 above as of December 31, 2018 shall have such excess hours cashed out at twenty-five percent (25%).

#### **1.6. Cash Out**

**1.6.1** Upon retirement, an employee shall be paid twenty-five percent (25%) of the employee's accrued sick leave, at the employee's regular hourly rate of pay, up to a maximum cash out of 1,440 hours. For purposes of this policy, "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.

**1.6.2** Upon the death of an employee, the employee's estate shall be paid twenty-five percent (25%) of the employee's accrued sick leave, at the employee's regular hourly rate of pay, up to a maximum cash out of 1,440 hours.

- 1.6.3** Employees who voluntarily resign or who are laid off by the District due to a reduction in force or lack of work and who, in both cases, have completed at least five (5) years of continuous active service with the District shall be paid twenty-five percent (25%) of the employee's accrued sick leave, at the employee's regular hourly rate of pay, up to a maximum cash out of 1,440 hours; provided, that an employee who voluntarily resigns must provide the District with at least two (2) weeks' written notice of resignation as a condition to receiving payment for sick leave.
- 1.6.4** Employees whose employment is involuntarily terminated for any reason other than as set forth in Section 1.6.3 above shall not be eligible for sick leave cash out and accrued sick leave shall be forfeited upon termination of employment.
- 1.6.5** An employee's sick leave cash out shall be calculated based upon the employee's then-regular base hourly wage or salary (excluding overtime or any premium, specialty or incentive pay). The sick leave cash out shall be calculated as of the date of an employee's last day of actual work for the District, and shall be paid out on the next regular payday.
- 1.6.6** Sick leave cash out shall in all cases be capped at a maximum of 1,440 hours. Accrued sick leave which exceeds the maximum 1,440 hours shall not be cashed out and shall be forfeited upon termination of employment for any reason.

**1.7. Non-discrimination/Non-retaliation**

The District will not discriminate or retaliate against an employee for the lawful exercise of paid sick leave rights pursuant to state law. If an employee feels that he/she is being discriminated or retaliated against because of his/her lawful use of paid sick leave, the employee should notify the General Manager or Board President. If an employee is not satisfied with the District's response, the employee may contact the Washington State Department of Labor & Industries as follows:

**Online:** [www.lni.wa.gov/WorkplaceRights](http://www.lni.wa.gov/WorkplaceRights)

**Call:** 1-866-219-7321

**Visit:** [www.lni.wa.gov/Offices](http://www.lni.wa.gov/Offices)

**Email:** [ESgeneral@lni.wa.gov](mailto:ESgeneral@lni.wa.gov)

**ARTICLE II: PAID TIME OFF**

**2.1. Accrual**

- 2.1.1** Effective January 1, 2018, regular full-time employees shall accrue paid time off ("PTO") benefits in accordance with the following schedule:

Years of Service		Hourly Vacation Accrual	
		Monthly	Annual
0	1	6.75	81
1	2	8.00	96
2	3	8.00	96
3	4	10.00	120
4	5	10.00	120
5	6	12.00	144
6	7	12.00	144
7	8	12.00	144
8	9	12.00	144
9	10	14.00	168
10	11	14.00	168
11	12	14.75	177
12	13	14.75	177
13	14	15.50	186
14	15	15.50	186
15	16	15.50	186
16	17	16.00	192
17	18 +	16.75	201

For purposes of this policy, “completed years of service” shall be measured as of the employee’s anniversary date.

**2.1.2** Regular part-time employees shall accrue PTO benefits at a rate of (1) one hour for every forty hours worked. Hours worked shall be calculated based upon on hours actually worked by an employee, including overtime hours and any minimum call-back hours credited to the employee, which for purposes of this policy, shall be considered “time worked”, but excludes holidays and other paid time off.

**2.1.3** Commencing January 1, 2018, employees shall accrue PTO benefits on a monthly basis, in accordance with the accrual rate set forth in Section 2.1.1. For existing employees, the District shall calculate and deposit that vacation leave, which has accrued to them as of December 31, 2017 under Resolution No. 645, and shall deposit these hours into each employee’s respective PTO banks as of January 1, 2018.

- 2.1.4** Regular employees shall begin accruing PTO benefits as of their hire date and may use PTO benefits as accrued.
- 2.1.5** Temporary and seasonal employees shall not be entitled to accrue or receive PTO benefits.
- 2.1.6** Eligible employees shall accrue PTO benefits only if the employee is paid for at least eighty percent (80%) of the total number of the employee's regular work hours for that pay period. Employees who are paid for less than 80% of the total number of the employee's regular work hours for that pay period shall not accrue PTO benefits.
- 2.1.7** Employees granted a leave of absence without pay shall not accrue PTO benefits during said leave of absence. Except as otherwise required by law, the duration of the unpaid leave of absence shall not be credited towards an employee's "completed years of service" for purposes of determining the employee's PTO accrual rate; upon return from an unpaid leave of absence, the employee's prior service (before the unpaid leave of absence) shall be used to calculate the employee's PTO accrual rate moving forward.
- 2.1.8** Notwithstanding anything to the contrary in this Section 2.1 or elsewhere in this Resolution, and in the interest of facilitating an effective and competitive employment recruitment process for the District, the General Manager shall have the discretion and authority to provide accrued PTO benefits to new employees upon hire and/or to accelerate a new employee's PTO accrual rate, to attract experienced and/or highly qualified employees. The General Manager shall exercise his/her discretion based upon the operational and staffing needs of the District, the qualifications and experience of the desired candidate, and the particular circumstances at the time of hire. Except as specifically authorized by the General Manager, any PTO awarded under this Section 2.1.8 shall otherwise be subject to all terms and conditions set forth in this PTO policy, and the General Manager's exercise of his/her authority pursuant to this section shall not be construed as a promise of any future treatment of or additional consideration to the recipient employee.

## **2.2. Use of PTO**

- 2.2.1** Upon prior approval of the General Manager or the General Manager's designee, employees may use accrued PTO for vacation or other personal reasons.
- 2.2.2** Permissible use of PTO includes to care for the employee's (1) minor child with a health condition that requires supervision; (2) spouse, registered domestic partner, parent, parent-in-law, or grandparent with a serious or emergency health condition;

or (3) adult child who is incapable of self-care because of a physical or mental disability.

**2.2.3** An employee may only use PTO as it is accrued; PTO will not be advanced by the District.

**2.2.4** Nonexempt employees may use PTO leave in increments of not less than fifteen (15) minutes. Exempt employees are generally not required to report PTO of less than four (4) hours and therefore shall use PTO leave in more than four (4) hour increments.

### **2.3. Scheduling**

PTO will be approved and scheduled after consideration is given to the District's operational and staffing needs. Accordingly, employees are encouraged to request PTO as far in advance as possible, as requests will be typically considered on a first-come, first-serve basis. The District reserves the right to disallow PTO requests if the General Manager or the General Manager's designee determines, in his/her discretion, that the requested use of PTO would unduly interfere with or disrupt District operations and/or staffing levels.

### **2.4. Verification**

In cases where PTO is requested for the employee or the employee's family member's serious or emergency health condition, the District reserves the right to require, in its discretion, that an employee provide medical verification of such health condition from a qualified medical care provider, regardless of the duration of the leave.

### **2.5. Maximum Accrual for PTO**

**2.5.1** Effective January 1, 2019, an employee may have a maximum accrual of 480 hours of PTO at any time.

**2.5.2** Existing employees whose PTO benefits exceed this maximum accrual amount during 2018 must either use this excess PTO by December 31, 2018, or they will receive a one-time cash out of the excess PTO accrued to them as of December 31, 2018, which cash out shall be paid to the employee in the final payroll period of 2018.

**2.5.3** Effective January 1, 2018, employees who use a minimum of 80 hours of PTO benefits during a calendar year, but who still have at least 400 hours of accrued PTO benefits as of December 31 of each calendar year, may elect upon written application to the General Manager to cash out up to 40 hours of said accrued PTO benefits. Additionally, employees who use a minimum of 120 hours of PTO benefits during



a calendar year, but who still have at least 400 hours of accrued PTO benefits as of December 31 of each calendar year, may elect upon written application to the General Manager to cash out an additional 40 hours, for a total of 80 hours, of said accrued PTO benefits. In order to receive this cash out, employees must submit their written application to the General Manager no later than December 15<sup>th</sup> of each year, and such cash outs shall be paid to the employee in the final payroll period of each calendar year.

## **2.6. Cash Out**

- 2.6.1** Upon retirement or death of an employee, the employee's accrued PTO benefits shall be cashed out to the employee (or the employee's estate).
- 2.6.2** Employees who voluntarily 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 (1) year of continuous active service with the District, shall be cashed out their accrued PTO benefits; provided, that an employee who voluntarily resigns must provide the District with at least two (2) weeks written notice of resignation as a condition to receiving payment for PTO benefits.
- 2.6.3** Employees who are involuntarily terminated by the District for any reason other than as set forth in Section 2.6.2 above shall not be eligible for a cash out of their accrued PTO, and such PTO shall be forfeited upon termination of employment.
- 2.6.4** For purposes of this PTO policy, cash outs of PTO benefits shall be at a rate of 100%. PTO cash outs shall be calculated based upon the employee's then-regular base hourly wage or salary (excluding overtime or any premium, specialty or incentive pay). The cash out of PTO shall be calculated as of the date of an employee's last day of actual work for the District, and shall be paid out on the next regular payday.
- 2.6.5** PTO cash outs prior to December 31, 2018 will be permitted up to the employee's accrued PTO balance.
- 2.6.6** PTO cash outs after December 31, 2018 shall, in all cases, be capped at the maximum accrual of 480 hours.
- 2.6.7** Employees will be notified of their PTO balances each month on their pay stub and/or separate statement, including accrued PTO leave since the last notification, used PTO since the last notification, and the current balance of PTO available for use.

## **2.7. Records**

The General Manager, or General Manager's designee, shall maintain the official District records of accrued Sick Leave and PTO benefits for all employees.

### **ARTICLE III: ADDITIONAL LEAVE POLICIES**

## **3.1 Bereavement Leave**

**3.1.1** Regular full-time employees may receive up to three (3) days of paid bereavement leave upon the death of the employee's child, including biological, adoptive, or foster child, stepchild or a child for whom the employee stands in loco parentis, is a legal guardian for or is a de facto parent; parent, including biological, adoptive, de factor, or foster parent, stepparent, or legal guardian of an employee, parent-in-law, or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child, sibling, grandparent, grandchild, sibling-in-law, or stepsiblings, or other relatives living as a member of the immediate household of the employee. The employee may request additional days of PTO or sick leave for purposes of bereavement, subject to the approval of the General Manager or the General Manager's designee.

**3.1.2** Regular part-time employees may receive up to three (3) days (prorated, based on the percentage of their regular part-time weekly hours divided by 40) of paid bereavement leave upon the death of those family members listed above. The employee may request additional days of PTO or sick leave or floating holiday for bereavement, subject to the approval of the General Manager or the General Manager's designee.

## **3.2 Jury Duty Leave**

Regular full time employees called upon for jury duty 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 General Manager may, in the General 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 (1/2) day or longer shall return to work immediately and work the remainder of the day.

### **3.3 Personal Leave of Absence**

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

### **3.4 Family and Medical Leave<sup>1</sup>**

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, 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 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.

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<sup>1</sup> *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., Ch. 49.78 RCW and/or related regulations, as such do not apply to District employees. The District expressly reserves the right to amend, alter or eliminate this policy, in its discretion.*

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 type 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 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, consecutive, full 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 PTO leave) available to them as part of their 12 weeks of leave. Paid leave may not be used as an extension of a leave. If requesting leave, you are required to notify the District if you use paid leave for a reason covered by the family and medical leave policy so that the District may designate the leave as counting against your family and medical leave allowances. Sick leave and PTO 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 General 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.

### **3.5 Pregnancy Disability Leave**

Female employees are entitled to an unpaid pregnancy disability leave of absence for the period of her actual disability due to pregnancy, childbirth or related medical conditions. Pregnancy disability 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 to the General Manager of the intended leave dates at least thirty (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.

### **3.6 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 1<sup>st</sup> and ending the following September 30<sup>th</sup>. 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.

### **3.7 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 chapter 3.7 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 chapter 3.7.

### **3.8 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 (PTO 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; or
- 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.

## **ARTICLE IV: SHARED LEAVE PROGRAM**

### **4.1 Employee Leave Donation Policy**

The purpose of this shared leave program is to permit regular full-time District employees, at no additional cost to the District other than the cost of administering the program, to come to the aid of a fellow regular full-time employee who is experiencing a medical emergency or who has been affected by a major disaster, which has caused or is likely to cause the employee to take leave without pay or to terminate his/her employment.

Regular full-time employees may voluntarily transfer such employee's accrued sick leave or PTO benefits to another regular full-time employee in accordance with this policy. The donation of leave is strictly a voluntary decision. No employee shall be pressured, threatened, intimidated, or induced into donating leave pursuant to this shared leave program, and any employee violating this prohibition shall be subject to disciplinary action.

### **4.2 Eligibility to Receive Donated Leave**

A regular full-time employee shall be eligible to receive leave under the District's shared leave program only if each of the following criteria are met:

- 4.2.1** The recipient employee is in a regular, full-time, active status as an employee of the District. Temporary or seasonal employees, employees in inactive status and/or

employees who give notice of their voluntarily termination of employment shall not be eligible for donated leave.

- 4.2.2 The recipient employee or the recipient employee's family member suffers from an illness, injury, impairment, or a physical or mental condition that qualifies as a "serious health condition" under the District's Family & Medical Leave Policy, or the leave is otherwise for a reason authorized under the District's Sick Leave Policy.
- 4.2.3 The recipient employee has been adversely affected by a major disaster or emergency. For purposes of this policy, "major disaster or emergency" shall mean: (1) a disaster declared by the President of the United States under Section 401 of the Stafford Act (42 U.S.C. Section 5170) that warrants individual assistance or individual and public assistance from the federal government under that Act; or (2) a disaster or emergency as declared by the President pursuant to 5 U.S.C. Section 6391, in the case of employees described in that statute.
- 4.2.4 The recipient employee has depleted, or is about to deplete, all of the recipient employee's sick leave, PTO benefits and other paid time off accrued to the recipient employee.
- 4.2.5 The recipient employee has diligently pursued and has been found to be ineligible for state industrial insurance benefits and/or long term or short term disability benefits, as applicable, or such benefits have been exhausted.
- 4.2.6 The recipient employee has complied with and remains in compliance with the District's Sick Leave and Attendance Policies.
- 4.2.7 Donated leave will be posted to the recipient's sick leave bank.

### **4.3 Eligibility to Donate Leave**

An employee may donate his/her accrued sick leave and/or PTO benefits to an eligible employee (as designated by the donating employee); provided that the donor employee meets the following criteria:

- 4.3.1 The donor employee is a regular full-time employee who has been continuously employed by the District for at least one (1) year and is in regular, active status as an employee of the District.
- 4.3.2 The donor employee must have a minimum balance of 240 hours of accrued sick leave prior to the donation of sick leave, if sick leave is to be donated; and a minimum of 40 hours of accrued PTO benefits, prior to the donation of PTO, if PTO



is to be donated. The donation may not cause the donor employee's accrued leave to fall below this minimum balances.

- 4.3.3** The minimum balances set forth in subsection 4.3.2 shall be prorated for part-time employees who wish to donate leave.

#### **4.4 Administration of Donated Leave**

##### **4.4.1 Recipient Employee**

- a.** An employee wishing to receive shared leave shall submit a written application, in a form to be provided by the District, to the General Manager. Where the leave is requested for a serious health condition of the employee or the employee's family member, the recipient employee shall be required to provide a satisfactory certification from a qualified health care provider verifying the health condition.
- b.** The General Manager shall be responsible for determining the employee's eligibility for donated leave under this policy.
- c.** An eligible employee may receive up to 240 hours of shared leave in any rolling 12-month period, based on (1) the recipient employee's actual need under the circumstances; and (2) the amount of donated leave hours available. In no event shall the amount of leave received by the recipient employee exceed the projected duration of the employee's absence.
- d.** Prior to using the donated leave, the recipient employee must have exhausted all of their accrued paid leave.
- e.** When the donated leave is being used for the recipient employee's or the recipient employee's family member's serious health condition, the use of donated leave shall be concurrent with the recipient employee's use of family and medical leave and may not be used to extend such family and medical leave. An employee may use donated leave on an intermittent basis, consistent with the District's Family and Medical Leave Policy.
- f.** While a recipient employee is on leave under this shared leave program, the employee shall continue to receive the compensation and benefits that the employee would otherwise receive if the employee was in regular pay status. The total compensation and benefits of an employee using donated leave shall not exceed the amount the employee would have received if the employee had been in regular pay status.

- g.** A recipient employee shall remain eligible to accrue paid leave while in paid status as the result of donated leave pursuant to this shared leave policy.

#### **4.4.2. Donating Employee**

- a.** Donation of sick leave and/or PTO benefits is strictly voluntary.
- b.** An employee wishing to donate accrued leave must complete and submit a shared leave donation form, to be provided by the District.
- c.** The General Manager shall be responsible for ensuring that the donating employee has met the donation requirements set forth in this policy.
- d.** Donations of leave must be in 4 hour increments and may not exceed 80 hours total per donating employee (whether for sick leave, PTO benefits, or both) in any calendar year.
- e.** A donation of leave, once made, is irrevocable and shall not be returned to the donor employee, even if not used by the recipient employee.

#### **4.4.3 General**

- a.** The General Manager shall be responsible for administering the donation and receipt of shared leave. Shared leave shall be administered on an “hour for hour” basis, meaning that the donated leave shall be credited to the recipient employee at the recipient employee’s base rate of pay (irrespective of whether the donor employee’s rate of pay is greater or less than the recipient employee’s rate of pay).
- b.** Shared leave shall constitute taxable income to the recipient upon the recipient’s use of the shared leave, and all normal payroll taxes and withholdings shall be taken from the shared leave as it is used by the recipient employee.

### **ARTICLE V: HOLIDAYS**

- 5.1** Regular full time employees shall receive the following holidays off with pay at their regular hourly rate of pay:

Holiday	Observance	
	Month	Day
New Year's Day	January	January 1st
Dr. Martin Luther King Jr. Day	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	Day after Thanksgiving
Christmas Day	December	December 25th

If a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday. If a holiday falls on a Sunday, the following Monday shall be observed as the holiday.

- 5.2** In addition to the observed holidays listed above, each regular full-time employee shall receive three (3) floating holidays per calendar year. Floating holidays shall accrue as of January 1 of each calendar year, and upon a new employee's date of hire. Floating holidays must be used in the year during which they accrue and may not be carried over into the following year; Floating holidays which are not used in the year in which they accrue shall not be cashed out to the employee and shall be forfeited. Floating holidays should be requested as far in advance as possible and will be scheduled on a "first come, first serve" basis, in consideration of the operational and staffing needs of the District. Floating holidays must be taken in 8-hour increments. The Board of Commissioners may, in its discretion, authorize all District employees to coordinate the taking of a floating holiday on the same day, effectuating a close of the District's office and operations.
- 5.3** To be eligible for Holidays, an employee must be an employee of the District on both the regular work day preceding and following the Holiday. Part-time and temporary/seasonal employees shall not be eligible to receive paid holidays or floating holidays.
- 5.4** In addition to the holidays set forth above, each District employee shall be entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church or religious organization. An employee, in consultation with his/her supervisor, may select the days on which the employee desires to take the two unpaid holidays; provided, that such holidays are taken in a manner consistent with the purpose of this leave. Employees may use their accrued PTO benefits in connection with these otherwise unpaid holidays. Requests for an unpaid holiday provided by this policy should be submitted in writing to the employee's supervisor a minimum of four (4) weeks prior to the requested day. Requests for such holidays shall be considered on a case-by-case basis, based upon the

specific objective facts and circumstances presented at the time of the request. The District reserves the right to disallow any holiday request if it would unduly disrupt operations or otherwise impose an undue hardship for the District, or if the employee is necessary to maintain public safety. For purposes of this policy, the term “undue hardship” shall have the same meaning established by rule by the Office of Financial Management, as codified in WAC 82-56-202. The unpaid holidays provided under this policy shall not carry over from one year to the next.

#### ARTICLE 6: MISCELLANEOUS


- 6.1 For purposes of this resolution, “domestic partner” means “state registered domestic partner,” as defined in RCW 26.60.020 (1).
- 6.2 The General Manager or the General Manager’s designee is authorized to develop and implement those written documents, forms, applications, receipts and accounting records necessary for the implementation and/or administration of the policies and procedures set forth in this resolution.
- 6.3 Any and all resolutions or portions thereof that conflict with this resolution are hereby repealed to the extent of the inconsistency and/or conflict.
- 6.4 If any part or provision of this resolution should 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 8<sup>th</sup> day of November, 2018.

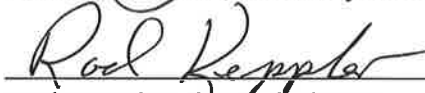
#### BOARD OF COMMISSIONERS



Willis (“Bill”) Anderson, President and Commissioner



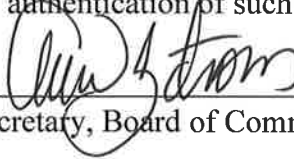
Anne Backstrom, Secretary and Commissioner



Rod Keppler, Commissioner

**ATTEST**

I, Anne Backstrom, Secretary of the Board of Commissioners of Silver Lake Water and Sewer District, Snohomish County, Washington, do hereby certify that the foregoing resolution is a true and correct copy of Resolution No. 767 of such Board, duly adopted at a regular open public meeting thereof held on the 8<sup>th</sup> day of November, 2018, signed by the members of such Board in attendance at such meeting and attested to by myself in authentication of such adoption.



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Secretary, Board of Commissioners