

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Wendy Wefer-Clinton - ADS/HR	WWC	11/30/98	<div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">RECEIVED</div> <div style="font-size: 1.5em; font-weight: bold; margin-top: 10px;">DEC 2 1998</div> <div style="font-size: 1.2em; font-weight: bold; margin-top: 10px;">WHATCOM COUNTY COUNCIL</div>	12/8/98	Finance & Admin. Svcs Comm.
Division Head: Karen Sterling Goens - HR	KS	11/30/98		12/8/98	Committee of the Whole
Dept. Head: David G. Wareing	DW	11/30/98		12/8/98	Council
Prosecutor					
Purchasing/Budget:					
Executive:	PK	12/1/98			

**SUBJECT:**

The Resolution for adopting Policies and a Salary Schedule for Unrepresented Whatcom County Employees for 1999.

**ATTACHMENTS:**

Resolution

Related County Contract #:

Should Clerk schedule a hearing: NO / X / YES / \_\_ / Requested Date:

**SUMMARY STATEMENT:**

This resolution adopts policies and a salary schedule for Unrepresented Whatcom County employees for 1999.

**Ordinance & Resolution Distribution Request**  
To keep down our copying costs, indicate only those who must receive a copy after Council action. List names to the right.

ADS Facilities Management	
ADS Finance	
ADS Human Resources	X
ADS Info Services	
Assessor	
Auditor	
Cooperative Extension	
District Court	
Executive	
Health	
Hearing Examiner	
Jail	
Juvenile	
Parks	
Planning	
Prosecutor	
Public Works	
Sheriff	
Superior Court	
Treasurer	
Other	

**RECOMMENDED ACTION:**

Adopt

**COUNCIL ACTION TAKEN:**

1998 - 418 12/8/98: Approved 5-2, Brown, Brenner Opposed - Res. #98-079

R.

Ordinance or Resolution Number  
(this item): **RES #98-079**

SPONSORED BY: Finance & Admin. Svcs. Committee

PROPOSED BY: Executive

INTRODUCTION DATE: December 8, 1998

RESOLUTION NO. 98-079

**A RESOLUTION IN THE MATTER OF ADOPTING  
A SALARY SCHEDULE AND POLICIES FOR UNREPRESENTED  
WHATCOM COUNTY EMPLOYEES FOR THE YEAR 1999**

**WHEREAS**, it is necessary to establish policies and salaries for the unrepresented employees; and,

**WHEREAS**, the Whatcom County Council hereby adopts the following policies for administration of personnel issues affecting unrepresented employees, and,

**WHEREAS**, the Whatcom County Council hereby adopts the concept of a salary matrix as the basis of establishing salaries for a majority of the non-represented employees;

**NOW, THEREFORE, BE IT RESOLVED**, that the Council intends that the Administration should follow the policies set forth below and should place non-represented employees within the proper range and step according to the authorized positions contained in the adopted budget;

**AND FURTHER, THEREFORE, BE IT RESOLVED**,

**1. DEFINITIONS**

**1.1** “**Unrepresented employee**” is defined as either elected officials or non-represented employees.

**1.2** “**Elected official**” is defined as only those officials elected pursuant to the provisions of the Whatcom County Charter and Washington State Law.

**1.3** “**Non-represented employee**” is defined as all other unrepresented employees who are appointed to a budgeted full-time equivalent position.

**1.4** “**Full-time equivalent**” and “**FTE**” are both defined as the currently assigned percentage, yet not to exceed currently budgeted full-time equivalency of a position, as authorized by budget ordinance.

## **2. ELECTED OFFICIALS' SALARIES**

The monthly salaries of the Whatcom County Elected Officials, which include a 2.0% increase over the January 1, 1998 salary amounts, shall be established herein as follows:

<u>Elected Official</u>	<u>1999 Monthly Salary</u>	<u>Percentage</u>
Executive	\$7,299	101.00
Prosecuting Attorney	7,227	100.00
Sheriff	5,513	76.29
Auditor	4,799	66.41
Treasurer	4,799	66.41
Assessor	4,799	66.41
Council Member*	1,095	

\* Per Resolution 95-016 which states, "Whereas the Whatcom County Charter prohibits any Council member from receiving a salary in excess of 15% of the County Executive's salary".

## **3. NON-REPRESENTED EMPLOYEES' SALARY MATRIX**

The monthly salaries of the non-represented employees shall be established within the ranges and steps provided in Exhibit A, "Non-Represented Employees' Salary Matrix - effective January 1, 1999", which provides for a 2.0% increase over the January 1, 1998 matrix at step D of range 100. Movement from range 100, step D, is 3.8% between steps up and down and 4.3% between ranges. Monthly salary amounts indicated are for one (1.00) FTE. These amounts will be pro-rated for fractional FTE's.

## **4. OTHER NON-REPRESENTED EMPLOYEES**

Those non-represented employees not on the Non-Represented Employees' Salary Matrix shall be paid a monthly salary, pro-rated for fractional FTE's as follows:

### **4.1 Court Commissioners.**

Superior Court Commissioner	\$6,733
District Court Commissioner	6,405.50

Court Commissioners for 1999 are to be paid at the rate of 80% of the comparable state Court Judge salary level. Any changes in these Judges' salaries during 1999 will be reflected in the comparable Court Commissioners' salaries.

### **4.2 Court Reporter and Health Officer.**

Court Reporter	\$3,910
Health Officer	7,501

The salary amounts for Court Reporter and Health Officer provide for a 2.0% increase over the January 1, 1998 salary amounts.

## **5. COMPENSATION & EMPLOYMENT OPPORTUNITIES**

**5.1 Step Movement.** Within the Non-Represented Employees' Salary Matrix, all steps shall be awarded on the basis of successful job performance. Employees shall advance to the next step following twelve (12) months' service after their previous movement, on the first day of the appropriate month.

**5.2 Position Movement.** Individuals who are promoted or reclassified per written approval of the Executive's Office into a higher position shall move to the step in the new range that provides at least a 5% increase in base salary, not to exceed the top step of the assigned range. Individuals moving to a position in a lower range may have a salary adjustment up or down depending upon individual qualifications for the position, the nature of the work performed and internal equity.

**5.3 Overtime & Compensatory Time Pay.** The provisions for overtime payments and compensatory time (for over 40 hours in a week) apply only to non-represented employees who are covered as non-exempt by the Federal Fair Labor Standards Act (FLSA).

In recognition of the contributions non-represented employees sometimes make in working far beyond the hours required in a regular work week, and the fact that FLSA-exempt employees do not get overtime or compensatory time, the Executive's Office has authority to award deserving non-represented employees up to five (5) days of paid administrative leave per year. These days must be used in the year awarded and may not be cashed out.

The Executive is empowered to authorize extra pay for non-represented employees during a period of extraordinary circumstances (such as a strike, emergency conditions, etc.).

**5.4 Interim Assignment Pay.** From time to time, employees may be asked to cover all or part of the duties of another position for special assignments or during periods of extended absence or vacancy. In these instances, Interim Assignment pay may be awarded. Department heads shall discuss appropriate rate of Interim Assignment pay with Human Resources and must receive written authorization from the Executive's Office to award it.

**5.5 Binding Arbitration Adjustment.** In recognition of the fact that two bargaining units within the Sheriff's Department have access to binding interest arbitration, unrepresented employees in the Sheriff's Department shall receive pay increases which are approximately equivalent to cost-of-living increases received by employees directly reporting to them (Exhibit B). In the case of unsettled bargaining agreements, unrepresented employees will receive the same cost-of-living increase awarded unrepresented employees with any retroactivity for cost-of-living increases applied to applicable collective bargaining unit settlement also applied to affected unrepresented employees within the Sheriff's Department. Unrepresented employees in the Sheriff's Department who must maintain a dress uniform shall receive the same annual clothing allowance as received by employees directly reporting to them.

**5.6 Employment Opportunities.** Non-represented employees who wish to apply for a union position before it is advertised to the public may do so by the posted closing date for union members. Non-represented applications will be reviewed only if there are no current eligible represented employees who apply or who are selected for the opening. The County, at its sole discretion, may or may not select non-represented employees for any type of opening or may proceed with a public posting and include the non-represented employees in the employment process.

**5.7 Disciplinary Suspensions.** FLSA-exempt employees are not subject to unpaid disciplinary suspensions except in increments of full work-weeks unless the infraction leading to the suspension is for a violation of a safety rule of major significance.

**5.8 Employment at Will.** Employment for non-represented employees is at will, which means that either the employee or the County can end the employment relationship without being legally required to give notice or a reason except as stipulated herein or by County policy.

## **6. SCHEDULING**

The hours of operation may vary between departments and divisions in order to better serve the public. The hours and the basic workday or workweek may be modified to accommodate flexible scheduling or to attend to County business. Flex time may be used for personal employee business or to make up doctor, vision or dental appointments. Both flexible scheduling and flex time require the mutual agreement of the employee and the department head, shall provide for no reduction in service to the public and must not increase the County's compensation costs.

## **7. LEAVES**

**7.1 Sick Leave.** For the purpose of sick leave benefits, sick leave shall accrue to each employee from their date of hire in the amount of eight (8) hours for each month of employment, if benefits eligibility criteria is met, to a maximum of nine hundred and sixty (960) hours. Sick leave may be taken as accrued and may be used in increments of less than one scheduled workday. An employee who has accrued nine hundred and sixty (960) hours as of December 31 of any year shall be allowed to accrue up to one thousand and eight (1,008) hours of sick leave during the year immediately subsequent. These additional forty-eight (48) hours may not be cashed out, and the employee's total accrual reverts back to no more than 960 hours at the end of the year.

**7.1.1 Part-Time Employees' Accrual Rate.** Part-time employees' accrual rate will be pro-rated per FTE.

**7.1.2 Sick Leave for Spousal Care.** Sick leave can be used to care for an ill spouse or registered spousal equivalent for up to forty (40) hours per year. The length of absence to care for a spouse or registered spousal equivalent may be extended with the written approval of the employee's department head and the Executive's Office.

**7.1.3 Sick Leave Cashout.** An employee with three (3) or more years of employment with the County shall be entitled to sick leave cashout upon voluntary termination or layoff in the amount of twenty five (25%) percent, or fifty (50%) percent if hired before May 15, 1984. Employees must give at least thirty (30) days notice prior to termination to be eligible for sick leave cashout.

**7.1.4 Sick Leave Sharing.** Sick leave sharing is available to non-represented employees per Administrative Procedure 3.2400.

**7.2 Vacation.** For the purposes of vacation schedule, non-represented employees (except court reporters and superior court commissioners) shall be entitled to vacation accrual benefits if benefits eligibility criteria is met. Accruals will be in accordance with the following schedule with the first employment year being the year hired and subsequent employment years being the first of the year:

During 1st through 4th employment year	accrue 10.00 hours per month
During 5th through 9th employment year	accrue 13.34 hours per month
During 10th and subsequent years	accrue 16.67 hours per month

Vacation leave may be taken as accrued and may be used in increments of less than one scheduled workday. No more than two hundred and forty (240) vacation hours may be carried forward from one year to the next, unless under extraordinary circumstances prior approval from the Executive's Office is obtained. Unused vacation in excess of 240 hours on December 31 shall be forfeited. The express purpose of vacation leave is to allow employees to take time away from work to relax, recreate and otherwise attend to personal matters. It is the policy of Whatcom County that non-represented employees shall take the regular vacation time allocated each year for the good of the County and the employee. Under extraordinary circumstances and by mutual written agreement between the non-represented employee, the department head and Executive's Office, up to forty (40) hours of vacation can be cashed out each calendar year.

**7.2.1 Part-Time Employees' Vacation Accrual Rate.** Part-time employees' vacation accrual rate will be pro-rated per FTE, and FLSA non-exempt employees will receive extra vacation pay based on extra hours worked above the assigned FTE (not to exceed equivalent of 1.00 FTE).

**7.2.2 Voluntary Demotion.** If an employee takes a voluntary demotion, they may choose to receive payment for the difference in pay on any vacation hours accrued at the time of the demotion.

**7.3 Holidays.** Paid holidays will be available as posted on an annual basis. Employees who are required to work, because state law requires an office to remain open on the day before Christmas, shall receive two days off with pay which must be taken by December 31 of the following year. These days cannot be carried over or cashed out.

**7.3.1 Part-Time Employees' Holiday Pay.** Part-time employees will receive holiday pay based on their FTE, and FLSA non-exempt employees will receive extra holiday pay based on extra hours worked above the assigned FTE (not to exceed equivalent of 1.00 FTE).

**7.3.2 Personal Holiday.** Each employee shall receive one (1) Personal Holiday each calendar year, not to exceed eight (8) hours. Part-time employees receive one (1) Personal Holiday equivalent to their FTE on January 1. Personal Holidays must be used in the year they are earned, unless prior to the end of that year, written approval to carry it over is obtained from the department head and the Executive's Office.

**7.4 Jury Duty & Military Leave.** Non-represented employees considered exempt under the Federal Fair Labor Standards Act (FLSA) shall have no deduction in salary for absences caused by jury duty or temporary military leave. Jury duty and military leave will be provided as described in Personnel Policies and Procedures or per current laws.

**7.5 Bereavement Leave.** Bereavement leave shall be provided to employees who suffer a death in the immediate family of up to five (5) days off without loss in pay. Immediate family members include a spouse or registered spousal equivalent, child or parent (including step) of either the employee or the employee's spouse. Up to three (3) days off without loss of pay is available for other close family members (including step): brother, sister, grandchildren or grandparents of either the employee or the employee's spouse. Additional days off without pay or using accrued leave may also be available upon written approval of the department head and the Executive's Office.

**7.6 Civil Leave.** Civil leave with pay shall be allowed to permit an employee to testify in any federal, state or municipal court when a subpoena compels such testimony and such testimony is on behalf of Whatcom County or is in connection with a matter in which Whatcom County is a party.

**7.7 Family Leave.** The County agrees to provide unpaid leave to any eligible employee covered by this Agreement, consistent with the Washington State Family Leave Act, Washington State Family Care Act and the Federal Family and Medical Leave Act (FMLA). Employees are not required to use accrued vacation time or compensatory time off before commencing unpaid family leave. If leave pursuant to FMLA stipulations would also qualify as leave under any other County benefit, policy or type of leave, the period of the FMLA leave will apply toward an employee's entitlement for each type of leave that may be applicable.

**7.8 Paternity Leave.** Sick leave to a maximum of two (2) days shall be available for use by a male employee at the time of delivery of a child by his legal spouse. Additional days may be allowed at the discretion of the department head with approval of the Executive's Office.

**7.9 Maternity Leave.** Accrued sick leave may be utilized for maternity/disability leave. In the event sick leave is exhausted before the employee returns to work, any vacation or other paid leave which has accrued must be utilized before approval of any leave without pay is considered by the County except for leaves falling under the federal Family and Medical Leave Act.

**7.10 Leave for Illness or Injury.** Employees may request leave for major illness or injury utilizing Family/Medical Leave, accrued leaves and unpaid leaves as appropriate. Total time for the leave, which will include all time away from work, may be extended up to a maximum of twelve (12) months with the mutual consent of the department head and the Executive's Office. An employee who returns to work will be credited for length of return time within the twelve (12) month limit if the employee must go back on disability for the same illness/injury.

**7.11 Absence Due to Adverse Weather.** FLSA non-exempt employee absence due to severe inclement weather or other unusual emergency conditions will be charged to one of the following in sequential order: compensatory time, vacation leave, leave without pay, unless an employee who wishes to take leave without pay notifies his/her payroll preparer before the department's payroll cut-off time.

## **8. BENEFITS**

**8.1 Benefits Eligibility.** Employees must be compensated at least eighty (80) hours per calendar month to be eligible for benefits. Compensation is defined as payment of wages for work performed, vacation, accrued sick leave, or other paid leave. County payment of health and welfare premiums for benefits of unrepresented employees can be made on behalf of employees up to their assigned FTE. Health and welfare benefits may be prorated for part-time regular employees and employees will pay a percentage of the health and welfare premiums via payroll deduction based on FTE. Compensation earned in one (1) calendar month provides health and welfare benefit coverage in the following month. Any newly hired unrepresented employees will be initially eligible for health & welfare benefits the calendar month following at least 80 hours of employment in one (1) calendar month. Income resulting from an industrial injury to a maximum of twelve (12) months from the date of injury shall also be credited as compensation.

**8.2 Health & Welfare Benefits.** Eligible unrepresented employees shall be granted the following health and welfare benefits, and the benefits shall include full premium contribution for the employee, spouse, and dependent children of the employee.

- A) Medical, prescription and hospital benefits
- B) Dental coverage
- C) Vision care
- D) Life insurance in the face amount of each unrepresented employee's annual salary to a maximum of \$50,000 (dependent coverage, if desired, is paid by the employee, via payroll deduction).

Part-time regular employees will have a percentage of the health and welfare premiums paid by the County, based on FTE. The remaining premium will be deducted from the employee's paycheck.

### **8.3 Other Benefits**

**8.3.1 Flex 125.** Dependent & Health Care Reimbursement Plan. The County will pay set-up costs and ongoing maintenance costs to allow employees to utilize such a plan.

**8.3.2 Retirement Plans.** The County provides payment to retirement plans through the Washington State Retirement System, which also requires contributions from employees.

**8.3.3 Deferred Compensation.** The County provides the opportunity for voluntary employee participation in deferred compensation programs.

**8.3.4 Employee Assistance Program.** The County provides confidential counseling assessment services through an Employee Assistance Program for employees and their immediate families.

**8.3.5 Unemployment Compensation.** The County will provide unemployment compensation for employees who may be laid off, consistent with the laws of the State of Washington and the rules and regulations of the Employment Security Department.

**9. EFFECTIVE DATE**

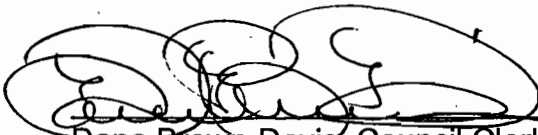
All changes in salaries and benefits under this resolution shall become effective on January 1, 1999, except that any further changes during 1999 may be retroactively applied as approved by the County Council.

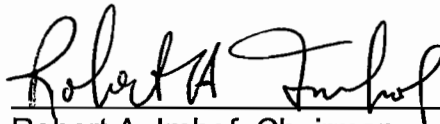
**AND FURTHER, THEREFORE, BE IT RESOLVED,** that Resolution No.97-059 and subsequent amendments to Resolution No. 97-059 are hereby rescinded effective January 1, 1999, and this Resolution shall become effective that same date.

APPROVED this 8<sup>th</sup> day of December, 1998

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

  
\_\_\_\_\_  
Robert A. Imhof, Chairman

APPROVED as to form:

  
\_\_\_\_\_  
Civil Deputy Prosecuting Attorney

**Exhibit A**  
**1999 Non-Represented Employees' Salary Matrix - effective January 1, 1999**

Range	Step A	Step B	Step C	Step D	Step E	Step F	Step G
100	1506	1565	1627	1691	1755	1822	1891
110	1571	1633	1697	1764	1831	1901	1973
120	1638	1703	1770	1840	1910	1983	2058
130	1709	1776	1846	1919	1992	2068	2147
140	1783	1853	1926	2002	2078	2157	2239
150	1860	1933	2009	2088	2167	2249	2334
160	1938	2015	2095	2178	2261	2347	2436
170	2023	2103	2186	2272	2358	2448	2541
180	2110	2193	2280	2370	2460	2553	2650
190	2201	2288	2378	2472	2566	2664	2765
200	2295	2386	2480	2578	2676	2778	2884
210	2394	2489	2587	2689	2791	2897	3007
220	2496	2595	2698	2805	2912	3023	3138
230	2605	2708	2815	2926	3037	3152	3272
240	2717	2824	2936	3052	3168	3288	3413
250	2834	2946	3062	3183	3304	3430	3560
260	2956	3073	3194	3320	3446	3577	3713
270	3082	3204	3331	3463	3595	3732	3874
280	3216	3343	3475	3612	3749	3891	4039
290	3354	3486	3624	3767	3910	4059	4213
300	3498	3636	3780	3929	4078	4233	4394
310	3648	3792	3942	4098	4254	4416	4584
320	3806	3956	4112	4274	4436	4605	4780
330	3969	4126	4289	4458	4627	4803	4986
340	4139	4303	4473	4650	4827	5010	5200
350	4318	4489	4666	4850	5034	5225	5424
360	4504	4682	4867	5059	5251	5451	5658
370	4697	4883	5076	5277	5478	5686	5902
380	4900	5094	5295	5504	5713	5930	6155
390	5111	5313	5523	5741	5959	6185	6420

**Exhibit B**

**1999 Non-Represented Employees' Salary Matrix (with Binding Arbitration Adjustment only) - effective January 1, 1999**

<b>Range</b>	<b>Step A</b>	<b>Step B</b>	<b>Step C</b>	<b>Step D</b>	<b>Step E</b>	<b>Step F</b>	<b>Step G</b>
320SBA	3877	4030	4189	4354	4519	4691	4869
330SBA	4042	4202	4368	4541	4714	4893	5079
340SBA	4216	4383	4556	4736	4916	5103	5297
350SBA	4397	4571	4752	4940	5128	5323	5525
360SBA	4587	4768	4956	5152	5348	5551	5762

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