

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Judy Wefer-Clinton	WMC	11/12/99	RECEIVED NOV 16 1999 WHATCOM COUNTY COUNCIL	11/23/99	Finance Committee (Consent Agenda) & Regular Council meeting
Division Head: Karen Sterling Goens	KS	11/12/99			
Dept. Head: Dewey G. Desler	DCD	11/16/99			
Prosecutor	DG	11/12/99			
Purchasing/Budget:					
Executive: Pete Kremen	PK	11-16-99			

SUBJECT:

Unrepresented Resolution

ATTACHMENTS:

Proposed 2000 Resolution

SEPA review required? () Yes (<input checked="" type="checkbox"/>) NO	Should Clerk schedule a hearing? () Yes (<input checked="" type="checkbox"/>) NO
SEPA review completed? () Yes (<input checked="" type="checkbox"/>) NO	Requested Date:

SUMMARY STATEMENT:	Distribution Request	
<p><i>Proposed updates for the year 2000 to Resolution 99-039 (Unrepresented Resolution)</i></p>	<p>Indicate those who should receive a copy after Council action. List specific names to the right.</p>	
	ADS Facilities Management	
	ADS Finance	
	ADS Human Resources	Wendy Wefer-Clinton
	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		

COUNCIL ACTION TAKEN:

1999 - 442 11/23/99: Amended and approved 5-2, Brown, Brenner opposed, Res. #99-062

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number (this item): **RES. #99-062**

PROPOSED BY: Executive

INTRODUCTION DATE: November 23, 1999

RESOLUTION NO. 99-062

**A RESOLUTION IN THE MATTER OF ADOPTING A SALARY SCHEDULE AND
POLICIES FOR UNREPRESENTED WHATCOM COUNTY EMPLOYEES FOR THE
YEAR 2000**

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 positions;

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 FTE's 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. NON-REPRESENTED SALARY MATRIX

The monthly salaries of non-represented positions shall be established within the ranges and steps provided in Exhibit A and B, effective January 1, 2000, which provides for a two percent (2.0%) increase over the September 1, 1999, matrices at step D of either range 100 or 320SBA. Monthly salary amounts indicated are for one (1.00) FTE. These amounts will be pro-rated for fractional FTE's and may be converted to an hourly rate for FLSA non-exempt positions by dividing the monthly amount by 173.33.

2.1 Exhibit A – Non-Represented Salary Matrix.

Movement from range 100, step D, is 3.8% between steps up and down; and 4.3% between ranges.

2.2 Exhibit B – Binding Arbitration Adjustment Salary Matrix.

Movement from range 320SBA, step D, is 3.8% between steps up and down and 5% between ranges.

3. OTHER NON-REPRESENTED POSITIONS

Those non-represented positions not on an established matrix shall be paid a monthly salary, pro-rated for fractional FTE's.

3.1 Court Commissioners.

Court Commissioners 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.

Superior Court Commissioner	\$7,220
District Court Commissioner	\$6,859

3.2 Other Positions not on a Salary Matrix.

Court Reporter	\$ 3,988
Health Officer	\$ 7,651
Master Composter/Recycler Coordinator	\$1,733.30

4. COMPENSATION & EMPLOYMENT OPPORTUNITIES

4.1 Step Movement. Within the salary matrices contained in Exhibit A and B, 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.

4.2 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 new range because of a

realignment of non-represented positions or ranges shall be placed in the step that provides them at least the same base salary as under the previous matrix or 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.

4.3 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). Such employees requesting compensatory time shall have such request granted up to a maximum of twenty-four (24) hours per calendar year in lieu of overtime pay. Additional compensatory time may be mutually agreed to, but an employee may accrue no more than a maximum of 80 hours of compensatory time at any time. By mutual agreement, an employee may cash out accrued compensatory time at the end of each calendar year.

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 unless County business prevents this occurring in which case they can be carried over one year, but they 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.).

4.4 Interim Assignment Pay. From time to time, employees may be asked to cover all or part of the duties of a higher-level position during periods of extended absence or vacancy or for special assignments. 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.

4.5 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.

4.6 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.

4.7 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.

4.8 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.

4.9 Emergency Response. Employees authorized in advance and required to respond to extraordinary emergencies between the hours of 9:00 p.m. and 6:00 a.m. shall receive a \$50 stipend per incident. Pre-authorization is provided by an employee's department head or designee with final written approval of the Executive's Office for a specific incident requested after the incident. In the case of department heads, pre-authorization and final written approval of a specific incident is provided by the County Executive or designee.

4.10 Performance Pay. Beginning with the non-represented employee's fifth (5th) year of employment, the employee shall receive five dollars (\$5.00) per month performance pay for each year of service (\$25.00) in addition to their regular pay. Thereafter, on January 1st of each year, they shall receive five dollars (\$5.00) per month for each year of service to a maximum of twenty-five (25) years – one hundred and twenty-five dollars (\$125.00) per month. Each January 1, employees must have had at least one performance evaluation in the last twelve months with an overall rating of "3.00" or better to maintain performance pay for the new calendar year. Employees receiving an overall rating of less than "3.00" shall receive no performance pay for the new calendar year. Because sustained performance is a critical component of performance pay, if more than one evaluation is conducted in a year, the lowest rating will be used for determining performance pay eligibility for the next year. Performance Pay is pro-rated based on FTE. Prior regular County employment with verifiable performance at or above the required level will be considered when determining years of service for the purpose of Performance Pay only.

4.11 Probable Cause Compensation. Any attorney in the Prosecuting Attorney's Office required to appear on a Saturday or Sunday at a scheduled Probable Cause hearing shall receive \$175 for his/her appearance.

4.12 Nomination for Merit. Employees who are not at the top step of their assigned range, may be nominated to the Executive's Office for a merit step adjustment by their department head in recognition of documented exemplary performance. A merit step adjustment does not impact the step date.

5. 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.

6. LEAVES

6.1 Sick Leave. For the purpose of sick leave benefits, sick leave shall accrue to each non-represented 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.

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

6.1.2 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.

6.1.3 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 two (2) weeks notice prior to termination to be eligible for sick leave cashout.

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

6.1.5 LEOFF II Accrual Maximum. LEOFF II unrepresented employees may accrue sick leave up to a maximum of one-hundred and eighty (180) days. No more than one-hundred and twenty (120) days shall be used as a base for calculating sick leave cash out.

6.2 Vacation. 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 the Executive's Office, up to eighty (80) hours of vacation can be cashed out each calendar year.

6.2.1 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).

6.2.2 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.

6.3 Holidays. Paid holidays will be available as posted on an annual basis for non-represented employees who are in paid status the scheduled work day before and after the holiday.

6.3.1 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).

6.3.2 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.

6.3.3 Working a Holiday. 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. Employees who are **required** by their department head to work a paid County holiday because of an

emergency, a project that can only be completed when County offices are closed or special directive from the Executive's Office, shall receive two (2) days off with pay at a mutually agreeable time.

6.4 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.

6.5 Bereavement Leave. Bereavement leave shall be provided to non-represented 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.

6.6 Civil Leave. Civil leave with pay shall be allowed to permit a non-represented 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.

6.7 Family Leave. The County provides unpaid leave to any eligible non-represented 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.

6.8 Paternity Leave. Sick leave to a maximum of two (2) days shall be available for use by a male non-represented 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.

6.9 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.

6.10 Leave for Illness or Injury. Non-represented 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.

6.11 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.

7. ELECTED OFFICIALS' SALARIES

The monthly salaries of the Whatcom County Elected Officials, which includes an adjustment to the Council Member salary to the amount allowed in Resolution 97-004 and subsequent adjustments to other Elected Officials salaries because of that change, shall be established herein as follows:

<u>Elected Official</u>	<u>2000 Monthly Salary</u>	<u>Percentage</u>
Executive	\$8,052	101.00
Prosecuting Attorney	\$7,972	100.00
Sheriff	\$6,082	76.29
Auditor	\$5,294	66.41
Treasurer	\$5,294	66.41
Assessor	\$5,294	66.41
Council Member*	\$1,208	

* Per Resolution 97-004 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".

8. BENEFITS

8.1 Benefits Eligibility. Non-represented employees must be compensated at least eighty (80) hours per calendar month and be in a FTE position to be eligible for benefits (including but not limited to sick leave, vacation, holiday, and health and welfare). 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 non-represented employees are made on behalf of employees. Compensation earned in one (1) calendar month provides health and welfare benefit coverage in the following month unless stipulated otherwise in plan documents. Any elected official or newly hired non-represented employee will be initially eligible for health & welfare benefits the calendar month following at least 80 hours of employment in one (1) calendar month. For elected officials, hours of employment would be determined based on budgeted FTE with 173.33 standard hours in a 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.

8.1.1 Benefits Coverage if Disabled. If an employee becomes disabled and is unable to work or be compensated at least eighty (80) hours per calendar month, premiums will continue to be paid by the County for full employee and family medical coverage for up to twelve (12) months.

8.1.2 Benefits Coverage for Rehired Employees. Employees who were in a FTE position and are rehired by the County into a FTE position within one year of termination of employment, will be eligible for benefits if the employee met the Unrepresented Resolution and plan eligibility requirements and was enrolled in County provided health & welfare plans prior to leaving County employment. Coverage will begin the first of the month following the meeting of benefits eligibility requirements.

8.2 Health & Welfare Benefits. All elected officials and eligible non-represented 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, except as noted.

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

8.2.2 LEOFF I Medical Coverage. LEOFF I unrepresented employees will not need to make individual co-payment for themselves and when they incur \$3,000 in personal medical expenses during the year, he or she is entitled to a credit of \$600 against the family stop loss.

8.2.3 Sheriff's Office Disability Plan. LEOFF II and PERS unrepresented employees in the Sheriff's Office will be provided the same or substantially equivalent disability plan as provided to employees directly reporting to them.

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.

9. EFFECTIVE DATE


All changes in salaries and benefits under this resolution shall become effective on January 1, 2000, except that any further changes during 2000 may be retroactively applied as approved by the County Council.

AND FURTHER, THEREFORE, BE IT RESOLVED, that Resolution No. 99-039 is hereby rescinded effective January 1, 2000, and this Resolution shall become effective that same date.

APPROVED this 23rd day of November, 1999

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

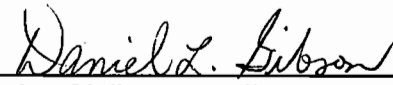


Dana Brown-Davis, Council Clerk



Marlene M. Dawson, Chair

APPROVED as to form:



Senior Civil Deputy Prosecuting Attorney