

<b>CLEARANCES</b>	<b>Initial</b>	<b>Date</b>	<b>Date Received in Council Office</b>	<b>Agenda Date</b>	<b>Assigned to:</b>
Originator: Wendy Wefer-Clinton	<i>WCC</i>	6/20/08	<p><b>RECEIVED</b></p> <p><b>JUL 01 2008</b></p> <p><b>WHATCOM COUNTY COUNCIL</b></p>	7/8/08	Finance & Admin. Svcs Committee (Consent Agenda) and Council Agenda
Division Head: Karen Goens	<i>YSG</i>	6/20/08			
Dept. Head:					
Prosecutor:	<i>DA</i>	06/30/08			
Purchasing/Budget:					
Executive:	<i>PN</i>	7-1-08			

**TITLE OF DOCUMENT:**  
**2008 Unrepresented Resolution**

**ATTACHMENTS:**  
**2008 Unrepresented Resolution**

SEPA review required?    ( ) Yes    ( X ) NO	Should Clerk schedule a hearing?    ( ) Yes    ( X ) NO
SEPA review completed?    ( ) Yes    ( X ) NO	Requested Date:

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

**Request approval of 2008 Unrepresented Resolution.**

<b>COMMITTEE ACTION:</b> 7/8/2008: Forwarded to Council for approval	<b>COUNCIL ACTION:</b> 7/8/2008: Council Approved 6-0, Weimer absent Res. 2008-047 11/12/2008: Council Rescinded 4-3 Brenner, Caskey-Schreiber & Weimer opposed Effective January 1, 2009 (per Res. 2008-077)
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<b>Related County Contract #:</b>	<b>Related File Numbers:</b> <i>AB 2008-361A</i> <i>AB 2008-121B</i>	<b>Ordinance or Resolution Number:</b> Res. 2008-047
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**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).

PROPOSED BY: Executive

INTRODUCTION DATE: July 8, 2008

**RESOLUTION NO. 2008-047**

**A RESOLUTION IN THE MATTER OF ADOPTING A SALARY SCHEDULE AND  
POLICIES FOR UNREPRESENTED WHATCOM COUNTY EMPLOYEES  
EFFECTIVE JULY 8, 2008**

**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**, it is nonetheless understood that state law may override certain stipulations set forth herein; 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 FTEs 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 (except Superior Court Judges).

**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, not to exceed currently budgeted full-time equivalency of a position, as authorized by budget ordinance.

## **2. NON-REPRESENTED SALARY MATRICES**

The monthly salaries of non-represented positions shall be established within the ranges and steps provided in Exhibit A through F. Exhibits A through D shall be effective July 27, 2008, and Exhibits E and F effective January 1, 2008 and shall remain in place until changed. Should a range not be available, a new range will be created which is either a partial range at 2.15% above the previous range or 4.3% above the previous range depending on circumstances. Monthly salary amounts indicated are for one (1.00) FTE. These amounts will be pro-rated for fractional FTEs and may be converted to an hourly rate for FLSA non-exempt positions by dividing the monthly amount by 173.33. Each employee in Exhibits A through D and Exhibits G and H employed on July 8, 2008 shall be paid 4.00% of year-to-date gross earnings through July 26, 2008 or date of separation.

## **3. OTHER NON-REPRESENTED POSITIONS**

Other non-represented positions covered by Exhibits G & H shall be paid a monthly salary effective July 27, 2008 per the appropriate Exhibit, pro-rated for fractional FTEs, unless otherwise noted.

**3.1 Court Commissioners.** Court Commissioners are to be paid at a rate equivalent to a percentage of the comparable state Court Judge salary level. Any changes in these Judges' salaries during 2008 will be reflected in the comparable Court Commissioners' salaries.

	<b>% of Comp. Judge</b>	<b>Range</b>
Superior Court Commissioner	85%	903
District Court Commissioner	80%	904

### **3.2 Flat Rate Positions.**

	<b>Range</b>
Court Reporter	801
Health Officer	802

## **4. COMPENSATION & EMPLOYMENT**

**4.1 Step Movement.** Within the salary matrices contained in Exhibit A through H, all steps shall be awarded on the basis of successful job performance. Effective July 27, 2008, non-represented employees shall advance to the next step per the time period indicated on the appropriate Exhibit on the first day of the appropriate month if the overall performance evaluation is "meets job requirements" or better.

Beginning January 1, 2009, a performance evaluation must have been completed for employees in Exhibits C, D, G and H within the last year and must be "3.38" or better overall to advance to the next step.

**4.2 Reclassification or Promotion.** In compliance with County policy on reclassifications (AD140000Z), individuals who are reclassified (because of the addition of significantly higher-level duties), per written approval of the Executive's Office, or promoted 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 new range. The reclassification or promotion date becomes the step date.

**4.3 Realignment.** Department heads can request for consideration during the budget process on the appropriate form, realignment of positions the following January, which are paid at least three percent (3.00%) below the average of at least four (4) of the six (6) comparable counties (all comparable counties where matches exist must be used). Individuals moving to a new range because of a realignment of non-represented positions or ranges shall be placed in their current step (but no higher than the top step) one range above their current range. The effective date of the realignment shall become the step increase date. Positions which are experiencing recruitment and/or retention difficulties may be looked at during the year if funding is available within the current year's budget for the department.

**4.3.1 Additional Considerations.** In the administration of section 4.3 – Realignment, in the event the County identifies a position as one with documented local recruitment and/or retention difficulties then secondary comparables based on close geographical location and sociological issues may be considered.

**4.4 Position Movement.** 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 with no change to the next step increase date.

**4.5 Overtime & Compensatory Time Pay.** The provisions for overtime payments and compensatory time (for working 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). Employees requesting compensatory time in lieu of overtime pay shall have such request granted up to a maximum of twenty-four (24) hours per calendar year. 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, and per written approval of the department head, 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 FLSA exempt 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. Administrative leave may only be cashed out upon separation.

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

**4.6 Interim Assignment Pay.** From time to time, non-represented employees may be asked to cover all or part of the duties of a higher-level position during periods of extended absence, 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.

**4.7 Employment Opportunities.** Non-represented employees who wish to apply for a union position may do so by the posted closing date for union members. Non-represented applications will be reviewed only if there are no current eligible and qualified 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.

**4.7.1 Provisional Appointments.** The County may make provisional appointments for employees not fully meeting all requirements and qualifications. Such employees will be placed in a range lower than the posted position, receiving at least a 5% increase (but no higher than the top step of the new range) and will not receive a promotional increase upon fully meeting posted requirements. They will maintain their step increase date when moved to the range of the posted position and be placed in the step closest to but not less than their current rate of pay.

**4.8 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.

**4.9 Employment at Will.** Employment for non-represented employees is at will, which means 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.

**4.10 Emergency Response.** Non-represented employees authorized in advance and required to respond in person to extraordinary emergencies between the hours of 9:00 p.m. and 6:00 a.m., Monday through Friday and any time on Saturday or Sunday, shall receive a \$100 stipend per incident. If response to an incident is during normal hours but extends to hours or days noted above, no stipend is awarded. If the incident extends beyond 24 hours from the first response by employee and additional responses are required during times or days noted above, an additional stipend will be awarded. Pre-authorization is provided by an employee's supervisor with final written approval of the department head for a specific incident requested after the incident occurs. In the case of department heads, pre-authorization and final written approval of a specific incident is provided by the Executive or designee.

**4.11 Recognition and Retention Premium.** Beginning with the non-represented employee's fifth (5<sup>th</sup>) year of employment, employees who are .5 FTE or above shall receive five dollars (\$5.00) per month times each year of service (\$25.00) in addition to their regular pay as a recognition and retention premium. Thereafter, on January 1<sup>st</sup> of each year, they shall receive five dollars (\$5.00) per month times each year of service to a maximum of twenty-five (25) years – one hundred and twenty-five dollars (\$125.00) per month. Employees must have had a performance evaluation within the last year with an overall rating of "3.38" or better to receive and maintain the premium. Employees receiving an overall rating of less than "3.38" shall not receive the premium. Prior regular

County employment with verifiable performance at or above the required level may be considered when determining years of service.

Effective as follows, Recognition and Retention Premium will cease to exist as a separate compensation item and will be rolled into the salary matrices: Exhibits C, D, G and H – effective July 27, 2008; Exhibit B - effective 1<sup>st</sup> full pay period in 2009; Exhibit A - effective 1<sup>st</sup> full pay period in 2010.

**4.12 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.

**4.13 Nomination for Merit Step.**

**4.13.1 Merit Step.** Non-represented employees who are not at the top 12-month step of their assigned range may be nominated by the department head to the Executive's Office for a one-step adjustment in recognition of documented exemplary performance. A step adjustment for merit does not impact the step date.

**4.13.2 Documentation.** Documented exemplary performance for a merit step shall include a performance evaluation within the last year with an overall rating of at least "4.00" with no individual elements or sub-elements at or below the "needs improvement" level. Additional documentation must be in writing and shall include specific information as to the employee's contribution:

- to achievement of some element or elements of the strategic plan;
- that has organization- or community-wide impact;
- to the completion of a specific, significant department project; or
- to a similar type of accomplishment.

**4.13.3 Timing.** Nomination requests will normally be submitted during the budget process, but may be submitted any time during the year if funding is available within the current year's budget for the department.

**4.14 Binding Arbitration Adjustment.** In recognition of the fact that two bargaining units within the Sheriff's Office have access to binding interest arbitration, unrepresented employees in the Sheriff's Office shall receive or be eligible for, on approximately the same basis as employees directly reporting to them, the following items:

- Pay increases, including retroactivity (non-represented employees only).
- The same basis for calculating Recognition and Retention Premium (Longevity). Parameters in section 4.11 of the Unrepresented Resolution must be met in order to be eligible for the Premium (non-represented employees only).
- The same annual clothing allowance if they must maintain a dress uniform.
- Medical coverage.

**4.15 Ability to Cross Border.** Employees must maintain the ability to cross the Canadian border if they are assigned to a position which may at any time require crossing the Canadian Border.

## 5. SCHEDULING

**5.1 Work Schedule.** The hours of operation may vary between departments and divisions in order to better serve the public.

**5.2 Alternative Schedule.** Alternative scheduling allows the hours and the basic workday or workweek of an employee to be modified from the department standard to attend to County business or to accommodate a different schedule. Approval of alternative scheduling shall not allow for greater than forty (40) hours of compensation in any one work week, shall provide for no reduction in service to the public, and must not increase the County's compensation costs. Alternative scheduling requires the mutual agreement of the employee and the department head and approval of the Executive's Office. FLSA non-exempt employees may not accumulate or not take lunch and/or rest breaks in order to shorten the workday or work week.

**5.3 Flex Time.** Periodic flex time may be used for personal employee business, to make up doctor, vision or dental appointments, to attend meetings or to perform work on behalf of the County. Approval of flex time shall not allow for greater than forty (40) hours of compensation in any one work week, shall provide for no reduction in service to the public, and must not increase the County's compensation costs. Flex time requires the mutual agreement of the employee and the department head. FLSA non-exempt employees may not accumulate or not take lunch and/or rest breaks in order to shorten the workday or work week.

## 6. LEAVES

**6.1 Sick Leave.** For the purpose of sick leave benefits, sick leave shall accrue to each 1.0 FTE 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.

**6.1.1 Part-Time Employees' Sick Leave Accrual Rate.** Part-time employees' sick leave accrual rate will be pro-rated per currently assigned, but not more than their budgeted FTE.

**6.1.2 Additional Accrual.** A non-LEOFF II 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 fifty-six (1,056) hours (960 hours + up to 96 hours annual accrual) of sick leave during the year immediately subsequent. These additional hours of accrual may not be cashed out. The employee's total accrual reverts back to no more than nine hundred and sixty (960) hours at the end of the year.

**6.1.3 Sick Leave Usage.** Employees may request sick leave as accrued and it may be used in increments of less than one scheduled workday, but not less than one hour for FLSA exempt employees.

**6.1.4 Proof of Illness.** Upon request, an employee shall provide the County with proof of incapacitating illness or injury for themselves and all persons covered by section 6.1.6.

**6.1.5 Excess Sick Leave Contributions.** Employees who have at least 960 hours in their sick leave bank at the beginning and end of a calendar year (or at the beginning of a calendar year and upon termination in that same year) will receive a Retirement Health Savings (RHS) plan contribution, based upon a portion of the hours accrued but not used during the year. Sick leave hours accrued to a maximum of forty-eight (48) hours will apply to a partial contribution to a Retirement Health Savings Plan if less than forty-eight (48) hours of sick leave are used that year. Calculation is based on 25% of eligible hours, paid at the rate in effect at year end.

**6.1.6 Sick Leave for Family Care.** Sick leave can be used to care for the child of an employee with a health condition that requires treatment or supervision, or for the care of an employee's spouse, registered spousal equivalent (up to forty (40) hours per year), parent, parent-in-law or grandparent with a serious health condition or an emergency condition. Spousal equivalents must be registered with AS-Human Resources prior to requesting sick leave usage.

**6.1.7 Sick Leave Cashout.** A non-represented employee with three (3) or more years of current, continuous employment with the County shall be entitled to sick leave cashout upon voluntary separation 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 separation to be eligible for sick leave cashout.

**6.1.8 Sick Leave Sharing.** Sick leave sharing is available to non-represented employees per the County's Sick Leave Sharing Program. Each employee may donate up to a maximum of twenty-four (24) hours per calendar year.

**6.1.9 LEOFF II Accrual Maximum.** LEOFF II non-represented employees may accrue sick leave up to a maximum of one thousand, four hundred and forty (1,440) hours. No more than nine hundred and sixty (960) hours shall be used as a base for calculating sick leave cashout. If any hours are used per section 6.1.4 for partial contribution to a Retirement Health Savings Plan, any hours used in that calculation will no longer be available to the employee and will be deducted from the accrual bank.

**6.1.10 Sheriff's Office.** Non-represented employees in the Sheriff's Office (including Emergency Management and the Jail) who have employees directly reporting to them who receive an additional five (5) days of vacation if they have seventy-five (75) days of sick leave on December 31 of any year shall receive the same consideration.

**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 for 1.0 FTE's 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. Prior regular County employment may be considered when determining employment 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 requested as accrued and approved and may be used in increments of less than one scheduled workday, but not less than one hour for FLSA exempt employees. No more than two hundred and forty (240) vacation hours may be carried forward from one year to the next, unless extraordinary circumstances exist and prior approval from the Executive's Office is obtained. Unused vacation in excess of two hundred and forty (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. If funds exist in the department's current budget, 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.** Part-time employees' vacation accrual rate will be pro-rated per currently assigned, but not more than their budgeted FTE. FLSA non-exempt employees will receive extra vacation pay, on a quarterly basis, based on extra hours worked above the assigned FTE (not to exceed equivalent of 1.00 FTE).

**6.2.2 Compassionate Leave.** Employees may donate accrued vacation leave or paid time off to employees for the serious health condition (as defined by FMLA) of the employee per County policy.

**6.3 Holidays.** Paid holidays will be available as posted on an annual basis for non-represented employees (except district and superior court commissioners) who are in paid status, or on approved voluntary unpaid furlough, the entire scheduled work day before and after the holiday.

**6.3.1 Personal Holiday.** Each non-represented employee (except court reporters and district and superior court commissioners) shall receive one (1) Personal Holiday each calendar year equivalent to their FTE on January 1 or upon hire, not to exceed eight (8) hours. The Personal Holiday must be used in the year it is earned, in increments of at least one hour for FLSA exempt employees, 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. Personal Holidays are not cashed out upon separation.

**6.3.2 Working a Holiday.** Employees who are required to work, because state law requires an office to remain open on the December 24<sup>th</sup> County holiday observance, shall receive two days off with pay.

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.

**6.3.3 Part-Time Employees' Holiday Pay.** Part-time employees will receive holiday pay based on their currently assigned, but not more than their budgeted FTE. FLSA non-exempt employees will receive extra holiday pay, on a quarterly basis,

based on extra hours worked above the assigned FTE (not to exceed equivalent of 1.00 FTE).

**6.4 Paid Time Off Bank.** Beginning September, 2008, on a trial basis, each non-represented employee on Exhibit A & B matrices will, in lieu of accruing vacation, sick and personal holiday, accrue time into a Paid Time Off (PTO) bank.

**6.4.1 Accrual.** Currently accrued vacation and personal holiday hours will be placed in the Paid Time Off bank for current eligible employees. Accrual for 1.0 FTE's 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. Prior regular County employment may be considered when determining employment year. Part-time employee's monthly Paid Time Off bank accrual rates will be pro-rated based on FTE.

<b>Exhibit B</b>	<b><u>Accrual Rate/month</u></b>
During 1 <sup>st</sup> through 4 <sup>th</sup> employment year	21.33 hours
During 5 <sup>th</sup> and subsequent years	24.67 hours
<b>Exhibit A</b>	<b><u>Accrual Rate/month</u></b>
Upon hire and subsequent years	26.00 hours

**6.4.2 Short-Term Disability Bank.** Each current and new eligible employee will receive a "one-time" deposit of 480 hours into a short-term disability bank. Part-time employee's short-term disability bank deposits will be pro-rated based on FTE. The short-term disability bank can be accessed after an employee has been absent and used Paid Time Off bank hours to cover three consecutive work days for an illness or injury, for an approved Family/Medical Leave, or to provide care for a family member under Family Care or Family Leave. Access to the short-term disability bank may require a physician's certification, must be used in increments of one hour or more, and is not eligible for cashout at any time.

**6.4.3 Sick Leave Bank.** Current eligible employees will maintain their sick leave hours accrued through August, 2008 in a bank, which can be accessed only if the one-time short-term disability bank is depleted. Employees may be required to provide proof of illness per sections 6.1.4 and 6.8.1. Effective January 1, 2009, employees eligible for the Paid Time Off bank will no longer be eligible for section 6.1.5 – Retirement Health Savings Plan. Upon separation, the sick leave bank will be cashed out per section 6.1.7.

**6.4.4 Paid Time Off Usage.** Paid Time Off bank hours may only be requested as accrued and used as approved. In the event an employee needs paid time off for an illness or to care for a family member, the employee should give his or her supervisor as much notice as possible. Paid Time Off must be used in increments of one hour or more.

**6.4.5 Paid Time Off Bank Carryover/Cashout.** Effective December 31, 2008, no more than 330 PTO hours can be carried over to the following calendar year with additional hours forfeited. If funds exist in the department's current budget, by mutual agreement among the impacted employee, the department head (if applicable) and the Executive's Office, Paid Time Off bank hours can be cashed out each calendar year. Upon separation, hours in the Paid Time Off bank will be cashed out.

**6.4.5.1 Paid Time Off – PERS I.** No PERS I employee will be adversely affected by the PTO program relative to excess compensation impacting retirement income compared to the currently allowed sick and vacation cashout upon separation.

**6.5 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 annual military leave. Jury duty and military leave will be provided as described in Personnel Policies and Procedures, USERRA or state law.

**6.6 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 (maximum of forty hours) 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. Spousal equivalents must be registered with AS-Human Resources prior to requesting bereavement leave. 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. In the event of a funeral or other memorial occurring as a result of the death of a current, lawful brother or sister-in-law, the affected employee may have up to eight (8) hours of paid time off to attend the funeral or memorial, if not covered above. Additional days off without pay or using accrued leave may also be available upon written approval of the department head. Requests for greater than five (5) days of bereavement leave without pay in a calendar year requires Executive Office approval.

**6.7 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.

**6.8 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, Washington State Military Family Leave Law, and the Federal Family and Medical Leave Act (FMLA). Employees are not required to use accrued vacation time, sick leave, or paid time off bank before commencing unpaid family leave, except an employee who has previously used twelve (12) weeks of unpaid FMLA will, for the following four years, use all but forty (40) accrued hours (including compensatory time) of allowable vacation, sick, paid time off bank, short-term disability bank, and personal holiday time before beginning unpaid leave during any subsequent twelve-month FMLA period. 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 run concurrently as permitted by law and will apply toward an employee's entitlement for each type of leave that may be applicable.

**6.8.1 Physician Certifications.** The County may require physician certifications in accordance with state and federal guidelines.

**6.9 Maternity Leave.** Accrued sick leave or short-term disability bank time may be utilized for maternity/disability leave. In the event sick leave and/or the short-term disability bank is exhausted before the employee returns to work, any vacation, paid time off bank, 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 or County policy. If leave pursuant to this provision would also qualify as leave under any federal or state statutes, the period of leave will apply toward the employee's entitlement to leave under any applicable statute consistent with section 6.8. Unless the birth mother chooses to invoke FMLA, a birth mother's period of temporary pregnancy-related disability shall not be deducted from the FMLA leave entitlement.

**6.10 Leave for Illness or Injury.** Non-represented employees may request in writing with appropriate health care provider verification leave for major illness or injury utilizing Family/Medical Leave, accrued leaves, and unpaid leaves, as appropriate and as approved. 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. Periodic health care progress reports may be required.

**6.11 Domestic Violence Leave.** The County provides leave to employees who are victims of, or who are family members of victims of domestic violence, sexual assault, or stalking, consistent with the requirements of the Washington Domestic Leave Law.

**6.12 Absence Due to Adverse Weather.** FLSA non-exempt employee's 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, paid time off, personal holiday, or 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**

**7.1 Wage Adjustments for Elected Officials.** Elected Officials, except Council Members, shall receive, effective July 27, 2008, the same overall wage adjustment to their 2007 salary as granted Exhibit A employees for 2008. Council Members shall be compensated per Resolution 2005-020. Each Elected Official in office on July 8, 2008 shall be paid four percent (4%) of year-to-date gross earnings through July 26, 2008 or date of separation.

**7.1.1 Realignment.** During the first quarter of each year, the salaries of the Prosecuting Attorney, Sheriff, Assessor, Auditor and Treasurer shall be compared to positions in comparable counties per relevant parts of the realignment process described in Section 4.3. If the stated parameters are met, impacted Elected Officials would receive an increase not to exceed 4.3%, effective retroactively to January 1. Only positions which meet realignment criteria are adjusted.

**7.1.2 Retirement Health Savings Plan.** Effective September 14, 2008, for Executive Branch Elected Officials (County Executive, Prosecuting Attorney, Sheriff,

Assessor, Auditor, and Treasurer), 5% of base salary provided will be mandatorily paid by the County to his or her Retirement Health Savings (RHS) account with the remaining 95% of base salary paid through payroll.

**7.1.3 State Adjustment.** The state of Washington shall contribute an amount equal to one-half the salary of a Superior Court Judge towards the salary of the elected prosecuting attorney. The County will provide increases to its portion of the Prosecuting Attorney salary per section 7.1

**7.2 District Court Judges.** District Court Judges shall accrue sick leave at the same rate as non-represented employees. Additionally, pursuant to RCW 3.34.130, District Court Judges will receive thirty (30) days' annual leave each January 1. Annual leave cannot be carried forward to the next year. When a District Court Judge vacates office, the total remuneration for annual leave and sick leave shall be granted as allowed by RCW 3.34.100, and shall not exceed the equivalent of thirty (30) days' monetary compensation.

## **8. BENEFITS**

**8.1 Benefits Eligibility.** Non-represented employees must be compensated at least eighty (80) hours per calendar month and be in at least a .5 FTE position to be eligible for benefits (including, but not limited to, sick leave, holiday, vacation, paid time off bank, short-term disability bank, and health and welfare). Compensation is defined as payment of wages for work performed, vacation, accrued sick leave, paid time off bank, short-term disability bank, or other paid leave. County payments 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 and welfare benefits the calendar month following at least 80 hours of compensation in one (1) calendar month. Waiting period requirements on individual plans must be met for benefit reimbursement. For elected officials, hours of compensation would be determined based on budgeted FTE with 173.33 standard hours in a month for a 1.0 FTE. 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 In Case of Documented Extended Illness or Injury.** If an employee has a health care provider documented extended illness, injury, or disability, and is unable to work or be compensated at least eighty (80) hours per calendar month, medical contributions will continue to be paid by the County for full employee and family coverage for up to twelve (12) months from the date the employee is first absent on account of such illness or injury unless employment is terminated. This waiver period is deducted from COBRA eligibility. Dental, vision and life premiums will be paid by the County for the first three months only. Periodic health care provider reports may be required.

**8.1.2 Benefits Coverage for Rehired Employees.** Employees who were in an FTE position and are rehired by the County into an FTE position within one year of separation from 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 of each individual benefit plan.

**8.1.3 Part-Time Employee's Benefits Coverage.** Part-time employees who fail to receive 80 hours of compensation in a calendar month shall be considered eligible for all applicable benefits during the month in question when the failure to meet eligibility requirements is due to a quirk in scheduling and through no fault of the employee.

**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 by the County for the employee, spouse, and dependent children of the employee, except as noted below.

- A) Medical
- B) Dental
- C) Vision
- D) Long-Term Disability – employee only (effective August, 2008)
- E) Life insurance – employee only - in the face amount of each elected official or non-represented employee's annual salary to a maximum of \$50,000. (Under the County's current life insurance carrier, employees may be eligible to purchase additional employee, as well as spouse and dependent coverage via payroll deduction.)

**8.2.1 Medical Contribution Cap.** For 2008, the County will contribute for each employee, up to \$757 per month for medical coverage under the Cap Plan.

**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 Disability Plan.** The County provides administrative oversight for an employee-paid disability plan. Minimum participation requirements for offering the plan must be met and employee payment will be via payroll deduction. Participation in the plan will be voluntary unless participation drops below 60%. If participation drops below 60%, participation in the plan will be mandatory for new hires. If an employee does not enroll within thirty (30) days of hire, a physical examination may be required to determine eligibility for the plan. Employees covered under the Sheriff's Office disability plan are not eligible for this employee-paid disability plan. Effective August, 2008, this plan will no longer be employee-paid, but will be handled per section 8.2 and be employer-paid.

### **8.3 Other Benefits**

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

**8.3.2 Retirement Plans.** The County provides payment to retirement plans through the Washington State Department of Retirement Systems (DRS), which also requires contributions from eligible non-represented employees. Elected officials may elect, but are not required, to participate in a DRS plan.

**8.3.3 Deferred Compensation.** The County provides the opportunity for voluntary employee participation in deferred compensation (457 plans) and 401(a) programs. The County matches these contributions fifty cents on the dollar, up to a maximum of 2% of base salary, with County contributions placed in a 401(a) Plan. New employees, within thirty (30) days of hire, may elect to contribute directly to the 401(a) plan.

**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 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. Such employees are not eligible to participate in the Long-Term Disability Plan offered under section 8.2.

**8.3.6 Retirement Health Savings.** The County agrees to make available to unrepresented employees a Retirement Health Savings Plan in accordance with IRS regulations.

**8.3.6.1 Retirement Health Savings – SBA/CBA.** Effective September 14, 2008, for those non-represented employees of the Sheriff's Office subject to the SBA or CBA Binding Arbitration Adjustment matrices contained in Exhibits E and F, 3% of base salary provided will be mandatorily paid by the County to his or her Retirement Health Savings account, with the remaining 97% of base salary paid through payroll.

**8.3.6.1.1 Additional Mandatory Contributions – SBA/CBA.** Effective September 14, 2008, when any of the employees identified in section 8.3.6.1 separate from employment, sick leave cashout, per section 6.1.7 and vacation cashout will be mandatorily contributed to his or her Retirement Health Savings account.

**8.3.7 Clothing Repair & Replacement.** Employees who, in the course of pursuing their assignments, suffer a loss or substantial damage to clothing, excluding normal wear and tear, shall be reimbursed the reasonable cost for the repair or replacement of like items at a rate commensurate with the condition of the claimed item. Personal property shall be repaired or replaced up to \$35.00 per item.

**8.3.8 Electronic Funds Transfer.** All newly hired regular employees shall authorize paycheck deposit by electronic funds transfer (EFT) within thirty (30) days of employment. Employees may temporarily stop EFT in emergency situations with at least seven (7) days notice before a scheduled payday, but must restart EFT within three months.

## **9. POLICY OR PROVIDER CHANGES**

From time to time, the County may change provisions in this resolution or select different providers of benefits, which may impact plans offered. Nothing in this document shall limit the County's ability to change any provision in this resolution or to search for the most cost

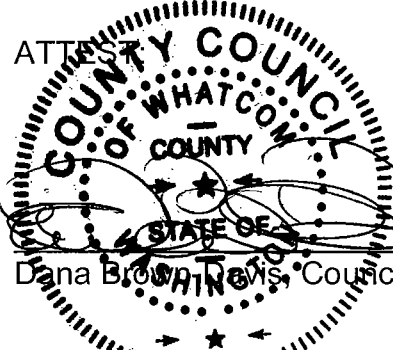
effective benefit packages, nor shall it commit the County to selecting any specific provider or plan.

**10. EFFECTIVE DATE**

All changes in salaries and benefits under this resolution shall become effective on July 8, 2008, and shall remain in effect until rescinded, except where noted otherwise and except that any further changes during 2008 may be retroactively applied as approved by the County Council.

**AND FURTHER, THEREFORE, BE IT RESOLVED**, that Resolution No. 2006-075 is hereby rescinded effective, July 8, 2008, and this Resolution shall become effective that same date.

APPROVED this 8<sup>th</sup> day of July, 2008,

ATTORNEY GENERAL  
  
Dana Brown, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
Carl Weimer, Chair

APPROVED as to form:

  
Assistant Chief Civil Deputy Prosecuting Attorney

**Exhibit "A"**  
**2008 Department Head Salary Matrix – effective July 27, 2008**

Range	12 months of service at each step required to move to next step								
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
500	\$7,177	\$7,450	\$7,731	\$8,027	\$8,332	\$8,649	\$8,978	\$9,319	\$9,673
510	\$7,487	\$7,771	\$8,067	\$8,372	\$8,690	\$9,020	\$9,363	\$9,719	\$10,088
520	\$7,809	\$8,104	\$8,412	\$8,732	\$9,065	\$9,409	\$9,767	\$10,138	\$10,523
525	\$7,977	\$8,278	\$8,593	\$8,920	\$9,260	\$9,611	\$9,977	\$10,356	\$10,749
530	\$8,149	\$8,456	\$8,778	\$9,112	\$9,459	\$9,818	\$10,192	\$10,579	\$10,980

**Exhibit "B"**  
**2008 Management Salary Matrix – effective July 27, 2008**

Range	12 months of service at each step to move to next step								
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
400	\$4,540	\$4,712	\$4,890	\$5,077	\$5,268	\$5,469	\$5,677	\$5,893	\$6,117
405	\$4,734	\$4,915	\$5,100	\$5,294	\$5,496	\$5,705	\$5,922	\$6,147	\$6,381
410	\$4,937	\$5,125	\$5,319	\$5,522	\$5,731	\$5,949	\$6,175	\$6,410	\$6,654
415	\$5,149	\$5,346	\$5,549	\$5,760	\$5,978	\$6,205	\$6,441	\$6,686	\$6,940
420	\$5,370	\$5,575	\$5,787	\$6,006	\$6,236	\$6,471	\$6,717	\$6,972	\$7,237
425	\$5,603	\$5,816	\$6,036	\$6,264	\$6,503	\$6,750	\$7,007	\$7,273	\$7,549
430	\$5,843	\$6,065	\$6,295	\$6,534	\$6,782	\$7,040	\$7,308	\$7,586	\$7,874
435	\$6,095	\$6,326	\$6,567	\$6,816	\$7,075	\$7,344	\$7,623	\$7,913	\$8,214
440	\$6,357	\$6,599	\$6,850	\$7,110	\$7,380	\$7,659	\$7,950	\$8,252	\$8,566
445	\$6,630	\$6,882	\$7,142	\$7,415	\$7,696	\$7,988	\$8,292	\$8,607	\$8,934
450	\$6,915	\$7,177	\$7,450	\$7,731	\$8,027	\$8,332	\$8,649	\$8,978	\$9,319

**Exhibit "C"**  
**2008 Professional/Supervisory Salary Matrix – effective July 27, 2008**

Range		12 months of service at each step required to move to next step								36 months of service at each step required to move to next step				
Old	New	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
220	300	\$3,311	\$3,446	\$3,583	\$3,724	\$3,870	\$4,021	\$4,178	\$4,184	\$4,192	\$4,209	\$4,231	\$4,254	\$4,276
230	305	\$3,453	\$3,594	\$3,735	\$3,882	\$4,034	\$4,191	\$4,354	\$4,523	\$4,576	\$4,593	\$4,615	\$4,638	\$4,660
240	310	\$3,599	\$3,748	\$3,895	\$4,049	\$4,207	\$4,371	\$4,541	\$4,717	\$4,772	\$4,789	\$4,811	\$4,834	\$4,856
250	315	\$3,754	\$3,908	\$4,061	\$4,220	\$4,385	\$4,555	\$4,732	\$4,915	\$4,971	\$4,988	\$5,010	\$5,033	\$5,055
260	320	\$3,915	\$4,075	\$4,234	\$4,400	\$4,571	\$4,750	\$4,933	\$5,124	\$5,183	\$5,200	\$5,222	\$5,245	\$5,267
270	325	\$4,083	\$4,249	\$4,415	\$4,588	\$4,766	\$4,952	\$5,145	\$5,344	\$5,405	\$5,422	\$5,444	\$5,467	\$5,489
280	330	\$4,257	\$4,430	\$4,604	\$4,783	\$4,969	\$5,161	\$5,362	\$5,569	\$5,632	\$5,649	\$5,671	\$5,694	\$5,716
290	335	\$4,440	\$4,621	\$4,800	\$4,986	\$5,181	\$5,381	\$5,590	\$5,806	\$5,871	\$5,888	\$5,910	\$5,933	\$5,955
300	340	\$4,629	\$4,816	\$5,005	\$5,198	\$5,401	\$5,611	\$5,828	\$6,053	\$6,121	\$6,138	\$6,160	\$6,183	\$6,205
310	345	\$4,828	\$5,022	\$5,218	\$5,420	\$5,631	\$5,849	\$6,074	\$6,308	\$6,378	\$6,395	\$6,417	\$6,440	\$6,462
320	350	\$5,033	\$5,236	\$5,441	\$5,653	\$5,872	\$6,098	\$6,333	\$6,577	\$6,650	\$6,667	\$6,689	\$6,712	\$6,734
330	355	\$5,248	\$5,460	\$5,673	\$5,893	\$6,121	\$6,358	\$6,603	\$6,858	\$6,934	\$6,951	\$6,973	\$6,996	\$7,018
340	360	\$5,474	\$5,695	\$5,916	\$6,145	\$6,382	\$6,629	\$6,884	\$7,149	\$7,228	\$7,245	\$7,267	\$7,290	\$7,312
350	365	\$5,708	\$5,937	\$6,168	\$6,407	\$6,654	\$6,911	\$7,178	\$7,454	\$7,536	\$7,553	\$7,575	\$7,598	\$7,620
360	370	\$5,953	\$6,192	\$6,432	\$6,681	\$6,939	\$7,207	\$7,485	\$7,773	\$7,858	\$7,875	\$7,897	\$7,920	\$7,942
370	375	\$6,207	\$6,457	\$6,708	\$6,967	\$7,236	\$7,515	\$7,804	\$8,104	\$8,192	\$8,209	\$8,231	\$8,254	\$8,276

**Exhibit "D"**  
**2008 Support Salary Matrix – FLSA non-exempt – effective July 27, 2008**

Range	12 months of service at each step required to move to next step										36 months of service at each step required to move to next step				
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14	Step 15
200	\$13.78	\$14.34	\$14.94	\$15.55	\$16.17	\$16.81	\$17.47	\$18.15	\$18.87	\$18.87	\$18.87	\$18.97	\$19.10	\$19.23	\$19.36
210	\$14.36	\$14.95	\$15.57	\$16.21	\$16.85	\$17.52	\$18.20	\$18.92	\$19.67	\$19.67	\$19.67	\$19.77	\$19.90	\$20.03	\$20.16
220	\$14.96	\$15.58	\$16.23	\$16.89	\$17.56	\$18.25	\$18.97	\$19.71	\$20.49	\$20.49	\$20.49	\$20.58	\$20.71	\$20.84	\$20.97
230	\$15.61	\$16.25	\$16.92	\$17.62	\$18.31	\$19.03	\$19.77	\$20.55	\$21.36	\$21.36	\$21.36	\$21.46	\$21.59	\$21.72	\$21.85
240	\$16.28	\$16.95	\$17.64	\$18.36	\$19.08	\$19.83	\$20.61	\$21.41	\$22.25	\$22.25	\$22.25	\$22.35	\$22.48	\$22.61	\$22.74
250	\$16.97	\$17.67	\$18.39	\$19.15	\$19.90	\$20.68	\$21.48	\$22.32	\$23.20	\$23.20	\$23.20	\$23.30	\$23.42	\$23.56	\$23.68
260	\$17.69	\$18.42	\$19.17	\$19.95	\$20.74	\$21.55	\$22.40	\$23.27	\$24.18	\$24.18	\$24.18	\$24.28	\$24.41	\$24.54	\$24.67
270	\$19.20	\$19.96	\$20.77	\$21.58	\$22.43	\$23.31	\$24.21	\$25.15	\$26.14	\$26.40	\$26.40	\$26.50	\$26.63	\$26.76	\$26.88

**Exhibit "E"**  
**2008 Binding Arbitration Adjustment Matrix only – effective January 1, 2008**

Range	1 year of service at each step required to move to next step								
	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I
320SBA	4910	5104	5306	5516	5726	5944	6170	6404	6641
330SBA	5156	5360	5572	5792	6012	6240	6477	6723	6972
340SBA	5415	5629	5851	6082	6313	6553	6802	7060	7321
350SBA	5685	5910	6143	6386	6629	6881	7142	7413	7687
360SBA	5969	6205	6450	6705	6960	7224	7499	7784	8072
370 SBA	6267	6515	6772	7040	7308	7586	7874	8173	8475

**Exhibit "F"**  
**2008 Binding Arbitration Adjustment Matrix only – effective January 1, 2008**

Range	12 months of service at each step required to move to next step								36 Month Steps (35 months at Step I required to move to step J)		
	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J	Step K
720CBA		\$5,655	\$5,921	\$6,151	\$6,388	\$6,630	\$6,897	\$7,189	\$7,354	\$7,377	\$7,399
740CBA		\$6,231	\$6,519	\$6,772	\$7,031	\$7,298	\$7,590	\$7,911	\$8,090	\$8,113	\$8,135

**Exhibit "G"**  
**2008 Court Reporters & Health Officer Salary Matrix – effective July 27, 2008**

Range	12 months of service at each step required to move to next step								36 months of service at each step required to move to next step 36 mos. at step 9 required to move to step 10				
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
801	\$5,204	\$5,210	\$5,216	\$5,222	\$5,228	\$5,234	\$5,240	\$5,246	\$5,254	\$5,271	\$5,293	\$5,316	\$5,338
802	\$9,962	\$9,968	\$9,974	\$9,980	\$9,986	\$9,992	\$9,998	\$10,004	\$10,012	\$10,029	\$10,051	\$10,074	\$10,096

**Exhibit "H"**  
**2008 Commissioners Salary Matrix – effective July 27, 2008**  
**(remains in place through August 31, 2008)**

Range	12 months of service at each step required to move to next step								36 months of service at each step required to move to next step 36 mos. at step 9 required to move to step 10				
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
903	\$10,011	\$10,017	\$10,023	\$10,029	\$10,035	\$10,041	\$10,047	\$10,053	\$10,061	\$10,078	\$10,100	\$10,123	\$10,145
904	\$8,974	\$8,980	\$8,986	\$8,992	\$8,998	\$9,004	\$9,010	\$9,016	\$9,024	\$9,041	\$9,063	\$9,086	\$9,108

**2008 Commissioners Salary Matrix - effective September 1, 2008**

Range	12 months of service at each step required to move to next step								36 months of service at each step required to move to next step 36 mos. at step 9 required to move to step 10				
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
903	\$10,567	\$10,573	\$10,579	\$10,585	\$10,591	\$10,597	\$10,603	\$10,609	\$10,617	\$10,634	\$10,656	\$10,679	\$10,701
904	\$9,472	\$9,478	\$9,484	\$9,490	\$9,496	\$9,502	\$9,508	\$9,514	\$9,522	\$9,539	\$9,561	\$9,584	\$9,606