

**LAKWOOD WATER DISTRICT
PIERCE COUNTY, WASHINGTON**

RESOLUTION NO. B-1474

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF LAKEWOOD WATER DISTRICT, PIERCE COUNTY, WASHINGTON, REPEALING AND REPLACING RESOLUTION NO. B-1439, RELATING TO THE DISTRICT'S SICK LEAVE POLICY.

WHEREAS, the District Board of Commissioners previously authorized and approved sick leave benefits for District employees, as set forth in Resolution No. B-1439, adopted by the Board on April 20, 2017; and

WHEREAS, subsequent to the adoption of Resolution No. B-1439, the District Board of Commissioners by motion during its regular meeting held on July 16, 2020, adopted a revised Employee Handbook ("Handbook"), which Handbook included revisions to the District's sick leave policy to reflect then-newly adopted RCW 49.46.210 and Chapter 296-128 WAC, relating to legally-mandated sick leave benefits; and

WHEREAS, consistent with the Washington State Auditor's recommendation, the District Board of Commissioners has determined it appropriate to further amend its sick leave policy, as it pertains to the conversion of sick leave to vacation leave for retiring employees, to clarify the leave cash out provisions related thereto; now, therefore,

BE IT RESOLVED by the Board of Commissioners of Lakewood Water District of Pierce County, Washington, as follows:

Section 1. Repeal and Replacement. Resolution No. B-1439 is repealed and replaced in its entirety by this Resolution No. B-1474.

Section 2. Sick Leave Policy: The following Sick Leave Policy is hereby established for District employees:

Sick Leave

All employees are eligible for paid sick leave, in accordance with RCW 49.46.210. The District also provides additional sick leave benefits beyond what is required by law. Combined, regular full-time employees shall accrue 3.85 hours per pay period, for a total of 100 hours of sick leave per calendar year. Please see the sick leave provisions for each type described in detail below.

Washington Paid Sick Leave

Consistent with RCW 49.46.210 and Chapter 296-128 WAC, the District offers the following sick leave benefits mandated by law.

All employees are entitled to Washington Paid Sick Leave (WPSL) benefits and earn one hour for every 40 hours worked. For full-time employees who normally work a 40-hour workweek, this equates to 52 hours per calendar year; however, this number will vary, depending upon the actual number of hours, including overtime, worked by an employee.

WPSL benefits will begin accruing as of the employee's hire date and are eligible for use as soon as they are accrued. At the end of the employee's first calendar year of employment, sick leave benefits will be calculated and tracked as of January 01 of each calendar year.

Non-exempt employees may take their WPSL benefits in 15-minute increments; exempt employees are typically not required to report absences of less than a full day. Employees may carry over up to 40 hours of accrued sick leave from one calendar year to the next.

WPSL is paid at the employee's regular base rate of pay.

Employees may use their accrued WPSL benefits for any absence due to the following reasons:

The employee's own illness, injury, or health condition, to accommodate the need for medical diagnosis, care, or treatment of a health condition, or preventative medical care.

The employee's care for a family member with an illness, injury, or health condition, or to care for a family member who needs medical diagnosis, care, or treatment of a health condition, or to care for a family member who needs preventative medical care.

The District is closed by order of public official for any health-related reason, or where the employee's child's school or daycare is closed for such a reason.

Absences covered by the District's Domestic Violence Leave Policy.

Employees should request to use their WPSL benefits as far in advance as possible. This generally means an employee should provide notice at least 10 days in advance of any planned or otherwise foreseeable absence, such as a planned medical appointment or procedure, and at least one hour prior to the employee's shift for any unforeseeable or emergent absence. If such notice is not practicable under the circumstances, the employee should provide notice as soon as practicable.

The District may require an employee to provide proof of illness, injury, or health condition from a qualified health care provider for absences of more than three consecutive days, unless such verification would result in an unreasonable burden or expense to the employee, as established pursuant to Washington State

regulation. If an employee believes the required verification will result in an unreasonable burden or expense, the employee should notify the District, preferably in writing, of this and provide an explanation that (i) the employee's use of the sick leave is for one of the reasons listed above and (ii) how the verification requirement will result in an undue burden or expense.

Upon receipt of such notice from the employee, the District will consider the employee's explanation and proceed in accordance with the process set forth in WAC 296-128-660. Otherwise, failure to provide the required verification may result in a loss of leave benefits for that work period and/or may result in further disciplinary action.

If an employee feels they are being discriminated or retaliated against because of their lawful use of WPSL benefits, the employee should contact Human Resources or the General Manager. If the employee is not satisfied with the District's response, the employee may contact the Washington State Department of Labor & Industries:

Online: www.lni.wa.gov/WorkplaceRights
Call: 1-866-219-7321
Visit: www.lni.wa.gov/Offices
Email: ESgeneral@lni.wa.gov

WPSL benefits are not cashed out upon termination of employment. However, if a former employee is rehired by the District within 12 months of their termination date, the District shall reinstate the employee's previously-accrued WPSL benefits.

Additional Sick Leave

In addition to and separate from the WPSL benefits provided above, all regular full-time employees earn four hours per month of additional sick leave (ASL).

Regular part-time employees shall receive ASL benefits on a prorated basis, based upon the number of hours their schedule bears to a full-time schedule.

Introductory Period employees begin accruing ASL as of their hire date and will be permitted to use ASL as accrued.

ASL benefits will accrue only when an employee is in paid status, which includes paid leave but does not include unpaid leaves. ASL benefits may not be used until after they are accrued. ASL benefits may be taken in 15-minute increments.

After first exhausting their accrued WPSL benefits, employees may use their ASL benefits for the following reasons:

The employee's own bona fide illness or injury, including temporary disability caused by pregnancy or childbirth.

To care for a minor child of the employee with a health condition requiring treatment or supervision.

To care for the employee's child, spouse, registered domestic partner, parent, parent-in-law, domestic partner's parent, sibling, or grandparent who has a serious health condition or an emergency health condition.

Absences covered by the District's Domestic Violence Leave Policy.

Other circumstances which may be authorized by the General Manager, in the General Manager's discretion.

ASL benefits are paid at the employee's regular base rate of pay.

Employees should request to use their ASL benefits as far in advance as possible. This generally means that an employee should provide notice at least 10 days in advance of any planned or otherwise foreseeable absence, such as a planned medical appointment or procedure, and at least one hour prior to the employee's shift for any unforeseeable or emergent absence. If such is not practicable under the circumstances, the employee should provide notice as soon as practicable.

The District may require any employee to provide proof of illness, injury, or health condition from a qualified health care provider in connection with the employee's use of ASL benefits. Failure to provide such required verification may result in loss of ASL benefits for that work period and may result in further disciplinary action. Employees who misuse their ASL benefits will be subject to disciplinary action. This medical verification requirement is not subject to the process outlined above for WPSL benefits.

ASL benefits are not cashed out to employees upon termination of employment except at the time of retirement as prescribed in Resolution No. B-1474.

Temporary employees will not be eligible for or entitled to ASL benefits.

Sick Leave Buyback

Regular full-time and part-time employees may accrue and carry over up to 720 hours of sick leave, including the 40-hour maximum of WPSL, as of December 31 of each year. Accrued ASL and WPSL benefits which exceed the maximum accrual may not be carried over into the following calendar year and will be cashed out to the employee at the rate of two hours of sick leave for one hour of compensation at the employee's regular base rate of pay.

Misuse of Benefit

Any employee deemed to have abused sick leave privileges by falsification or misrepresentation may be subject to disciplinary action.

Section 3. Sick Leave Payout for Separating Employees. The Board hereby adopts the following Sick and Vacation Leave Provisions for Retiring District Employees:

An employee who is within two years of retirement may, upon approval from the General Manager, convert the employee's accrued but unused sick leave benefits which exceed 480 hours into vacation leave, at the rate of one (1) vacation hour for every two (2) sick leave hours.

To be eligible to participate in this conversion program, an employee must be eligible for PERS retirement and must provide the General Manager with a written notice of the employee's intent to retire from the District, including an anticipated retirement date. An employee's notice of retirement shall be deemed to be irrevocable, and may be relied upon by the District for purposes of succession planning, unless otherwise agreed by the General Manager.

Sick leave converted into vacation time under this policy may be used over a two-year period at the rate of seven and one half (7 ½) days per year in addition to the employee's regular vacation leave.

Within 90 days of an employee's retirement date, the General Manager may, in the General Manager's sole discretion, authorize the employee to use any accrued sick leave, if convenient to the District and to the employee.

At the time of retirement, all accrued sick leave up to 480 hours shall be paid to the employee at their current hourly rate of pay. Upon retirement, the employee in shall in writing select the option to receive the sick leave cash out in one lump sum payment, or to remain on the District's payroll and receive the sick leave cash out in regular installments, based upon the employee's normal rate of pay, in accordance with the District's normal payroll schedule. Any sick leave in excess of 480 hours shall either be cashed out to the employee at a 2:1 ratio (two sick leave hours for one paid hour) at the employee's current hourly rate of pay or converted to vacation as defined above.

Section 4. Amendment to Handbook. District staff is directed to revise the District Employee Handbook accordingly, to reflect the policies adopted by this Resolution, and to distribute the amended policy to all existing District employees.

Section 5. No Further Amendments. Except as specifically amended herein, the remainder of District employment policies and procedures remain unaltered and in full force and affect.

Section 6. Effective Date. This Resolution shall take effect and be in full force from and after its passage.

ADOPTED by the Board of Commissioners of Lakewood Water District, Pierce County, Washington at the regular public meeting thereof held the 17th day of February, 2022.

LAKWOOD WATER DISTRICT

By _____
Commissioner and President

By *Gwen Medish*
Commissioner and Vice-President

By *Gary J. Barton*
Commissioner and Secretary