

**NORTH BEACH WATER DISTRICT  
PACIFIC COUNTY, WASHINGTON  
RESOLUTION NO. 06-2014**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF  
NORTH BEACH WATER DISTRICT, PACIFIC COUNTY,  
WASHINGTON, AMENDING RESOLUTION 12-2006 AND  
APPROVING JOB DESCRIPTIONS FOR BILLING CLERK I  
AND BILLING CLERK II AND REPEALING THE JOB  
DESCRIPTION FOR BILLING CLERK**

**WHEREAS**, North Beach Water District (District) is a political subdivision of the State of Washington formed under Title 73 RCW; and

**WHEREAS**, the District employs skilled managers, water system operators and office personnel; and

**WHEREAS**, the Board of Commissioners of North Beach Water District (Board) adopted an employee manual on April 20, 2009 by Resolution 12-2009, and

**WHEREAS**, the Board of Commissioners finds that it is in the best interest of the ratepayers to provide improved scheduling, redundancy in trained employees, and improved coverage for sickness and vacation leave by utilizing part-time employees in the Billing Clerk position, and

**WHEREAS**, the Board desires to amend the employee manual and approve job descriptions for Billing Clerk I and Billing Clerk II and repeal the Billing Clerk job description, now, therefore,

**BE IT RESOLVED** by the Board of Commissioners of North Beach Water District, Pacific County, as follows:

**Section 1.** The job description "Billing Clerk" attached hereto and incorporated herein as "Exhibit A" is hereby repealed.

**Section 2.** The job description "Billing Clerk I" attached hereto and incorporated herein as "Exhibit B" is hereby adopted.

**Section 3.** The job description "Billing Clerk II" attached hereto and incorporated herein as "Exhibit C" is hereby adopted.

**Section 4.** The general manager is authorized to hire one Billing Clerk I and one Billing Clerk II; provided the total hours scheduled for the two positions does not exceed two thousand five hundred (2,500) per year.

**Section 5.** The Employee Manual adopted by Resolution 12-2009 is hereby amended as follows:

**SECTION 3 - DEFINITIONS**

For purposes of this Manual the following definitions apply:

1. District - This means the North Beach Water District (the "District") which is formed pursuant to the Washington Water-Sewer Districts law (Title 57 RCW).

2. Board of Commissioners - This means the Board of Commissioners of the District.

3. At-Will - Employment with the District is "at will," not for a definite term. This means that your employment is not guaranteed for any length of time and may be terminated at any time, with or without cause, or with or without notice, by the District or by you, subject to applicable law. Inasmuch as employment is at will, the guidelines in this manual do not create any contractual or other rights (expressed or implied) for any employee. No one, other than the Board of Commissioners of the District, has the authority to enter into any agreement for employment for any specified period of time, nor to make any agreement contrary to the foregoing.

4. General Manager - This means the General Manager of the District, duly appointed by a majority vote of the Board of Commissioners. The Board may use an Employment Contract for this position.

5. Division Head - This means those employees who are directly responsible to the General Manager for the Supervision of the Operations and the Administrative Divisions. The Division Heads hold the positions of Superintendent and Office Manager. This is an "At-Will" position. In absence of the Division Head, it shall mean the General Manager.

6. Full-Time Employee - This means all employees appointed by the General Manager for employment on a permanent basis and work 40 hours per week. This is a "Non-Exempt" and "At-Will" position.

7. Temporary Employee - This means any employees hired by the General Manager for a limited period of time, are paid by the hour, are provided no District benefits, and are eligible to receive overtime/compensatory time according to federal law. This is an "At-Will" position.

8. Part-Time Hourly Employee - This means any employee who is paid wages for each hour of work performed and is eligible to receive overtime/compensatory time according to federal law, and is provided no District benefits. This is an "At-Will" position.

9. Exempt/Executive Employee - This means the General Manager and Division Heads. This management group is paid on a salary basis for work performed with no overtime/compensatory time. As salaried senior officials of the District, executive personnel are expected to work those hours necessary to complete their duties and responsibilities.

10. Mission of the District - The District is a public agency providing potable water service to the public residing within the District's boundaries. The highest levels of service and public image are the mission of the District.

#### **SECTION 4 - EMPLOYMENT**

##### **D. Normal Work Day**

1. The District office will be open for business Monday through Friday, continuously from 8:00 a.m. to 4:30 p.m., except for holidays as provided elsewhere herein. District field operation normal business hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except for holidays as provided elsewhere herein.

2. Each office employee will have one-half (1/2) hour off unpaid for lunch each day, subject to the reasonable business requirements of the District. Each field employee will have one (1) hour off unpaid for lunch each day, subject to the reasonable business requirements of the District. In addition, each employee is entitled to paid 10-minute rest period for each 4-hour work period, scheduled as near as possible to midpoint of each work period. Employee may not be required to work more than 3 hours without a rest period.

3. Daily hours of work will be assigned by each employee's Division Head as required to meet the requirements of that Division.

4. Overtime/compensatory time will be paid as provided elsewhere herein.

5. Punctuality is expected at all times

## **SECTION 6 - COMPENSATION**

### **B. Overtime Pay**

1. All employees who are classified as "non-exempt employees" are eligible for overtime/compensatory time. All overtime/compensatory time must be approved by the General Manager.

2. Overtime/compensatory time is defined as that time spent on the job over forty (40) hours in one (1) normal work week or any time spent on the job on either holidays, Saturday or Sundays. (On-Call duty and pay are defined elsewhere herein.)

3. The rate paid for overtime pay is the regular hourly rate times one and one-half (1-1/2) for each hour of overtime worked, or portion thereof in one-half (1/2) hour increments.

### **C. Compensatory Time**

1. Employees who may be eligible to earn overtime may choose compensatory time off in lieu of overtime pay subject to the following provisions. Compensatory time off will be at the rate of one and one-half (1 ½) hours for each hour worked over forty (40) hours in a workweek, e.g. one (1) hour worked over forty (40) would equal one and a half (1.5 ) hours compensatory time off. Employees may accrue compensatory time up to a maximum of forty (40) hours. When the maximum is reached in any given month, subsequent overtime hours must be paid as overtime pay. Use of compensatory time is to be scheduled by mutual agreement between the employee and their supervisor at a time that will not restrict the District's ability to meet necessary work requirements. Due to business needs, the District may place reasonable restrictions regarding the use of earned compensatory time.

2. Employee requested compensatory time is subject to prior approval based on the above conditions by using an Overtime Request & Authorization Form. Records of earned and used compensatory time will be reconciled monthly and maintained by the Office Manager.

**D. On-Call Pay**

1. Each employee of the District who is on weekly On-Call will receive seven (7) hours of overtime/commentary time for each week that the employee is performing On-Call duties. This pay shall include normal field rounds performed on Saturdays and Sundays. If a holiday occurs during the weekly On-Call duties, the employee performing the On-Call duty, the employee will receive eight (8) hours of holiday leave the following Friday after his/her duty is performed or as scheduled by the General Manager.

**E. Certification and Educational Reimbursement**

1. Upon successfully passing the tests and certifications for the following certifications: State of Washington Department of Health Services Water Treatment Operator certification; State of Washington Department of Health Services Water Distribution Manager certification; American Water Works Association Water Conservation Specialist certification; State of Washington Department of Health Services Cross Control Specialist certification; Notary Public of the State of Washington; or certified Backflow Prevention Assembly Tester licensed by the State of Washington., the District will reimburse the employee for the cost of the test and certification. The District will pay for the cost of certification renewal for certifications listed above, minus any late fees. Upon the prior written approval of the General Manager, employees may be entitled to reimbursement of actual expenses for tuition, books and supplies incurred in conjunction with work-related courses taken at an accredited institution, provided the employee receives a passing grade for the course. Expenses for certification and education are limited to a maximum of \$1,000 per calendar year.

**F. Reimbursement for District Related Business**

1. Use of personal automobiles by employees on District business shall be reimbursed for miles driven at the current standard mileage rate allowed by the Internal Revenue Service.

**ADOPTED** by the Board of Commissioners on North Beach Water District, Pacific County, Washington at a special meeting held on the 30<sup>th</sup> day of January, 2014.

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Brian Sheldon, Commissioner  
Position #1

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Gwen Brake, Commissioner  
Position #2

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Glenn Ripley, Commissioner  
Position #3

"Exhibit A"

**NORTH BEACH WATER DISTRICT  
JOB DESCRIPTION**

**BILLING CLERK**

DEFINITION

Under the direct supervision of the Office Manager, this position performs work for the collection of information to begin and discontinue water service, answer customer inquiries, processes payments, follows up on delinquent accounts, and processes meter reading data. Performs other tasks as assigned.

JOB RESPONSIBILITIES:

(Any one position may not include all duties listed, nor do the examples listed cover all duties that may be performed.)

Processes accounting, billing, data entry, and office customer service and collection activities; maintains billing and customer service files; assists in the preparation of bookkeeping and accounting work, such as monthly statements of revenue, expense and water sales; prepares, organizes, and completes field service work orders in a timely manner; complies with all safety standards as they pertain to equipment and facility operations; accomplish assigned duties using safe work practices; answer customer service calls; performs other duties as assigned.

DESIRABLE QUALIFICATIONS

Knowledge of:

Basic theory and methods of data processing systems; modern office practices and procedures and the operation of standard office equipment.

Ability to:

Operate PCs, business office machines and data entry terminals; deal tactfully and courteously with customer inquiries; establish and maintain cooperative relationships with those contacted during the course of work; may include but not limited to standing, climbing, walking, lifting, bending, pulling and/or pushing, grasping, reaching, stooping and crouching, sitting, typing, walking, reading, writing, color determination, speaking and listening for extended periods of time.

Education and Experience:

Previous experience in customer service and/or bookkeeping, including the operation and use of relevant equipment or any combination of education and/or experience that could likely provide the required knowledge and abilities; high school diploma or equivalent.

License:

Possession of an appropriate Washington driver's license with satisfactory driving record as determined by the District.

FLSA STATUS

Non-exempt

Wage Tier Schedule - Effective January, 1 2014

Tier	Hourly Wage Rate
1	\$11.63
2	\$11.94
3	\$12.26
4	\$12.56
5	\$12.88
6	\$13.19
7	\$13.51
8	\$13.82
9	\$14.13
10	\$14.80

Employee Name: \_\_\_\_\_

Employee Tier: \_\_\_\_\_

Date: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

General Manager Signature: \_\_\_\_\_

"Exhibit B"

**NORTH BEACH WATER DISTRICT  
JOB DESCRIPTION**

**BILLING CLERK I**

DEFINITION

Under the direct supervision of the Office Manager, this position performs work for the collection of information to begin and discontinue water service, answer customer inquiries, processes payments, follows up on delinquent accounts, and processes meter reading data. Performs other tasks as assigned.

JOB RESPONSIBILITIES:

(Any one position may not include all duties listed, nor do the examples listed cover all duties that may be performed.)

Processes accounting, billing, data entry, and office customer service and collection activities; maintains billing and customer service files; assists in the preparation of bookkeeping and accounting work, such as monthly statements of revenue, expense and water sales; prepares, organizes, and completes field service work orders in a timely manner; complies with all safety standards as they pertain to equipment and facility operations; accomplish assigned duties using safe work practices; answer customer service calls; performs other duties as assigned.

DESIRABLE QUALIFICATIONS

Knowledge of:

Office practices and procedures and the operation of standard office equipment.

Ability to:

Operate PCs, business office machines and data entry terminals; deal tactfully and courteously with customer inquiries; establish and maintain cooperative relationships with those contacted during the course of work; may include but not limited to standing, climbing, walking, lifting, bending, pulling and/or pushing, grasping, reaching, stooping and crouching, sitting, typing, walking, reading, writing, color determination, speaking and listening for extended periods of time.

Education and Experience:

Previous experience in customer service, the operation and use of computers, copies, fax machines, cash registers and equipment or any combination of education and/or experience that could likely provide the required knowledge and abilities; high school diploma or equivalent.

License:

Possession of an appropriate Washington driver's license with satisfactory driving record as determined by the District.

Full-time/Part-time Permanent/Temporary Position.

FLSA STATUS - Non-exempt

Wage Tier Schedule - Effective January, 1 2014

Tier	Hourly Wage Rate
1	\$10.00
2	\$10.30
3	\$10.61
4	\$10.82
5	\$11.04
6	\$11.26
7	\$11.48
8	\$11.71
9	\$11.95
10	\$12.54

Employee Name: \_\_\_\_\_

Employee Tier: \_\_\_\_\_

Date: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

General Manager Signature: \_\_\_\_\_



"Exhibit C"

**NORTH BEACH WATER DISTRICT  
JOB DESCRIPTION**

**BILLING CLERK II**

DEFINITION

Under the general supervision of the Office Manager, this position performs work for the collection of information to begin and discontinue water service, answer customer inquiries, processes payments, follows up on delinquent accounts, and processes meter reading data. Performs other tasks as assigned.

JOB RESPONSIBILITIES:

(Any one position may not include all duties listed, nor do the examples listed cover all duties that may be performed.)

Processes accounting, billing, data entry, and office customer service and collection activities; maintains billing and customer service files; assists in the preparation of bookkeeping and accounting work, such as monthly statements of revenue, expense and water sales; prepares, organizes, and completes field service work orders in a timely manner; complies with all safety standards as they pertain to equipment and facility operations; accomplish assigned duties using safe work practices; answer customer service calls; performs other duties as assigned.

DESIRABLE QUALIFICATIONS

Knowledge of:

Basic theory and methods of data processing systems; modern office practices and procedures and the operation of standard office equipment.

Ability to:

Operate PCs, business office machines and data entry terminals; deal tactfully and courteously with customer inquiries; establish and maintain cooperative relationships with those contacted during the course of work; may include but not limited to standing, climbing, walking, lifting, bending, pulling and/or pushing, grasping, reaching, stooping and crouching, sitting, typing, walking, reading, writing, color determination, speaking and listening for extended periods of time.

Education and Experience:

Previous experience in customer service and/or bookkeeping, including the operation and use of relevant equipment or any combination of education and/or experience that could likely provide the required knowledge and abilities; high school diploma or equivalent.

License:

Possession of an appropriate Washington driver's license with satisfactory driving record as determined by the District.

**Full-time/Part-time Permanent Position.**

FLSA STATUS - Non-exempt

Wage Tier Schedule - Effective January, 1 2014

Tier	Hourly Wage Rate
1	\$11.63
2	\$11.94
3	\$12.26
4	\$12.56
5	\$12.88
6	\$13.19
7	\$13.51
8	\$13.82
9	\$14.13
10	\$14.80

Employee Name: \_\_\_\_\_

Employee Tier: \_\_\_\_\_

Date: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

General Manager Signature: \_\_\_\_\_

# Changes to Employee Manual - Red Line

## SECTION 3 - DEFINITIONS

For purposes of this Manual the following definitions apply:

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2. Board of Commissioners - This means the Board of Commissioners of the District.
3. At-Will – Employment with the District is “at will,” not for a definite term. This means that your employment is not guaranteed for any length of time and may be terminated at any time, with or without cause, or with or without notice, by the District or by you, subject to applicable law. Inasmuch as employment is at will, the guidelines in this manual do not create any contractual or other rights (expressed or implied) for any employee. No one, other than the Board of Commissioners of the District, has the authority to enter into any agreement for employment for any specified period of time, nor to make any agreement contrary to the foregoing.
4. General Manager - This means the General Manager of the District, duly appointed by a majority vote of the Board of Commissioners. The Board may use an Employment Contract for this position.
5. Division Head - This means those employees who are directly responsible to the General Manager for the Supervision of the Operations and the Administrative Divisions. The Division Heads hold the positions of Superintendent and Office Manager. This is an “At-Will” position. In absence of the Division Head, it shall mean the General Manager.
6. Full-Time Employee - This means all employees appointed by the General Manager for employment on a permanent basis and work 40 hours per week. This is a “Non-Exempt” and “At-Will” position.
7. Temporary Employee - This means any employees hired by the General Manager for a limited period of time, are paid by the hour, are provided no District benefits, and are eligible to receive overtime/~~compensatory time pay~~ according to federal law. This is an “At-Will” position.
8. Part-Time Hourly Employee - This means any employee who is paid wages for each hour of work performed and is eligible to receive overtime/~~compensatory time pay~~ according to federal law, and is provided no District benefits. This is an “At-Will” position.
9. Exempt/Executive Employee - This means the General Manager and Division Heads. This management group is paid on a salary basis for work performed with no overtime/~~compensatory time pay~~. As salaried senior officials of the District, executive personnel are expected to work those hours necessary to complete their duties and responsibilities.
10. Mission of the District - The District is a public agency providing potable water service to the public residing within the District's boundaries. The highest levels of service and public image are the mission of the District.

## SECTION 4 – EMPLOYMENT

### D. Normal Work Day

1. The District office will be open for business Monday through Friday, continuously from 8:00 a.m. to 4:30 p.m., except for holidays as provided elsewhere herein. District field operation normal business hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except for holidays as provided elsewhere herein.
2. Each office employee will have one-half (1/2) hour off unpaid for lunch each day, subject to the reasonable business requirements of the District. Each field employee will have one (1) hour off unpaid for lunch each day, subject to the reasonable business requirements of the District. In addition, each employee is entitled to paid 10-minute rest period for each 4-hour work period, scheduled as near as possible to midpoint of each work period. Employee may not be required to work more than 3 hours without a rest period.
3. Daily hours of work will be assigned by each employee's Division Head as required to meet the requirements of that Division.
4. Overtime/compensatory time will be paid as provided elsewhere herein.
5. Punctuality is expected at all times

## SECTION 6 - COMPENSATION

### B. Overtime Pay

1. All employees who are classified as "non-exempt employees" are eligible for overtime/compensatory time pay. All overtime/compensatory time pay must be approved by the General Manager.
2. Overtime/compensatory time pay is defined as that time spent on the job over ~~eight~~ forty (840) hours in one (1) normal work ~~day~~ week or any time spent on the job on either holidays, Saturday or Sundays. (On-Call duty and pay are defined elsewhere herein.)
3. The rate paid for overtime pay is the regular hourly rate times one and one-half (1-1/2) for each hour of overtime worked, or portion thereof in one-half (1/2) hour increments.

### C. Compensatory Time

1. Employees who may be eligible to earn overtime may choose compensatory time off in lieu of overtime pay subject to the following provisions. Compensatory time off will be at the rate of one and one-half (1 ½) hours for each hour worked over forty (40) hours in a workweek, e.g. one (1) hour worked over forty (40) would equal one and a half (1.5 ) hours compensatory time off. Employees may accrue compensatory time up to a maximum of forty (40) hours. When the maximum is reached in any given month, subsequent overtime hours must be paid as overtime pay. Use of compensatory time is to

be scheduled by mutual agreement between the employee and their supervisor at a time that will not restrict the District's ability to meet necessary work requirements. Due to business needs, the District may place reasonable restrictions regarding the use of earned compensatory time.

4.2. Employee requested compensatory time is subject to prior approval based on the above conditions by using an Overtime Request & Authorization Form. Records of earned and used compensatory time will be reconciled monthly and maintained by the Office Manager.

ED. On-Call Pay

Each employee of the District who is on weekly On-Call will receive seven (7) hours of overtime/~~commentary time~~ pay for each week that the employee is performing On-Call duties. This pay shall include normal field rounds performed on Saturdays and Sundays. If a holiday occurs during the weekly On-Call duties, the employee performing the On-Call duty, the employee will receive eight (8) hours of holiday leave the following Friday after his/her duty is performed or as scheduled by the General Manager.

DE. Certification and Educational Reimbursement

Upon successfully passing the tests and certifications for the following certifications: State of Washington Department of Health Services Water Treatment Operator certification; State of Washington Department of Health Services Water Distribution Manager certification; American Water Works Association Water Conservation Specialist certification; State of Washington Department of Health Services Cross Control Specialist certification; Notary Public of the State of Washington; or certified Backflow Prevention Assembly Tester licensed by the State of Washington., the District will reimburse the employee for the cost of the test and certification. The District will pay for the cost of certification renewal for certifications listed above, minus any late fees. Upon the prior written approval of the General Manager, employees may be entitled to reimbursement of actual expenses for tuition, books and supplies incurred in conjunction with work-related courses taken at an accredited institution, provided the employee receives a passing grade for the course. Expenses for certification and education are limited to a maximum of \$1,000 per calendar year.

EF. Reimbursement for District Related Business

Use of personal automobiles by employees on District business shall be reimbursed for miles driven at the current standard mileage rate allowed by the Internal Revenue Service.

## Fact Sheet #7: State and Local Governments Under the Fair Labor Standards Act (FLSA)

This fact sheet provides general information concerning the application of the [FLSA](#) to State and local government employees.

### Characteristics

State and local government employers consist of those entities that are defined as public agencies by the FLSA. “Public Agency” is defined to mean the Government of the United States; the government of a State or political subdivision thereof; any agency of the United States, a State, or a political subdivision of a State; or any interstate governmental agency. The public agency definition does not extend to private companies that are engaged in work activities normally performed by public employees.

### Coverage

Section 3(s)(1)(C) of the FLSA covers all public agency employees of a State, a political subdivision of a State, or an interstate government agency.

### Requirements

The FLSA requires employers to:

- pay all covered nonexempt employees, for all hours worked, at least the [Federal minimum wage](#) of \$7.25 per hour effective July 24, 2009;
- pay at least one and one-half times the employees’ regular rates of pay for all hours worked over 40 in the workweek;
- comply with the youth employment standards; and
- comply with the recordkeeping requirements

[Youth Minimum Wage](#): The 1996 Amendments to the FLSA allow employers to pay a youth minimum wage of not less than \$4.25 an hour to employees who are under 20 years of age during the first 90 consecutive calendar days after initial employment by their employer. The law contains certain protections for employees that prohibit employers from displacing any employee in order to hire someone at the youth minimum wage.

[Compensatory Time](#): Under certain prescribed conditions, employees of State or local government agencies may receive compensatory time off, at a rate of not less than one and one-half hours for each overtime hour worked, instead of cash overtime pay. Law enforcement, fire protection, and emergency response personnel and employees engaged in seasonal activities may accrue up to 480 hours of comp time; all other state and local government employees may accrue up to 240 hours. An employee must be permitted to use compensatory time on the date requested unless doing so would “unduly disrupt” the operations of the agency.

In locations with concurrent State wage laws, some States may not recognize or permit the application of some or all of the following exemptions. Since an employer must comply with the most stringent of the State or

Federal provisions, it is strongly recommended that the State laws be reviewed prior to applying any of the exclusions or exemptions discussed herein.

For certain employees in the following examples, the calculation of overtime pay **may** differ from the general requirements of the FLSA:

- employees who solely at their option occasionally or sporadically work on a part-time basis for the same public agency in a different capacity than the one in which they are normally employed
- employees who at their option with approval of the agency substitute for another during scheduled work hours in the same work capacity
- employees who meet exemption requirements for Executive, Administrative, Professional or Outside Sales occupations
- hospital or residential care establishments may, with agreement or understanding of employees, adopt a fixed work period of 14 consecutive days and pay overtime after 8 hours in a day or 80 in the work period, whichever is greater
- mass transit employees who spend some time engaged in charter activities
- employees working in separate seasonal amusement or recreational establishments such as swimming pools, parks, etc.

### Employees Engaged in Fire Protection and Law Enforcement Activities

Fire protection personnel include firefighters, paramedics, emergency medical technicians, rescue workers, ambulance personnel, or hazardous materials workers who:

1. are trained in fire suppression;
2. have the legal authority and responsibility to engage in fire suppression;
3. are employed by a fire department of a municipality, county, fire district, or State; and
4. are engaged in the prevention, control and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk.

There is no limit on the amount of nonexempt work that an employee employed in fire protection activities may perform. So long as the employee meets the criteria above, he or she is an employee “employed in fire protection activities” as defined in section 3(y) of the FLSA.

Law enforcement personnel are employees who are empowered by State or local ordinance to enforce laws designed to maintain peace and order, protect life and property, and to prevent and detect crimes; who have the power to arrest; and who have undergone training in law enforcement.

Employees engaged in law enforcement activities may perform some nonexempt work that is not performed as an incident to or in conjunction with their law enforcement activities. However, a person who spends more than 20 percent of the workweek or applicable work period in nonexempt activities is not considered to be an employee engaged in law enforcement activities under the FLSA.

Fire protection and law enforcement employees may at their own option perform special duty work in fire protection and law enforcement for a separate and independent employer without including the wages and hours in regular rate or overtime determinations for the primary public employer.

- Fire Departments or Police Departments **may** establish a work period ranging from 7 to 28 days in which overtime need be paid only after a specified number of hours in each work period.

- Any employee who in any workweek is employed by an agency employing less than 5 employees in fire protection or law enforcement may be exempt from overtime.

For more information on law enforcement and fire protection employees under the FLSA, see Fact Sheet #8.

### **Where to Obtain Additional Information**

**For additional information, visit our Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).**

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

**U.S. Department of Labor**  
Frances Perkins Building  
200 Constitution Avenue, NW  
Washington, DC 20210

**1-866-4-USWAGE**  
TTY: 1-866-487-9243  
[Contact Us](#)



**RCW 49.46.130****Minimum rate of compensation for employment in excess of forty hour work week — Exceptions.**

(1) Except as otherwise provided in this section, no employer shall employ any of his or her employees for a work week longer than forty hours unless such employee receives compensation for his or her employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he or she is employed.

(2) This section does not apply to:

(a) Any person exempted pursuant to RCW 49.46.010(3). The payment of compensation or provision of compensatory time off in addition to a salary shall not be a factor in determining whether a person is exempted under RCW 49.46.010(3)(c);

(b) Employees who request compensating time off in lieu of overtime pay;

(c) Any individual employed as a seaman whether or not the seaman is employed on a vessel other than an American vessel;

(d) Seasonal employees who are employed at concessions and recreational establishments at agricultural fairs, including those seasonal employees employed by agricultural fairs, within the state provided that the period of employment for any seasonal employee at any or all agricultural fairs does not exceed fourteen working days a year;

(e) Any individual employed as a motion picture projectionist if that employee is covered by a contract or collective bargaining agreement which regulates hours of work and overtime pay;

(f) An individual employed as a truck or bus driver who is subject to the provisions of the Federal Motor Carrier Act (49 U.S.C. Sec. 3101 et seq. and 49 U.S.C. Sec. 10101 et seq.), if the compensation system under which the truck or bus driver is paid includes overtime pay, reasonably equivalent to that required by this subsection, for working longer than forty hours per week;

(g) Any individual employed (i) on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; or (iii) commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption;

(h) Any industry in which federal law provides for an overtime payment based on a work week other than forty hours. However, the provisions of the federal law regarding overtime payment based on a work week other than forty hours shall nevertheless apply to employees covered by this section without regard to the existence of actual federal jurisdiction over the industrial activity of the particular employer within this state. For the purposes of this subsection, "industry" means a trade, business, industry, or other activity, or branch, or group thereof, in which individuals are gainfully employed (section 3(h) of the Fair Labor Standards Act of 1938, as amended (Public Law 93-259));

(i) Any hours worked by an employee of a carrier by air subject to the provisions of subchapter II of the Railway Labor Act (45 U.S.C. Sec. 181 et seq.), when such hours are voluntarily worked by the employee pursuant to a shift-trading practice under which the employee has the opportunity in the same or in other work weeks to reduce hours worked by voluntarily offering a shift for trade or reassignment; and

(j) Any individual licensed under chapter 18.85 RCW unless the individual is providing real estate brokerage services under a written contract with a real estate firm which provides that the individual is an employee. For purposes of this subsection (2)(j), "real estate brokerage services" and "real estate firm" mean the same as defined in RCW 18.85.011.

(3) No employer shall be deemed to have violated subsection (1) of this section by employing any employee of a retail or service establishment for a work week in excess of the applicable work week specified in subsection (1) of this section if:

(a) The regular rate of pay of the employee is in excess of one and one-half times the minimum hourly rate required under RCW 49.46.020; and

(b) More than half of the employee's compensation for a representative period, of not less than one month, represents commissions on goods or services.

In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate is to be deemed commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee.

(4) No employer of commissioned salespeople primarily engaged in the business of selling automobiles, trucks, recreational vessels, recreational vessel trailers, recreational vehicle trailers, recreational campers, manufactured housing, or farm implements to ultimate purchasers shall violate subsection (1) of this section with respect to such commissioned salespeople if the commissioned salespeople are paid the greater of:

(a) Compensation at the hourly rate, which may not be less than the rate required under RCW 49.46.020, for each hour worked up to forty hours per week, and compensation of one and one-half times that hourly rate for all hours worked over forty hours in one week; or

(b) A straight commission, a salary plus commission, or a salary plus bonus applied to gross salary.

(5) No public agency shall be deemed to have violated subsection (1) of this section with respect to the employment of any employee in fire protection activities or any employee in law enforcement activities (including security personnel in correctional institutions) if: (a) In a work period of twenty-eight consecutive days the employee receives for tours of duty which in the aggregate exceed two hundred forty hours; or (b) in the case of such an employee to whom a work period of at least seven but less than twenty-eight days applies, in his or her work period the employee receives for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in his or her work period as two hundred forty hours bears to twenty-eight days; compensation at a rate not less than one and one-half times the regular rate at which he or she is employed.

[2013 c 207 § 1; 2010 c 8 § 12045; 1998 c 239 § 2. Prior: 1997 c 311 § 1; 1997 c 203 § 2; 1995 c 5 § 1; 1993 c 191 § 1; 1992 c 94 § 1; 1989 c 104 § 1; prior: 1977 ex.s. c 4 § 1; 1977 ex.s. c 74 § 1; 1975 1st ex.s. c 289 § 3.]

## Notes:

**Findings -- Intent -- 1998 c 239:** "The legislature finds that employees in the airline industry have a long-standing practice and tradition of trading shifts voluntarily among themselves. The legislature also

finds that federal law exempts airline employees from the provisions of federal overtime regulations. This act is intended to specify that airline industry employers are not required to pay overtime compensation to an employee agreeing to work additional hours for a coemployee." [1998 c 239 § 1.]

**Intent -- Collective bargaining agreements -- 1998 c 239:** "This act does not alter the terms, conditions, or practices contained in any collective bargaining agreement." [1998 c 239 § 3.]

**Retroactive application -- 1998 c 239:** "This act is remedial in nature and applies retroactively." [1998 c 239 § 4.]

**Severability -- 1998 c 239:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1998 c 239 § 5.]

**Construction -- 1997 c 203:** "Nothing in this act shall be construed to alter the terms, conditions, or practices contained in any collective bargaining agreement in effect at the time of the effective date of this act [July 27, 1997] until the expiration date of such agreement." [1997 c 203 § 4.]

**Intent -- Application -- 1995 c 5:** "This act is intended to clarify the original intent of RCW 49.46.010(5)(c). This act applies to all administrative and judicial actions commenced on or after February 1, 1995, and pending on March 30, 1995, and such actions commenced on or after March 30, 1995." [1995 c 5 § 2.]

**Effective date -- 1995 c 5:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 30, 1995]." [1995 c 5 § 3.]