

**NORTH BEACH WATER DISTRICT  
PACIFIC COUNTY, WASHINGTON**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF NORTH BEACH WATER DISTRICT, PACIFIC COUNTY, WASHINGTON, AMENDING RESOLUTION 27-2014 "REVISION OF EMPLOYEE MANUAL".**

**WHEREAS**, On November 8, 2016 Initiative 1433 "An Act Relating to Fair Labor Standards" was approved by Washington State voters; and

**WHEREAS**, the Department of Labor & Industries has adopted rules to implement, carry out, and enforce Initiative 1433, An Act Relating to Fair Labor Standards; and

**WHEREAS**, the rules codified in Chapter 296-128 WAC, become effective January 1, 2018; and

**WHEREAS**, the Board of Commissioners desires to amend its Employee Manual to be in compliance with Chapter 296-128 WAC

**NOW, THEREFORE, NORTH BEACH WATER DISTRICT BOARD OF COMMISSIONERS DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.** Section II "General Employment Policies" subsection "Trial Period" of the Employee Manual is hereby revised as follows:

The first six (6) months of initial employment from the most recent date of hire is considered a trial period for all employees. The work of new employees is monitored closely during the trial period. A decision is made prior to the end of the trial period regarding continued employment. This period may be extended if it is determined that circumstances have not yet provided an adequate opportunity to evaluate performance. The District may conduct a written performance evaluation of trial period employees on or around the expiration date of their trial periods.

A new employee does not begin to accrue vacation, and may not take any unpaid vacation, until he/she has satisfactorily completed his/her trial period.

Upon satisfactory completion of the trial period an employee becomes a regular employee.

Additionally, existing employees promoted to a higher-level position will also be subject to a six (6) month trial period. The General Manager shall determine prior to the completion of the probation period whether the employee has met the performance expectations of the new position. The General Manager may extend the trial period when he/she determines,

in his/her discretion, that the circumstances warrant such an extension. If the General Manager determines that the employee has not satisfactorily met the performance expectations of the new position, the employee may be demoted to the employee's previous position, or an equivalent position for which the employee is qualified, if available. If no such lower-level position is available, the employee's employment may be terminated.

Regardless of an employee's satisfactory completion of his/her trial period, employment with the District at all times remains "at-will". All employees, regardless of classification, status or length of service, are expected to meet and maintain District standards for job performance and behavior.

**Section 2.** Section III "Compensation and Salary Policies" subsection "Sick Leave" of the Employee Manual is hereby revised as follows:

Sick leave is provided to all employees for use when their own illness or disability, the illness or disability of certain family members, requires time away from work or as otherwise provided for my law.

Employees will accrue sick leave at the rate of 1.6 hours for each following calendar month of completed employment. Employees are not entitled to accrue paid sick leave for hours paid while not working (such as vacation, paid holidays, worker's compensation or while using paid sick leave). Employees are entitled to use their accrued, unused paid sick leave beginning on the 90th calendar day after the start of their employment. Sick leave may not be used until after it is earned. Sick leave may be taken in hourly increments; provided, exempt employees shall take sick leave in one-day increments-absences of less than one day shall not be charged against an exempt employee's accrued sick leave.

Employees may use their accrued, unused paid sick leave hours to care for themselves or a family member (as defined below) for:

- Mental or physical illnesses, injuries, or health conditions;
- The need for medical diagnosis, care, or treatment of mental or physical illnesses, injuries, or health conditions; or
- The need for preventive medical care.

- When an employee's child's school or place of care has been closed by order of a public official for any health-related reason.
- Other circumstances which may be authorized by the General Manager, in the Manager's discretion

For the use of paid sick leave for an employee's family member, family member is defined as:

- A child;
- Including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status
- A parent;
- Including a biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child
- A spouse;
- A registered domestic partner;
- A grandparent;
- A grandchild; or
- A sibling.

In addition to the foregoing, Employees may use their accrued, unused paid sick leave to:

- Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee and their family members including, but not limited to: Preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking;
- Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking;
- Attend health care treatment for a victim who is the employee's family member;
- Obtain, or assist the employee's family member(s) in obtaining, services from: A domestic violence shelter; a rape crisis center; or a social services program for

relief from domestic violence, sexual assault, or stalking.

- Obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking in which the employee or the employee's family member was a victim of domestic violence, sexual assault, or stalking.
- Participating, for the employee or for the employee's family member(s), in: safety planning; or temporary or permanent relocation; or other actions to increase the safety from future incidents of domestic violence, sexual assault, or stalking.

For purposes of leave related to domestic violence, sexual assault, or stalking, family member has the following definition:

- Any individual whose relationship to the employee can be classified as a child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship.

Sick leave benefits shall be paid at the employee's regular rate of pay.

An employee who on December 1 of any calendar year has an accrued sick leave balance of at least 240 hours (30 days) may elect prior to the end of the calendar year to cash out all or any portion of those accrued hours which exceed 240, at the rate of one-half (1/2) of the employee's regular rate of pay.

#### **Reasonable Notice for the Use of Paid Sick Leave**

Employees must provide reasonable notice of an absence from work for the use of paid sick leave to care for themselves or a family member, or because the employee's child's school or place of care is closed by order of a public official for any health-related reason. Such notice must not interfere with an employee's lawful use of paid sick leave. Any information provided will be kept confidential.

Note: Verification may be required if an employee uses paid sick leave for more than three (3) consecutive days for which the employee was required to work.

#### **REASONABLE NOTICE FOR FORESEEABLE USE OF PAID SICK LEAVE**

If an employee's absence is foreseeable, the employee must provide notice to the employee's direct supervisor at least

10 days, or as early as practicable, before the first day paid sick leave is used.

- The District may request that the employee submit an Employee Notice for Use of Paid Sick Leave form.
- If possible, notification should include the expected duration of the absence.

#### **Reasonable Notice for Unforeseeable Use of Paid Sick Leave**

If an employee's absence is unforeseeable, the employee must contact the employee's direct supervisor as soon as possible before the required start of their shift.

- If circumstances allow, employees should provide notice as soon as the employee learns of the need for paid sick leave.
- In the event it is not practicable to provide notice of an unforeseeable absence, a person on the employee's behalf may provide such notice.
- If possible, this notification should include the expected duration of the absence.
- The District may request the employee submit an Employee Notice for Use of Paid Sick Leave form on the day of the employee's return from paid sick leave.

#### **REASONABLE NOTICE FOR USE OF PAID SICK LEAVE FOR DOMESTIC VIOLENCE LEAVE**

##### **Reasonable Notice For Foreseeable Use Of Paid Sick Leave**

An employee must give advance oral or written notice to the general manager as soon as possible for the foreseeable use of paid sick leave to address issues related to the employee or the employee's family member being a victim of domestic violence, sexual assault, or stalking.

##### **Reasonable Notice for Unforeseeable Use of Paid Sick Leave**

If an employee is unable to give advance notice because of an emergent or unforeseen circumstance related to the employee or the employee's family member being a victim of domestic violence, sexual assault, or stalking, the employee or their designee must give oral or written notice to the general manager no later than the end of the first day that the employee takes such leave.

Verification may be required if an employee uses paid sick leave for more than three (3) consecutive days for which the employee was required to work.

### **Verification for Absences Exceeding Three Days**

If an employee has used paid sick leave for an authorized purpose for more than three (3) consecutive days during which the employee is required to work, the employee must provide verification that establishes or confirms that the use of paid sick leave is for an authorized purpose.

For care of the employee or the employee's family member, acceptable verification may include:

- A written or oral statement from the employee indicating that the use of paid sick leave is necessary to care for the employee or their family member for an authorized purpose;
- A doctor's note or a signed statement by a health care provider indicating that the use of paid sick leave is for care of the employee or their family member for an authorized purpose; or
- Other documentation demonstrating that the employee's use of paid sick leave is for care of the employee or their family member for an authorized purpose.

Verification must be provided to the District within 10 calendar days of the first day an employee used paid sick leave to care for themselves or a family member.

When an employee or the employee's family member has been a victim of domestic violence, sexual assault, or stalking, the employee's choice of any one or more of the following documents satisfies this verification requirement:

- A written statement that the employee or an employee's member is a victim of domestic violence, sexual assault, or stalking, and that the leave was taken to address related issues;
- A police report indicating that the employee or the employee's family member was a victim of domestic violence, sexual assault, or stalking;
- Evidence from a court or prosecuting attorney showing that the employee or the employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual assault, or stalking;
- A court order of protection

Documentation from any of the following persons from whom an employee or an employee's family member sought assistance in

addressing the domestic violence situation indicating that the employee or the employee's family member is a victim:

- An advocate for victims of domestic violence, sexual assault, or stalking;
- An attorney;
- A member of the clergy; or
- A medical professional.

Verification must be provided in a timely manner. In the event that advance notice of the leave cannot be given because of an emergency or unforeseen circumstances due to domestic violence, sexual assault, or stalking, verification must be provided to the employer within a reasonable time period during or after the leave.

In the event our business, or the employee's child's school or place of care, is closed by order of a public official for any health-related reason, acceptable verification may include:

- Written notice of closure by order of a public official that the employee received regarding the employee's child's school or place of care.

Verification must be provided to the District within 10 calendar days of the first day an employee used paid sick leave for such purpose.

For any verification required:

- The employee is not required to provide any details concerning the specific nature of the health condition in order to use paid sick leave, unless otherwise required by law.
- Any information the employee provides will be kept confidential.

#### **Unreasonable Burden or Expense for Verification**

If employee believes that obtaining verification for use of paid sick leave would result in an unreasonable burden or expense on the employee, the employee must contact the general manager orally or in writing.

The employee must indicate that the absence is for an authorized purpose, and explain why verification would result in an unreasonable burden or expense on the employee.

If an employee chooses to put this in writing, options for doing so include, but are not limited to:

- Completion of the Employee Verification of Authorized Use of Paid Sick Leave form; or
- Sending an e-mail to the general manager.

Within 10 calendar days of receiving the employee's request, the general manager will work with the employee to identify an alternative for the employee to meet the verification requirement in a way that does not result in an unreasonable burden or expense.

Possible options may include, but are not limited to:

- Company-provided transportation;
- Sharing the cost of getting a note from a medical provider;
- Providing a note of explanation in lieu of other forms of verification; or
- Exempting the employee from the verification requirement based on the explanation provided.

The District may choose not to pay an employee for paid sick leave taken for such absences until verification is provided.

An employee has the right to contact the general manager if the employee believes the proposed alternative still results in an unreasonable burden or expense.

If an employee is not satisfied with the District's alternatives, they may consult with the Washington State Department of Labor & Industries.

**Section 3.** Section III "Compensation and Salary Policies" subsection "Leave for Domestic Violence Victims and Their Family Members" of the Employee Manual is hereby deleted:

**ADOPTED** by the Board of Commissioners on North Beach Water District, Pacific County, Washington at its special meeting held on the 26<sup>th</sup> day of February, 2017.

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Brian Sheldon, Commissioner  
Position #1

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Glenn Ripley, Commissioner  
Position #3

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Gwen Brake, Commissioner  
Position #2