

PROPOSED BY: Executive

INTRODUCTION DATE: November 9, 2022

RESOLUTION NO. 2022 – _____

A RESOLUTION IN THE MATTER OF ADOPTING A SALARY SCHEDULE AND POLICIES FOR UNREPRESENTED WHATCOM COUNTY EMPLOYEES EFFECTIVE JANUARY 1, 2023 through DECEMBER 31, 2023

WHEREAS, employees in certain County job classifications are unrepresented and do not engage in collective bargaining on matters relating to wages, benefits and other terms and conditions of employment; and

WHEREAS, unrepresented employees should be compensated, based on the concept of a salary matrix, within the proper range and step for authorized positions within the adopted biennial budget;

WHEREAS, the Administration studied current compensation and structure and recommends changes to the salary plan to enhance retention and recruitment;

WHEREAS, future studies are recommended to re-evaluate overall structure and ensure competitive salaries;

WHEREAS, it is intended that Administration will follow the policies set forth below; and

WHEREAS, it is nonetheless understood that state law may override certain stipulations set forth herein;

THEREFORE, BE IT RESOLVED by the Whatcom County Council the following personnel policies, conditions of employment, and salary matrices are hereby adopted.

Section 1: APPLICABILITY

This Resolution applies to Unrepresented Employees and Elected Officials within the following groups:

- Group A FLSA Non-Exempt (Overtime Eligible)
- Group B FLSA Exempt
- Group C Flat Rate Positions (Court Reporter & Health Officer)
- Group D Court Commissioners
- Group E Undersheriff
- Elected Officials County Executive, Treasurer, Assessor, Auditor, Prosecuting Attorney, County Council, District Court Judge, Sheriff

References to “employees” herein are addressed to the persons within the groups listed above unless the context clearly indicates otherwise.

Section 2: SALARY PLAN

Positions Eligible for Step Increases (Groups A, B, and E)

Effective the first full pay period in 2023 (January 8, 2023), salaries shall be established within the ranges and steps provided in Addendum A.

Monthly salary amounts indicated are for one (1.0) FTE (full-time equivalent). On an annual basis, full-time equivalency is considered to be 2,080 hours, calculated as eight hours a day times five work days per week. Compensation for employees working less than full time is pro-rated based on a 40-hour work week. Monthly amounts may be converted to an hourly rate by dividing the monthly amount by 173.33.

Employees in Groups A, B and E are eligible to move up one step per year based on successful job performance. A performance evaluation must have been completed within the last year and the most recent evaluation rating must “exceed job requirements” overall to advance to the next step. Step movement will occur on the first day of the month of hire or the appropriate adjusted month.

Flat Rate Positions (Group C)

The monthly salaries are flat rate as established in Addendum A and are prorated as follows:

	<u>FTE</u>	<u>Range</u>
Court Reporter	.875	801
Health Officer	.60	802

Court Commissioners (Group D)

Court Commissioners are paid at a rate equivalent to a percentage of the comparable state judiciary level salary set by the Washington Citizens’ Commission on Salaries for Elected Officials to be effective July 1 of each year. If there is a change to the state judiciary salary level, salaries may be updated during the term of this Resolution.

	<u>% of Comp. Judge</u>	<u>Range</u>
Superior Court Commissioner	90%	903
District Court Commissioner	85%	904

Elected Officials

The Whatcom County Commission on Salaries for Elected Officials sets the salaries for the elected positions of Assessor, Auditor, Treasurer, Sheriff, Prosecuting Attorney, County Executive, and County Council. The District Court Judge salary is set by the Washington Citizens’ Commission on Salaries for Elected Officials.

Posting

The most current salary Addendum A to this Resolution will be posted on the County’s website.

Section 3: COMPENSATION

Overtime and Compensatory Time Pay (Group A)

This section applies only to employees in Group A: FLSA Non-Exempt Employees. Such employees shall be paid overtime at the rate of time and one-half for any hours worked over 40 in one work week. Such employees may request compensatory time in lieu of overtime

pay, 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. All compensatory time earned under this section shall be cashed out each year in December in the last paycheck of the calendar year.

Promotion or Reclassification

When an employee moves to a higher-level position through promotion or reclassification, they shall move to the step in the new range generally providing at least a 5% wage increase. Reclassification must comply with the County policy on reclassifications (Policy [AD140150Z](#)).

Position Movement to Lower Range

Employees 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.

Realignment

If funding is available within the authorized budget, department heads can request realignment of positions which are paid at least three percent (3.00%) below the average of at least four (4) of the six (6) comparable counties (Benton, Cowlitz, Kitsap, Skagit, Thurston, Yakima). All comparable counties where matches exist must be used. Comparisons will be based on the top step hourly wage step. The realignment will occur in January following approval by the County Executive or designee of the written realignment request. Employees moving to a new range because of position or range realignment 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.

Realignment Additional Considerations

In the event the County identifies a position as one with documented recruitment and/or retention difficulties, realignment may be considered during the year if funding is available within the current year's budget for the department. Secondary comparables based on close geographical location may be considered and comparisons may be based on the entry step.

Interim Assignment Pay

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 must complete an "Interim Assignment Pay Authorization Form" and submit to Human Resources prior to making the assignment.

Cell Phone Stipend

Department Heads may authorize a \$30 monthly stipend to compensate employees who use their personal cell phones for work-related tasks in support of County operations. This does not apply to those who have a County issued cell phone. Authorization must be submitted to Finance on a Cell Phone Stipend Agreement form.

Emergency Response Stipend

FLSA overtime exempt employees authorized in advance and required to respond in person to extraordinary emergencies, working anytime 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 \$225 stipend per incident. If an employee is not on a pre-approved absence, and 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, depending upon circumstances or the ability to flex time, an additional stipend may be awarded. Employees are not eligible for an Emergency Response Stipend for work on a holiday.

Approval of an incident is provided by the department head or designee ([Policy AD140325Z "Authorization for Emergency Response Stipend or Compensatory Time"](#)). In the case of department heads, approval of an incident is provided by the County Executive or designee.

Paid Administrative Leave (Groups B and E)

In recognition of the contributions unrepresented 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 County Executive or designee has authority to award deserving 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.

Additional Compensation

The County Executive or designee is empowered to authorize extra pay for unrepresented employees during a period of extraordinary circumstances (such as emergency conditions, a strike, etc.).

Merit Step Nomination

Department Heads may nominate employees to the Executive or designee for a one-step adjustment in recognition of documented exemplary performance. This applies to employees who are not at the top wage step of their assigned range. Employees may be nominated one time per position held. A step adjustment for merit does not impact the step date.

Merit Step 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.

Documentation shall include the funding available within the authorized department budget to support the request. Requests are submitted to Human Resources and require approval of the County Executive.

Attorney Probable Cause Compensation

Any attorney in the Prosecuting Attorney's Office required to appear on a weekend or holiday at a scheduled Probable Cause hearing shall receive \$250 for their appearance.

Attorney After-Hours Weekly Rotation

Deputy Prosecuting Attorneys are assigned, on a rotating basis, to be accessible after work hours for a seven-day period of time to respond to and be available for time-sensitive court-related matters. After-hours weekly rotations are mandatory and assigned in advance; there is no lapse in after-hours coverage at any time. The weekly rotations are shared and each attorney will not work more than eight (8) weekly rotations in any one year.

To recognize the disruption caused by working weekly after-hour rotations, and the fact that attorneys are exempt from overtime and not compensated for overtime work, attorneys completing each weekly rotation shall be granted the choice of **EITHER** twelve (12) hours of compensatory time off at the straight time rate **OR** a \$400 stipend as outlined below. Attorney positions eligible for compensatory time or stipend pay include:

- Deputy I
- Deputy II
- Senior Deputy
- Senior Deputy II

The Director and Chief Deputy in the Public Defender's Office and the Chief Deputy and Assistant Chief Deputy in the Prosecuting Attorney's Office may be included in the rotations as needed and will be eligible for the stipend or compensatory time off.

Attorney Compensatory Time

Attorneys earn twelve (12) hours of compensatory time following each weekly rotation. Time is recorded as "compensatory time earned."

Attorneys may request compensatory time to use in increments of not less than one hour whenever desired; however, approval will be subject to the same department process as used for vacation requests. Compensatory time is recorded as "compensatory time used."

A maximum of 36 hours of compensatory time may accrue at any one time. Unused compensatory time may be carried forward at the end of the year.

Unused compensatory time will not be compensated, considered compensable, or credited for any purpose with the exception that it will be cashed out upon separation of employment.

Attorney Stipend

Attorneys may elect to receive a \$400 stipend in lieu of compensatory time. The stipend election will be recorded on their time record following the weekly after-hours assignment.

Undersheriff Duty Staff Officer Stipend (Group E)

The Undersheriff is assigned, on a rotating basis, to be available to respond at any time to significant events including but not limited to: homicides, serious injury or death of Sheriff's Office personnel, shooting incidents involving Sheriff's Office personnel, major fires, civil disturbances, and/or other significant incidents. The Duty Staff Officer acts on behalf of the

Sheriff and has commensurate authority as well as responsibility for law enforcement operations during their assigned rotation.

To recognize the disruption caused when assigned Duty Staff Officer, and the fact that the Undersheriff is exempt from overtime and not compensated for overtime work, following the completion of each weekly rotation, the Duty Staff Officer shall be granted the choice of either a \$400 stipend or ten (10) hours of compensatory time at the straight time rate. Compensatory time earned during the Duty Staff Officer rotation must be used within the calendar year earned. Unused compensatory time cannot be cashed out. There is no eligibility for an Emergency Response Pay Stipend during the Duty Staff Officer rotation.

Undersheriff Binding Arbitration Adjustment

In recognition of the fact that four bargaining units within the Sheriff's Office have access to binding interest arbitration, the Undersheriff shall receive or be eligible for, on approximately the same basis as employees directly reporting to them, the following:

- Pay increases.
- The same basis for calculating longevity. Performance evaluation within last year must "exceed requirements" overall in order to be eligible for the Premium.
- The same annual clothing allowance if they must maintain a dress uniform.
- Medical coverage to the extent available.

If there is a collective bargaining agreement settlement, salary may change during the term of this Resolution.

Section 4: EMPLOYMENT

Employment at Will

Employment 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, by County policy, or by law.

Provisional Appointments

The County may make provisional appointments for a candidate or employee who does not fully meet all requirements and qualifications of a position. Such appointments will be to a range lower than the posted position. Current employees promoting into a position on a provisional basis shall receive at least a 5% promotional increase and will not receive another promotional increase upon fully meeting posted requirements. When moved to the range of the posted position, they will be placed in the step closest to but not less than their then-current rate of pay and will maintain their step increase date.

Direct Deposit

All newly hired regular employees shall authorize payment by Direct Deposit within thirty (30) days of employment. Employees may temporarily stop Direct Deposit in emergency situations with at least seven (7) day's notice before a scheduled payday, but must restart within three months.

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 between the United States and Canada. The consequence for employees who become ineligible to cross the border will be determined on a case-by-case basis.

Disciplinary Suspensions

If a FLSA-exempt employee is subject to unpaid disciplinary suspension, it shall be in increments of full work-weeks, unless the infraction leading to the suspension is for a violation of a safety rule of major significance.

Section 5: SCHEDULING (Groups A and B)

Work Schedule

The basic workweek shall consist of seven consecutive days beginning on Sunday at 12:00 a.m. and ending on Saturday at midnight. The normal work schedule shall customarily be eight (8) hours per day and five (5) consecutive days per week. Hours of operation may vary between departments and divisions in order to better serve the public.

Alternative Schedules

Either an employee or the County may request an alternative schedule which modifies the hours and the basic workday or workweek from the department standard to attend to County business or to accommodate a different schedule. Alternative scheduling requires the mutual agreement of the employee and the department head. FLSA non-exempt (overtime eligible) employees shall document their written agreement to vary the basic workweek (i.e. 9/80 schedule) and must not exceed 80 hours in a pay period. FLSA non-exempt employees may not accumulate or not take lunch and/or rest breaks in order to shorten the workday or work week.

Flex Time

By mutual agreement of the employee and the department head or designee, and prior approval, employees may flex their time in order to attend to personal matters. Flex time may also be used following an emergency response, to attend meetings, or otherwise perform work on behalf of the County. Approval of flex time for FLSA non-exempt employees 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. FLSA non-exempt employees may not accumulate or skip lunch or rest breaks in order to shorten the workday or work week.

Section 6: LEAVES

Paid Time Off (PTO) Bank (Groups A, B, E, Health Officer and District Court Commissioner)

Recent developments in state paid leave law, and a desire to offer our employees more flexibility in how they utilize their accruals, have led us to make a change in our accrual system. Beginning January 2023, all eligible employees will, in lieu of accruing vacation, sick and personal holiday, accrue time into a Paid Time Off (PTO) bank.

PTO Accrual

Accruals for 1.0 FTEs are subject to meeting benefits eligibility as referenced in Section 7 and 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.

<u>Employment Year</u>	<u>Accrual Rate/Month</u>
1 st – 4 th year	18.00 hours
5 th – 9 th year	21.33 hours
10 th + year	24.67 hours

Part-Time Employees

Part-time employees' PTO accrual rate will be pro-rated per currently assigned, but not more than their budgeted FTE.

PTO Accrual Grandfathering

Current PTO eligible employees, as of December 31, 2022, will continue to accrue PTO on the following schedule:

Department Heads	<u>Accrual Rate/month</u> 26.00 hours
Managers	<u>Accrual Rate/month</u>
During 1 st through 4 th employment year	21.33 hours
During 5 th and subsequent years	24.67 hours

PTO Accrual Exception

Prior regular County employment may be considered when determining employment year as well as prior related public service employment. Exceptions for prior related public service require submittal to Human Resources and Executive approval.

Paid Time Off Usage

PTO hours may be requested to be used as accrued and approved. In the event an employee needs PTO for an illness or to care for a family member, the employee should give their supervisor as much notice as possible.

Paid Time Off Bank Carryover/Cash Out

No more than 330 PTO hours at the end of the business day on December 31 can be carried over to the following calendar year; any additional hours are forfeited. If funds exist in the department's current budget, by mutual agreement among the impacted employee, the department head (if applicable) and the County Executive or designee, up to 40 hours of PTO anticipated to be above the 330 hours carry over maximum can be cashed out each calendar year. Requests for cash out must be submitted by November 30 and will be paid in December. Upon separation, hours in the PTO bank will be cashed out at 100%.

Paid Time Off Cash Out for 15+ Year Employees

Employees who have been employed by the County for 15 or more continuous years, may cash out up to 40 hours of PTO annually regardless of PTO balance. Requests for cash out must be submitted by November 30 and will be paid in December.

PTO Leave Sharing

Employees may donate any amount of Paid Time Off each year to employees eligible to receive leave donations. (Policy [AD1395000Z](#))

Sick Leave Bank

Employees hired before December 31, 2022 and transitioning to PTO leave will maintain their accrued and available sick leave hours in a bank. Per the County's Offering Paid Sick Leave policy, sick leave hours can be used to cover absences due to: Employee's illness (mental or physical), injury, or health condition, and for preventive care; Employee's care for a family member's illness (mental or physical), injury, or health condition, and for preventive care; Public health closures of County facilities or a dependent's school or care facility; Absences due to domestic violence, sexual assault, or stalking.

FLSA Exempt Employees can access their sick leave bank only after using three consecutive days of PTO for qualifying reasons. For a qualifying reason requiring intermittent absences, the employee needs only one period of three consecutive work days charged to PTO before gaining access to the sick leave bank. FLSA Non-Exempt Employees can access their sick leave bank without needing to use PTO first, and in compliance with RCW 49.46.210 Paid Sick Leave.

Employees with three (3) or more years of current continuous employment with the County shall be entitled to sick leave cash out upon voluntary separation, layoff or death, in the amount of twenty-five percent (25%), or fifty percent (50%) if hired before May 15, 1984. Employees must give at least two (2) weeks' notice prior to separation to be eligible for sick leave cash out.

District Court Judge, Superior Court Commissioner and Court Reporter Sick Leave

Refer to Addendum B.

Short-Term Disability Bank

With recent developments in state paid leave law, the short-term disability bank will be discontinued. Employees with a short-term disability bank as of December 31, 2022 will maintain this bank and may have access to it for qualifying reasons, including intermittent use, following three (3) consecutive days of PTO leave.

Holidays

Whatcom County follows the [State holiday schedule](#) (RCW 1.16.050) in addition to the day before Christmas. Paid holidays will be posted on an annual basis. To receive holiday pay, employees must be in paid status or on approved voluntary unpaid furlough, the entire scheduled work day before and after the holiday.

Part-Time Employee Holiday Pay

Part-time employees will receive holiday pay based on their currently assigned, but not more than their budgeted FTE.

Working on a Holiday

Employees who are required to work on a holiday shall receive compensatory time at the rate of two hours for each hour worked, in addition to holiday pay. Employees are not eligible for an Emergency Response Stipend for work on a holiday.

Compensatory time can be used at a mutually agreeable time. Unused compensatory time earned before December 31 shall be carried forward and must be used in the following year. Employees unable to use compensatory time by the end of the following year due to a County emergency are eligible to carry the hours forward for one additional year. Unused compensatory time earned under this provision will be cashed out upon separation of employment.

Family Leave

The County provides unpaid leave to any eligible employee covered by this Resolution, consistent with state and federal laws. Employees are not required to use accrued leave before commencing unpaid family leave. If leave pursuant to FMLA stipulations would also qualify as leave under any other County benefit, policy or type of leave, the period of the FMLA leave will run concurrently as permitted by law and will apply toward an employee's entitlement for each type of leave that may be applicable.

Maternity/Paternity Leave

The County provides leave consistent with WA State and Federal Leave laws.

Physician Certifications

The County may require physician certifications in accordance with state and federal guidelines.

WA State Paid Family and Medical Leave

The County participates in the Washington State Paid Family and Medical Leave insurance program. Employees shall coordinate leave under this program with Human Resources.

Bereavement Leave

Employees who suffer a death in the immediate family are entitled to paid bereavement leave as follows: up to five (5) days off (maximum of forty hours) for loss of a spouse, State registered domestic partner, child or parent (including step) of either the employee or the employee's spouse. Up to three (3) days off for loss of employee's or employee's spouse's sibling (including step), grandchild or grandparent. Up to eight (8) hours for loss of a sibling's spouse (including step). Additional days off without pay or using accrued leave may also be available upon written approval of the department head.

Jury Duty

Employees will be paid their normal wages if they are off work for jury duty.

Civil Leave

Civil leave with pay shall be allowed to permit an 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.

Military Leave

In accordance with State law, employees are entitled to 21 workdays of paid military leave annually, measured from October 1 through September 30. For longer military leaves, employees may use PTO and/or compensatory time, and may take an unpaid leave of absence without first using paid leaves. In accordance with Federal Law, employees are entitled to up to five (5) years of unpaid military leave with specified return to work rights when called to active duty.

Domestic Violence Leave

The County provides reasonable 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. Employees may choose to use accrued sick leave or other paid time off, compensatory time, or unpaid leave time.

Absence Due to Adverse Weather

An 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. Employees who wish to take leave without pay must notify their payroll preparer before the department's payroll cut-off time (Policy [AD139010Z](#)).

Section 7: HEALTH AND WELFARE BENEFITS**Benefits Eligibility**

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 certain benefits (including, but not limited to, PTO bank, STD bank, sick leave, and health and welfare). Compensation is defined as payment of wages for work performed, vacation, accrued sick leave, PTO, STD, other paid leave, or income for industrial injury not to exceed twelve months. County payments of health and welfare premiums for benefits of unrepresented 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. Lump sum cash out of accruals upon termination of employment is not considered compensable hours for any purpose of eligibility or contribution. Any elected official or newly hired unrepresented 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. Due to the nature of elected official positions, they will be eligible for health & welfare benefits on the same basis as a 1.0 FTE.

Health and Welfare Benefits

Elected officials set forth in Section 1 and eligible employees shall be granted the following health and welfare benefits. The benefits shall include full contribution by the County for the employee, spouse, and dependent children of the employee, unless otherwise noted.

- A) Medical – Washington Teamsters Welfare Trust Plan “B”.
- B) Dental – Washington Teamsters Welfare Trust Dental Plan “A”.
- C) Vision – NBN Vision Plan with Washington Teamsters Welfare Trust.
- D) Life insurance –employee only coverage with Standard Life Insurance in the face amount of \$50,000.
- E) Waiver of Contributions – Washington Teamsters Welfare Trust Disability Waiver of Contributions Extension.
- F) Plan D Time Loss – Washington Teamsters Welfare Trust Employee \$100 per week time loss.

G) Long-Term Disability – employee only coverage with Sunlife.

Part-Time Employee's Benefits Coverage

Employees will pay a pro-rated amount of the County's contribution, based on their FTE, for A. Medical, B. Dental, C. Vision, E. Waiver of Contributions, and F. Plan D Time Loss through payroll deduction utilizing the Flex 125 program. The County will pay the full contribution for D. Life Insurance and G. Long-Term Disability. The requirement for pro-rated contributions does not apply to Public Health Officers, Court Reporters, or Whatcom County Council members.

Section 8: RETIREMENT AND OTHER BENEFITS

Retirement Plans

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

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 may, within sixty (60) days of hire, elect to contribute directly to the 401(a) Plan.

Flex 125

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

Employee Assistance Program

The County provides confidential counseling assessment services through an Employee Assistance Program for employees and their immediate families.

Sheriff's Office Disability Plan (Group E Undersheriff)

The Undersheriff will be provided a substantially equivalent disability plan as that provided to employees directly reporting to them and is not eligible to participate in the Long-Term Disability Plan offered to other unrepresented employees.

Retirement Health Savings Plan. The County maintains a tax-free Retirement Health Savings Plan (RHS) in accordance with IRS regulations. The County administers the RHS plan consistent with the County's RHS plan documents. Contribution types, which are mandatory within identified employee groups, may include, but are not limited to: contribution of a percentage of base salary and PTO bank cash outs at voluntary separation from County employment. The County may at its discretion identify additional recognized groups of unrepresented employees to have one or more of the existing contribution types applied.

Section 9: POLICY OR PROVIDER CHANGES

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.

Section 10: EFFECTIVE DATE

All changes in benefits under this Resolution shall become effective January 1, 2023 and salaries shall become effective the first full pay period in January 2023 (January 8). Salaries and benefits shall remain in effect until rescinded, except where noted otherwise, and except that any further changes may be retroactively applied as approved by the County Council.

AND FURTHER, THEREFORE, BE IT RESOLVED, that Resolution No. 2021-048 is hereby rescinded effective January 1, 2023 and this Resolution shall become effective that same date.

APPROVED this 9th day of November, 2022.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Todd Donovan, Council Chair

APPROVED as to form:

DocuSigned by:
George Roche

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Senior Deputy Prosecuting Attorney

Addendum A 2023 Salary Matrix for Unrepresented Employees

Annual Step Increase Eligible (Effective January 8, 2023 +4% and implementation of new plan)											
GROUP A: FLSA Non-Exempt Overtime Eligible (Hourly)											
RANGE	1	2	3	4	5	6	7	8	9	10	11
1	\$23.69	\$24.59	\$25.52	\$26.49	\$27.50	\$28.54	\$29.63	\$30.75	\$31.92	\$33.14	\$34.40
2	\$25.11	\$26.06	\$27.05	\$28.08	\$29.15	\$30.26	\$31.41	\$32.60	\$33.84	\$35.12	\$36.46
3	\$26.62	\$27.63	\$28.68	\$29.77	\$30.90	\$32.07	\$33.29	\$34.56	\$35.87	\$37.23	\$38.65
4	\$28.21	\$29.28	\$30.40	\$31.55	\$32.75	\$34.00	\$35.29	\$36.63	\$38.02	\$39.47	\$40.97
5	\$29.91	\$31.04	\$32.22	\$33.45	\$34.72	\$36.04	\$37.41	\$38.83	\$40.30	\$41.83	\$43.42
6	\$31.70	\$32.90	\$34.15	\$35.45	\$36.80	\$38.20	\$39.65	\$41.16	\$42.72	\$44.34	\$46.03
GROUP B: FLSA Exempt from Overtime (Monthly)											
RANGE	1	2	3	4	5	6	7	8	9	10	11
7	\$5,824	\$6,045	\$6,275	\$6,514	\$6,761	\$7,018	\$7,285	\$7,562	\$7,849	\$8,147	\$8,457
8	\$6,174	\$6,408	\$6,652	\$6,904	\$7,167	\$7,439	\$7,722	\$8,015	\$8,320	\$8,636	\$8,964
9	\$6,544	\$6,793	\$7,051	\$7,319	\$7,597	\$7,885	\$8,185	\$8,496	\$8,819	\$9,154	\$9,502
10	\$6,937	\$7,200	\$7,474	\$7,758	\$8,053	\$8,359	\$8,676	\$9,006	\$9,348	\$9,703	\$10,072
11	\$7,353	\$7,632	\$7,922	\$8,223	\$8,536	\$8,860	\$9,197	\$9,546	\$9,909	\$10,286	\$10,676
12	\$7,794	\$8,090	\$8,398	\$8,717	\$9,048	\$9,392	\$9,749	\$10,119	\$10,504	\$10,903	\$11,317
13	\$8,262	\$8,576	\$8,901	\$9,240	\$9,591	\$9,955	\$10,334	\$10,726	\$11,134	\$11,557	\$11,996
14	\$8,757	\$9,090	\$9,436	\$9,794	\$10,166	\$10,553	\$10,954	\$11,370	\$11,802	\$12,250	\$12,716
15	\$9,283	\$9,636	\$10,002	\$10,382	\$10,776	\$11,186	\$11,611	\$12,052	\$12,510	\$12,985	\$13,479
16	\$9,840	\$10,214	\$10,602	\$11,005	\$11,423	\$11,857	\$12,307	\$12,775	\$13,261	\$13,764	\$14,288
17	\$10,430	\$10,826	\$11,238	\$11,665	\$12,108	\$12,568	\$13,046	\$13,542	\$14,056	\$14,590	\$15,145
18	\$11,056	\$11,476	\$11,912	\$12,365	\$12,835	\$13,322	\$13,829	\$14,354	\$14,900	\$15,466	\$16,053
19	\$11,719	\$12,165	\$12,627	\$13,107	\$13,605	\$14,122	\$14,658	\$15,215	\$15,794	\$16,394	\$17,017
20	\$12,422	\$12,894	\$13,384	\$13,893	\$14,421	\$14,969	\$15,538	\$16,128	\$16,741	\$17,377	\$18,038

GROUP C: Flat Rate Positions (Effective January 8, 2023 +5% and implementation to flat rate)			
Court Reporter		Health Officer	
801	\$7,623	802	\$9,492

GROUP D: Court Commissioner

Range	7/1/2022	7/1/2023	
903	\$15,238	TBD	(90% of Superior Court Judge Salary)
904	\$13,702	TBD	(85% of District Court Judge Salary)

Salaries are set by the WA Citizens' Commission on Salaries for Elected Officials

GROUP E: Undersheriff Annual Step Increase (Effective Jan. 8, 2023 +6%)									
Range	1	2	3	4	5	6	7	8	9
690					\$12,591	\$13,072	\$13,569	\$14,083	\$14,605

Undersheriff Longevity			
Yrs of Service	%	Hourly Rate	Longevity
6	2.00%	\$47.16	\$0.94
9	3.00%	\$47.16	\$1.41
12	3.50%	\$47.16	\$1.65
15	4.00%	\$47.16	\$1.89
18	4.50%	\$47.16	\$2.12
21	5.00%	\$47.16	\$2.36
24	6.00%	\$47.16	\$2.83
27	7.00%	\$47.16	\$3.30

Addendum B

Section 1:

Sick Leave: Superior Court Commissioner, Court Reporters and District Court Judge

Sick Leave Accruals

For the purpose of sick leave benefits, sick leave shall accrue to each 1.0 FTE employee from their date of hire in the amount of eight (8) hours for each month of employment, if benefits eligibility criteria are met, to a maximum of nine hundred and sixty (960) hours except as outlined below.

District Court Judge

Pursuant to RCW 3.34.100, District Court Judges shall accrue sick leave at the same rate as other county employees to a maximum of nine hundred and sixty (960) hours at the end of the business day on December 31 which shall be allowed to accrue up to one thousand and fifty-six (1,056) hours (960 + up to 96 hours annual accrual) of sick leave during the following year. The maximum reverts back to no more than nine hundred and sixty (960) hours at the end of the business day on December 31. Additionally, 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.

Sick Leave Accrual Maximum

Employees who have accrued nine hundred and sixty (960) hours at the end of the business day on December 31 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 following year. 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 business day on December 31.

Excess Sick Leave Contributions

Employees who have at least 960 hours in their sick leave bank at the beginning and end of the calendar year (or at the beginning of a calendar year and upon termination in that same year) will receive a contribution into their 457 deferred compensation plan 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, minus hours used, multiplied by 25%, multiplied by the hourly rate at year-end, equals the 457 contribution. Employees eligible for a contribution must be enrolled in a 457 deferred compensation plan prior to February 1 of the following year (or at termination, if earlier) to receive the contribution, or the 457 contribution will be forfeited.

Sick Leave Usage

Eligible employees may request sick leave as accrued and may use it in increments of less than one scheduled workday for a covered purpose (Policy [AD139400Z](#)).

Sick Leave Verification

Following more than three consecutive days of absence, an employee may be requested to provide verification that the leave was for an eligible reason (Policy [AD139400Z](#)).

Sick Leave Cash Out

Employees with three (3) or more years of current, continuous employment with the County shall be entitled to sick leave cash out upon voluntary separation, layoff or death in the amount of twenty-five (25%) percent, or fifty (50%) percent if hired before May 15, 1984, of accrued hours up to a maximum of 960 hours. Employees must give at least two (2) weeks' notice prior to separation to be eligible for sick leave cash out.

Leave Sharing Program. Employees may donate any amount of accrued sick leave each year to employees eligible to receive leave donations (Policy [AD139500Z](#)).

Section 2:
Paid Time Off District Court Commissioner

The District Court Commissioner shall be eligible for the same combined PTO leave as other Unrepresented employees and as outlined in Section 6 Leaves of the Unrepresented Resolution.