



# Whatcom County

COUNTY COURTHOUSE  
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## Agenda Bill Master Report

File Number: AB2021-649

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<b>File Created:</b>	10/29/2021	<b>Entered by:</b>	MKeeley@co.whatcom.wa.us		
<b>Department:</b>	Human Resources Division	<b>File Type:</b>	Resolution		
<b>Assigned to:</b>	Council Finance and Administrative Services Committee			<b>Final Action:</b>	11/09/2021
<b>Agenda Date:</b>	11/09/2021			<b>Enactment #:</b>	RES 2021-048

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### TITLE FOR AGENDA ITEM:

Resolution approving a salary schedule and policies for Unrepresented Whatcom County employees effective January 1, 2022 through December 31, 2022

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Please refer to Executive memo for background and more information

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### HISTORY OF LEGISLATIVE FILE

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Date:	Acting Body:	Action:	Sent To:
11/09/2021	Council	APPROVED	
		Aye: 5	Browne, Buchanan, Byrd, Donovan, and Frazey
		Nay: 1	Elenbaas
		Absent: 1	Kershner
11/09/2021	Council Finance and Administrative Services Committee	RECOMMENDED FOR APPROVAL	
		Aye: 2	Byrd, and Frazey
		Nay: 0	
		Absent: 0	
		Temp Absent: 1	Browne

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**Attachments:** Staff Memo, Proposed Resolution

PROPOSED BY: Executive

INTRODUCTION DATE: November 9, 2021

RESOLUTION NO. 2021 – 048

**A RESOLUTION IN THE MATTER OF ADOPTING A SALARY SCHEDULE AND POLICIES FOR UNREPRESENTED WHATCOM COUNTY EMPLOYEES EFFECTIVE JANUARY 1, 2022 through DECEMBER 31, 2022**

**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; and

**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 ..... Department Heads
- Group B ..... Managers
- Group C ..... Professional and Supervisory
- Group D ..... Support (FLSA non-exempt confidential)
- Group E ..... Undersheriff
- Group F ..... Court Reporters and Public Health Officers
- Group G ..... Court Commissioners
  
- 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 RANGES (Groups A through G)

**2.1 Groups A through F.** Effective the first full pay period in 2022, each wage step in all ranges of the 2021 salary matrices shall increase by 3.0%. (Addendum A).

The monthly salaries shall be established within the ranges and steps provided for each Group and shall be effective on the date listed on the applicable salary matrix and shall remain in place until changed.

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.

**2.1.1 Sub-Ranges.** Certain sub-ranges (as designated on the appropriate salary matrix) were created to address supplemental compensation replacement for employees who were receiving compensation under Executive Order 2004-03. These sub-ranges are not applicable to other individuals. The sub-range is in recognition of previously negotiated compensation based on multiple assignments, varied duties, working far beyond the hours required in a regular work week, evening meetings, and responding to emergencies in order to minimize the cost of administration and provide the greatest flexibility for the County. Employees in sub-ranges 500.1 are not eligible for Interim Assignment Pay (section 4.6), Emergency Response Pay (section 4.10) or Paid Administrative Leave (section 4.5.1).

## Section 3. SALARY RANGES (Groups F and G and Elected Officials)

**3.1 Flat Rate Positions (Group F).** The monthly salaries are flat rate with a Recognition and Retention component included. The monthly salaries in Addendum A are prorated as follows:

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

**3.2 Court Commissioners (Group G).** 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

**3.3 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.

## Section 4. COMPENSATION AND EMPLOYMENT (Groups A through and F)

**4.1 Step Movement.** All step increases shall be awarded on the basis of successful job performance. A performance evaluation must have been completed for employees in Groups A through D, and F within the last year and the most recent evaluation must "exceed requirements" overall to advance to the next step per the time period indicated on the appropriate salary matrix. Step movement will occur on the first day of the month of hire or the appropriate adjusted month.

**4.2 Reclassification or Promotion.** If funding is available within the authorized budget, department heads can request a promotion or reclassification of a position so long as it is in compliance with County policy on reclassifications (Policy AD140150Z) and receives written approval by the County Executive or designee. Employees who are reclassified because of the addition of significantly higher-level duties, or promoted into a higher position, shall move to the step in the new range as provided below. Employees are generally placed in a step providing at least a 5% wage increase. The 'top wage step' is defined as the highest step in a given range which includes an annual increase in the wage rate over the preceding step. (Step 9 for Groups A, B, C, E and F; Step 10 for Group D)

- If a 5% increase would place the employee below the top wage step in the new range, the employee is placed in the new range in the step providing at least a 5% increase. The reclassification or promotion date becomes the next step date.

- For employees currently below the top wage step if a 5% increase would place the employee at or above the top wage step in the new range, the employee is placed in the top wage step. The reclassification or promotion date becomes the next step date.

- For employees currently at or above the top wage step if a 5% increase would place the employee at or above the top wage step in the new range, the employee is placed in the new range at their current step and maintains their current next step date.

- For employees in Group E, the employee's base salary (steps 1 through 9) is used to calculate step placement.

**4.3 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. 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. Positions which are experiencing recruitment and/or retention difficulties may be looked at during the year if funding is available within the current year's budget for the department.

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

**4.4 Position Movement 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.

**4.5 Overtime and Compensatory Time Pay.** The provisions for overtime payments and compensatory time (for working over 40 hours in a week) apply only to employees who are covered as non-exempt by the Federal Fair Labor Standards Act (FLSA). Non-exempt employees requesting compensatory time in lieu of overtime pay shall have such request granted up to a maximum of twenty-four (24) hours per calendar year. Additional compensatory time may be mutually agreed to, but an employee may accrue no more than a maximum of 80 hours of compensatory time at any time. All compensatory time earned under this section shall be cashed out each year in December in the last paycheck of the calendar year.

**4.5.1 Paid Administrative Leave.** 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.

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.).

**4.6 Interim Assignment Pay.** From time to time, 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. (Policy AD140325Z)

**4.7 Employment Opportunities.** Employees who wish to apply for a union position may do so by the posted closing date for union members. Applications will be reviewed only if there are no current eligible and qualified represented employees from the applicable bargaining unit who apply or who are selected for the opening. The County, at its sole discretion, may or may not at that time select unrepresented employees for any type of opening, or may proceed with a public posting and include the unrepresented employees in the employment process.

**4.7.1 Provisional Appointments.** The County may make provisional appointments for employees not fully meeting all requirements and qualifications. Such employees will be placed in a range lower than the posted position, receiving at least a 5% promotional increase (in compliance with section 4.2) and will not receive another promotional increase upon fully meeting posted requirements. They will maintain their step increase date when moved to the range of the posted position and be placed in the step closest to but not less than the provisional appointment rate of pay.

**4.8 Disciplinary Suspensions.** FLSA-exempt employees are not subject to unpaid disciplinary suspensions except in increments of full work-weeks, unless the infraction leading to the suspension is for a violation of a safety rule of major significance.

**4.9 Employment at Will.** Employment 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.

**4.10 Emergency Response.** 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 \$150 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. Pre-authorization for extraordinary emergencies eligibility is provided by an employee's supervisor in advance with written approval of the department head for a specific incident requested after the incident occurs. Final approval of a specific 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, pre-authorization and final written approval of a specific incident is provided by the County Executive or designee.

**4.11 Recognition and Retention Premium.** Recognition and Retention Premium ceased to exist as a separate compensation item for all but Group E as it was rolled into applicable salary matrices.

**4.12 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 his/her appearance.

#### **4.13 Nomination for Merit Step**

**4.13.1 Merit Step.** Employees who are not at the top wage step of their assigned range may be nominated by the department head to the County Executive or designee for a one-step adjustment in recognition of documented exemplary performance. A step adjustment for merit does not impact the step date.

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

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

**4.13.3 Timing.** Nomination requests will normally be submitted during the budget process, but may be submitted any time during the year. Submission requires funding to be available within the authorized budget for the department.

**4.14 Binding Arbitration Adjustment.** In recognition of the fact that four bargaining units within the Sheriff's Office have access to binding interest arbitration, Sheriff's Office employees in Group E 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.

**4.15 Ability to Cross Border.** Employees must maintain the ability to cross the Canadian border if they are assigned to a position which may at any time require crossing the Canadian Border. The consequence for employees who become ineligible to cross the border will be determined on a case-by-case basis.

**4.16 Attorney After-Hours Weekly Rotations.** 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 **OR** a \$400 stipend. Attorney positions eligible for compensatory time off 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.

**4.16.1 Attorney Compensatory Time Off.**

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

- Attorneys may request compensatory time off 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 off is recorded as "compensatory time used."

- A maximum of 36 hours of compensatory time off 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.

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

**4.17 Undersheriff Duty Staff Officer**

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 his or her 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 § 4.10 Emergency Response Pay during the Duty Staff Officer rotation.

**4.18 Undersheriff Salary(Group E).** If there is a collective bargaining agreement settlement per section 4.14 (Binding Arbitration Adjustment), salary may change during the term of this Resolution.

**4.19 Posting.** The most current salary addendum to this Resolution will be posted on the County's website.

**Section 5. SCHEDULING (Groups A through F)**

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

**5.2 Alternative Schedule.** Alternative scheduling allows the hours and the basic workday or workweek of an employee to be modified from the department standard to attend to County business or to accommodate a different schedule. Approval of alternative scheduling 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. Alternative scheduling requires the mutual agreement of the employee and the department head. FLSA non-exempt employees may not accumulate or not take lunch and/or rest breaks in order to shorten the workday or work week.



**5.3 Flex Time.** Periodic flex time may be used for personal employee matters including doctor, vision or dental appointments. 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. Flex time requires the mutual agreement of the employee and the department head or designee. FLSA non-exempt employees may not accumulate or not take lunch and/or rest breaks in order to shorten the workday or work week.

## **Section 6. LEAVES (Groups A through H)**

**6.1 Sick Leave Accruals (Groups C through G).** 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 (section 8.1), to a maximum of nine hundred and sixty (960) hours except as outlined below.

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

**6.1.2 Sick Leave Accrual Maximum (Except Group E).** 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.

**6.1.3 Sick Leave Usage.** Eligible employees (section 8.1) may request sick leave as accrued and may use it in increments of less than one scheduled workday for a covered purpose. (Policy [AD139400Z](#))

**6.1.4 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](#))

**6.1.5 Excess Sick Leave Contributions (Except Group E).** 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.

**6.1.6 Excess Sick Leave Contributions (Group E only).** Employees who have at least 960 hours in their sick leave bank the first and last pay period of the year (or at the beginning of a calendar year and upon termination in that same year) will receive a contribution into their Retirement Health Savings (RHS) 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 (or date of termination, if earlier) equals the RHS contribution.

**6.1.7 Sick Leave for Family Care.** Sick leave can be used to care for a family member. (Policy AD139400Z)

**6.1.8 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.

**6.1.9 Leave Sharing Program.** Employees may donate any amount of accrued sick leave or accrued vacation leave each year to employees eligible to receive leave donations. (Policy AD139500Z).

**6.1.10 Sick Leave Accrual Maximum (Group E).** LEOFF II employees may accrue sick leave up to a maximum of one thousand, four hundred and forty (1,440) hours. No more than nine hundred and sixty (960) hours shall be used as a base for calculating sick leave cash out. If any hours are used per section 6.1.6, such hours used in that calculation will no longer be available to the employee and will be deducted from the accrual bank.

**6.1.11 Bonus Days.** Employees in Group E will receive an additional 40 hours of vacation time each year if they have accrued 600 hours of sick leave on December 31 of the previous year.

**6.1.12 District Court Judges.** District Court Judges shall accrue sick leave at the same rate as non-represented employees per section 6.1. Additionally, pursuant to RCW 3.34.130, District Court Judges will receive thirty (30) days' annual leave each January 1. Annual leave cannot be carried forward to the next year. When a District Court Judge vacates office, the total remuneration for annual leave and sick leave shall be granted as allowed by RCW 3.34.100, and shall not exceed the equivalent of thirty (30) days' monetary compensation.

**6.2 Vacation (Groups C through F).** Employees (except court reporters and superior court commissioners) shall be entitled to vacation accrual benefits if benefits eligibility criteria are met (section 8.1). Accruals for 1.0 FTE will be in accordance with the following schedule with the first employment year being the year hired and subsequent employment years being the first of the year. Prior regular County employment may be considered when determining employment year.

During 1st through 4th employment year	accrue 10.00 hours per month
During 5th through 9th employment year	accrue 13.34 hours per month
During 10th and subsequent years	accrue 16.67 hours per month

Vacation leave may be requested as accrued and approved and may be used in increments of less than one scheduled workday. No more than two hundred and forty (240) vacation hours may be carried forward from one year to the next; otherwise unused vacation in excess of two hundred and forty (240) hours at the end of the business day on December

31 shall be forfeited. The express purpose of vacation leave is to allow employees to take time away from work to relax, recreate and otherwise attend to personal matters. It is the policy of Whatcom County that employees shall take the regular vacation time allocated each year for the good of the employee and the County. If funds exist in the department's current budget, by mutual written agreement between the employee and the department head, up to 40 hours of vacation anticipated to be above the 240 hours carryover maximum can be cashed out each calendar year. Requests for cash out must be submitted by November 30. Upon separation, accrued vacation hours will be cashed out at 100%.

**6.2.1 Part-Time Employees.** Part-time employees' vacation accrual rate will be prorated per currently assigned, but not more than their budgeted FTE.

**6.3 Holidays (Groups A through G).** 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.

**6.3.1 Personal Holiday (Groups C through F).** Employees (except court reporters and superior court commissioners) shall receive one (1) Personal Holiday each calendar year equivalent to their FTE on January 1 or upon hire, not to exceed eight (8) hours. The Personal Holiday must be used in the year it is earned. Personal Holidays are not cashed out upon separation.

**6.3.2 Working a Non-Judicial Holiday.** Employees required to work on a non-judicial holiday because state law requires an office to remain open, shall receive two (2) days off with pay 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.

**6.3.3 Working a Holiday.** Employees required by their department head to work a paid County holiday because of an emergency, a project that can only be completed when County offices are closed, or special directive from the County Executive or designee, shall receive two (2) days off with pay at a mutually agreeable time. (see Authorization for Emergency Response Stipend or Compensatory Time form.) 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.

**6.3.4 Part-Time Employees' Holiday Pay.** Part-time employees will receive holiday pay based on their currently assigned, but not more than their budgeted FTE.

**6.4 Paid Time Off (PTO) Bank (Groups A and B).** Employees will, in lieu of accruing vacation, sick and personal holiday, accrue time into a Paid Time Off (PTO) bank.

**6.4.1 PTO Accrual.** Accrual for 1.0 FTEs 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. Employees appointed to an eligible PTO paid time off position will have their accrued and available vacation and personal holiday hours placed in a PTO bank. Prior regular County employment may be considered when determining employment year. Part-time employee's monthly PTO bank accrual rates will be pro-rated based on FTE.

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

**6.4.2 Short-Term Disability Bank.** Each newly eligible employee will receive a "one-time" deposit of 480 hours into a Short-Term Disability bank (STD). Part-time employee's STD bank deposits will be pro-rated based on FTE. The STD bank can be accessed only after an employee has been absent and used PTO bank hours to cover three consecutive work days for an illness or injury, for an approved Family/Medical Leave, or to provide care for a family member under Family Care or Family Leave. For each separate intermittent FMLA situation, only one period of three consecutive work days charged to PTO needs to be met each applicable 12-month period before gaining access to the STD bank. Access to the STD bank may require a physician's certification. The STD bank is not eligible for cash out at any time.

**6.4.3 Sick Leave Bank.** Employees in Groups C through E appointed to an eligible PTO position in Group A or B will maintain their accrued and available sick leave hours in a bank, which can be accessed only if the one-time STD bank is depleted. Upon voluntary separation, layoff or death, the sick leave bank cash out will be cashed out per section 6.1.8.

**6.4.4 Paid Time Off Usage.** PTO hours may only be requested as accrued and used as approved. In the event an employee needs PTO for an illness or to care for a family member, the employee should give his or her supervisor as much notice as possible.

**6.4.5 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. Upon separation, hours in the PTO bank will be cashed out at 100%.

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

**6.5. Jury Duty and Military Leave.** Employees considered exempt under the Federal Fair Labor Standards Act (FLSA) shall have no deduction in salary for absences caused by

jury duty or annual military leave. Jury duty and military leave will be provided as described in County Policy, USERRA or state law.

**6.6 Bereavement Leave.** Bereavement leave shall be provided to employees, who suffer a death in the immediate family, of up to five (5) days off (maximum of forty hours) without loss in pay. Immediate family members include a spouse or State registered domestic partner, child or parent (including step) of either the employee or the employee's spouse. Up to three (3) days off without loss of pay is available for other close family members (including step): brother, sister, grandchildren or grandparents of either the employee or the employee's spouse. In the event of a funeral or other memorial occurring as a result of the death of a current, lawful brother or sister-in-law, the affected employee may have up to eight (8) hours off without loss in pay to attend the funeral or memorial, if not covered above. Additional days off without pay or using accrued leave may also be available upon written approval of the department head.

**6.7 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.

**6.8 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 vacation time, sick leave, STD bank, or PTO bank 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.

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

**6.9 Maternity Leave.** Accrued sick leave or STD bank time may be utilized for maternity/disability leave. In the event sick leave and/or the STD bank is exhausted before the employee returns to work, any vacation, PTO bank, or other paid leave which has accrued must be utilized before approval of any leave without pay is considered by the County, except for leaves falling under the federal Family and Medical Leave Act or County policy. If leave pursuant to this provision would also qualify as leave under any federal or state laws, the period of leave will apply toward the employee's entitlement to leave under any applicable laws consistent with section 6.8. Unless the birth mother chooses to invoke FMLA, a birth mother's period of temporary pregnancy-related disability shall not be deducted from the FMLA leave entitlement.

**6.10 Paternity Leave.** Employees may use accrued sick leave for the delivery of a child by their legal spouse or to care for their legal spouse or registered domestic partner during pregnancy and/or childbirth disability consistent with the provisions of Executive Order 2018-4.

**6.11 Leave for Illness or Injury.** Employees may request in writing, with appropriate health care provider verification, leave for major illness or injury utilizing Family/Medical Leave, accrued leaves, and unpaid leaves, as appropriate and as approved. Total time for

the leave, which will include all time away from work, may be extended up to a maximum of twelve (12) months with the mutual consent of the department head and the County Executive or designee. An employee who returns to work will be credited for length of return time to job of injury, if work related, within the twelve (12) month limit if the employee must go back on disability for the same illness/injury. Periodic health care progress reports may be required.

**6.12 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.

**6.13 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.

**6.14 Absence Due to Adverse Weather.** FLSA non-exempt employee's absence due to severe inclement weather or other unusual emergency conditions will be charged to one of the following in sequential order: compensatory time, vacation leave, paid time off, personal holiday, or leave without pay. Employees who wish to take leave without pay must notify his/her payroll preparer before the department's payroll cut-off time. (Policy AD139010Z)

## **Section 7. ELECTED OFFICIALS**

**7.1 Wage Adjustments for Elected Officials.** Council Members and Executive Branch Elected Officials shall be compensated as set forth by the Whatcom County Commission on Salaries for Elected Officials.

## **Section 8. BENEFITS (Groups A through G and Listed Elected Officials)**

**8.1 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, sick leave, holiday, vacation, PTO bank, STD bank, 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.

**8.2 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.

**8.2.1 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 employees in Group G or Whatcom County Council members.)

### **8.3 Other Benefits.**

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

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

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

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

**8.3.5 Sheriff’s Office Disability Plan (Group E).** LEOFF II and PERS employees in the Sheriff’s Office will be provided a substantially equivalent disability plan as that provided to employees directly reporting to them. Such employees are not eligible to participate in the Long-Term Disability Plan offered under section 8.2.G.

**8.3.6 Retirement Health Savings Plan.** The County provides a tax-free Retirement Health Savings Plan (RHS) to use for qualified medical expenses, in accordance with IRS regulations. The County will administer the RHS plan consistent with the County's RHS plan documents. Contribution types, which are mandatory within identified groupings of employees, may include, but are not limited to: contribution of excess sick leave; contribution of a percentage of base salary; and contribution of sick leave, vacation and/or PTO bank cash outs at voluntary separation from County employment. The County may at its discretion identify additional recognized groupings of unrepresented employees to have one or more of the existing contribution types applied.

**8.3.6.1 Contribution to Retirement Health Savings Plan (Group E).** Employees in Groups E have elected a voluntary reduction of 6% of their base salary to be withheld effective the first full pay period in January 2022 and placed by the County into employee's Retirement Health Savings Account.

**8.3.6.1.1 Mandatory Contributions.** When an employee in Group E separates from employment, sick leave cash out, per section 6.1.8 and vacation cash, out per Section 6.2 will be mandatorily contributed to his or her Retirement Health Savings account.

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

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

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

From time to time, the County may change provisions in this Resolution or select different providers of benefits, which may impact plans offered. Nothing in this document shall limit the County's ability to change any provision in this Resolution or to search for the most cost-effective benefit packages, nor shall it commit the County to selecting any specific provider or plan.



**Section 10. EFFECTIVE DATE**

All changes in benefits under this Resolution shall become effective January 1, 2022. 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.

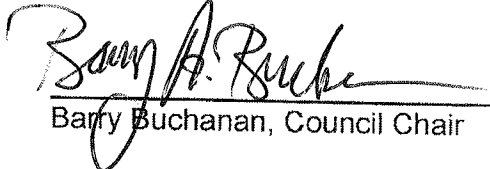
**AND FURTHER, THEREFORE, BE IT RESOLVED**, that Resolution No. 2020-046 is hereby rescinded effective January 1, 2022 and this Resolution shall become effective that same date.

APPROVED this 9th day of November, 2021.

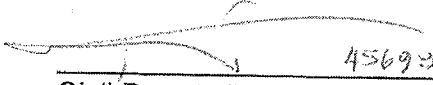
ATTEST:

  
\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
\_\_\_\_\_  
Barry Buchanan, Council Chair

APPROVED as to form:

  
\_\_\_\_\_  
45693  
Civil Deputy Prosecuting Attorney

## Addendum A 2022 Salary Matrix for Unrepresented Employees

### Group A - Department Head Salary Matrix - Effective January 9, 2022 (+3.0%)

Range	12 months of service at each step required to move to next step								36 months of service at each step required to move to next step				
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
500	9,639	10,012	10,394	10,798	11,214	11,646	12,094	12,557	13,043	13,065	13,092	13,121	13,149
500.1*	9,761	10,134	10,516	10,919	11,336	11,767	12,216	12,679	13,165	13,187	13,213	13,243	13,271
510	10,053	10,441	10,844	11,259	11,692	12,143	12,609	13,093	13,598	13,619	13,647	13,676	13,704
515	10,269	10,665	11,077	11,501	11,943	12,404	12,880	13,374	13,891	13,912	13,941	13,970	13,999
520	10,483	10,885	11,306	11,742	12,195	12,664	13,149	13,653	14,180	14,201	14,229	14,258	14,286
525	10,709	11,119	11,549	11,994	12,457	12,936	13,432	13,947	14,484	14,507	14,535	14,564	14,593
530	10,939	11,358	11,795	12,250	12,721	13,211	13,719	14,244	14,790	14,812	14,840	14,869	14,897

\*Range 500.1 - Supplemental Compensation Replacement

### Group B - Management Salary Matrix - Effective January 9, 2022 (+3.0%)

Range	12 months of service at each step required to move to next step								36 months of service at each step required to move to next step				
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
400	6,111	6,348	6,593	6,850	7,115	7,393	7,678	7,976	8,284	8,307	8,334	8,365	8,394
405	6,368	6,620	6,875	7,142	7,419	7,708	8,007	8,315	8,639	8,661	8,689	8,719	8,748
410	6,641	6,900	7,167	7,447	7,734	8,033	8,345	8,667	9,004	9,026	9,054	9,085	9,114
415	6,925	7,195	7,475	7,765	8,064	8,378	8,701	9,037	9,387	9,410	9,438	9,468	9,496
420	7,221	7,502	7,793	8,094	8,411	8,733	9,070	9,420	9,783	9,806	9,833	9,863	9,892
425	7,531	7,825	8,127	8,440	8,767	9,107	9,459	9,821	10,202	10,224	10,252	10,282	10,312
425.1*	7,836	8,130	8,432	8,745	9,071	9,411	9,763	10,125	10,506	10,528	10,556	10,587	10,616
430	7,853	8,159	8,474	8,801	9,141	9,495	9,861	10,241	10,637	10,659	10,687	10,717	10,746
435	8,192	8,507	8,839	9,179	9,533	9,903	10,283	10,678	11,091	11,114	11,142	11,173	11,202
440	8,541	8,874	9,216	9,573	9,942	10,324	10,721	11,134	11,563	11,586	11,614	11,644	11,674
445	8,907	9,252	9,609	9,981	10,364	10,763	11,179	11,608	12,055	12,078	12,106	12,136	12,166
450	9,288	9,648	10,020	10,404	10,807	11,224	11,655	12,105	12,570	12,592	12,620	12,651	12,680

\*Range 425.1 - Supplemental Compensation Replacement

### Group C - Professional/Supervisory Salary Matrix - Effective January 9, 2022 (+3.0%)

Range	12 months of service at each step required to move to next step								36 months of service at each step required to move to next step				
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
300	4,471	4,600	4,784	4,971	5,165	5,369	5,577	5,793	5,973	5,996	6,023	6,053	6,079
305	4,611	4,799	4,988	5,183	5,386	5,597	5,814	6,039	6,228	6,252	6,280	6,312	6,339
310	4,805	5,003	5,200	5,404	5,615	5,837	6,063	6,297	6,493	6,518	6,546	6,577	6,604
315	5,013	5,219	5,423	5,633	5,854	6,083	6,318	6,562	6,765	6,789	6,817	6,849	6,877
320	5,228	5,440	5,653	5,875	6,101	6,344	6,587	6,842	7,054	7,078	7,106	7,137	7,165
325	5,453	5,672	5,894	6,124	6,362	6,613	6,870	7,134	7,357	7,382	7,410	7,441	7,468
330	5,684	5,915	6,147	6,385	6,632	6,891	7,160	7,434	7,665	7,690	7,718	7,749	7,777
335	5,928	6,169	6,409	6,657	6,916	7,184	7,463	7,752	7,992	8,016	8,044	8,076	8,104
340	6,182	6,430	6,682	6,941	7,210	7,492	7,782	8,082	8,332	8,356	8,384	8,416	8,444
345	6,447	6,704	6,965	7,235	7,518	7,810	8,110	8,422	8,683	8,707	8,734	8,766	8,794
350	6,721	6,990	7,265	7,547	7,840	8,143	8,455	8,781	9,052	9,076	9,104	9,136	9,163
355	7,009	7,289	7,574	7,866	8,172	8,489	8,817	9,157	9,439	9,462	9,490	9,522	9,550
360	7,310	7,603	7,898	8,204	8,519	8,852	9,192	9,545	9,839	9,862	9,890	9,922	9,950
365	7,622	7,926	8,234	8,554	8,884	9,228	9,584	9,952	10,258	10,282	10,310	10,342	10,370
370	7,949	8,266	8,588	8,920	9,263	9,623	9,994	10,379	10,696	10,721	10,749	10,781	10,809
375	8,288	8,622	8,954	9,300	9,660	10,035	10,420	10,820	11,152	11,176	11,205	11,236	11,263
380	8,644	8,991	9,339	9,699	10,072	10,464	10,865	11,283	11,629	11,653	11,681	11,713	11,739

**Group D - Support Salary Matrix - FLSA Non-Exempt - Effective January 9, 2022 (+3.0%)**

Range	12 months of service at each step required to move to next step										24 mos of service	36 months of service at each step required to move to next step			
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14	
200	3,189	3,317	3,456	3,599	3,741	3,892	4,045	4,201	4,366	4,453	4,477	4,504	4,536	4,564	
210	3,325	3,459	3,601	3,750	3,897	4,054	4,213	4,380	4,553	4,642	4,666	4,694	4,726	4,754	
220	3,464	3,605	3,755	3,908	4,062	4,225	4,391	4,561	4,740	4,833	4,857	4,885	4,917	4,945	
230	3,613	3,761	3,917	4,078	4,236	4,405	4,577	4,756	4,945	5,042	5,066	5,094	5,125	5,153	
240	3,768	3,923	4,082	4,249	4,415	4,592	4,770	4,955	5,150	5,251	5,274	5,302	5,334	5,362	
250	3,927	4,089	4,255	4,431	4,604	4,787	4,973	5,165	5,369	5,475	5,498	5,526	5,558	5,586	
260	4,095	4,263	4,436	4,616	4,799	4,989	5,184	5,385	5,596	5,706	5,731	5,759	5,790	5,818	
270	4,444	4,618	4,806	4,995	5,190	5,396	5,604	5,821	6,050	6,228	6,252	6,280	6,312	6,339	
280	4,635	4,817	5,013	5,210	5,413	5,628	5,845	6,071	6,310	6,496	6,521	6,550	6,583	6,611	
290	4,835	5,024	5,228	5,434	5,646	5,870	6,096	6,332	6,581	6,775	6,801	6,832	6,866	6,896	

**Group E - Sheriff's Binding Arbitration Adjustment Salary Matrix<sup>1</sup>**  
Effective January 9, 2022 (+3.0%)

Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
690	10,188	10,592	11,009	11,444	11,879	12,332	12,801	13,286	13,778

Yrs of Service	%	Hourly Rate	Longevity
6	2.00%	\$44.49	\$0.89
9	3.00%	\$44.49	\$1.33
12	3.50%	\$44.49	\$1.56
15	4.00%	\$44.49	\$1.78
18	4.50%	\$44.49	\$2.00
21	5.00%	\$44.49	\$2.22
24	6.00%	\$44.49	\$2.67

<sup>1</sup>If there is a collective bargaining agreement settled per Section 4.14 salaries may change during the term of this resolution.

**Group F - Court Reporters & Health Officer Salary Matrix - Effective January 9, 2022 (+3.0%)**

Range	12 months of service at each step required to move to next step								36 months of service at each step required to move to next step				
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
801	7,083	7,090	7,098	7,106	7,114	7,123	7,131	7,139	7,149	7,173	7,200	7,232	7,260
802	8,491	8,499	8,507	8,515	8,523	8,533	8,541	8,550	8,560	8,585	8,613	8,646	8,675

**Group G - Court Commissioner Salary Matrix<sup>2</sup>**

Range	7/1/2021	7/1/2022	
903	14,976	15,238	(90% of Superior Court Judge Salary)
904	13,467	13,702	(85% of District Court Judge Salary)

<sup>2</sup>Salaries are set by the Washington Citizens' Commission on Salaries for Elected Officials.