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EMPLOYEE BENEFITS POLICY 140

1. Policy

Fringe benefits are granted to regular employees as a part of total compensation. Eligible full-time and part-time employees shall accrue benefits based on their daily hours worked. Part-time employees accrue benefits based on a pro-rata of the total hours worked in the assigned work week. County Officials accrue benefits as per County policy. For all exempt, non-represented and other employees unless otherwise specified by contract, the following benefits, rules and procedures apply:

2. Holidays

2.1 Standard County Holidays

The following days shall be recognized as the Standard County Holidays:

New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day following Thanksgiving	Fourth Friday in November
Christmas Day	December 25

Whenever a standard holiday falls on a Sunday, the succeeding Monday shall be observed as the holiday and whenever a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday.

2.2. Personal Holidays

Unless otherwise provided by contract, benefited employees shall receive two personal holidays earned on January 1st of each year (or after 180 days of employment for new employees). Use of the personal holidays is selected by mutual agreement of the employee and supervisor.

Personal holidays must be used in full days increments and must be used by December 31st of each year or be lost. Employees who have not used their personal holidays and transfer to another department within the County are entitled to transfer their personal holidays for use prior to the end of the calendar year.

2.3 Eligibility for Holiday Benefits

Benefit eligible employees who have completed one week of continuous employment and who have worked their last regularly scheduled day before and their first regularly scheduled day after any of the standard holidays shall be eligible for holiday benefit. Eligible part-time employees, regardless of their daily schedule, will receive pro-rated holiday pay off based on their regular weekly hours. If the holiday falls on an employee's regularly scheduled day off, they must take their next actual workday off.

2.4 Holiday During Leave

Should an employee be on authorized paid leave when a holiday occurs, such holidays shall not be charged against such leave.

2.5 Work Performed on Holidays

If a non-exempt (FLSA) employee taking standard County holidays is scheduled to work on any of the holidays listed above, he/she shall, in addition to his/her pay for the hours worked, be paid at the rate of one and one-half times (1-1/2) for each hour worked.

If an exempt (FLSA) employee taking standard County holidays works on any of the holidays listed above, he/she shall, in addition to his/her pay for the hours worked, be entitled to administrative leave on an hour-for-hour basis.

3. Vacation Leave

3.1 Vacation Leave Accrual

Unless otherwise proved by contract, all regular full-time employees shall accrue vacation leave monthly based on the following schedule”

<u>Months Years of Service</u>	<u>Days Per Month</u>	<u>Days Per Year</u>
Less than 5 years	1	12
5 years, but less than 10	1.25	15
10 years, but less than 15	1.5	18
15 years, but less than 20	1.75	21
20 years or more	2	24

Benefit eligible employees working less than full-time accrue vacation leave prorated based upon the total hours scheduled to work in the month.

Vacation accrual is represented as hours earned and days. The current wage rate will be used for purposed of vacation accrual payoff.

Total years of continuous County service in benefit eligible positions adjusted by any leave without pay shall be used for calculating vacation leave accrual.

3.2 Eligibility for Vacation Benefit

Benefit eligible employees earn vacation benefits. Eligibility for use of vacation leave is established after one year of continuous employment. Employees may use only what has been accrued through the end of the month prior to the month when vacation is taken.

3.3 Maximum Accrual

Accrued vacation time for non-represented employees shall be limited to a maximum of thirty (30) days based on the employee's scheduled hours.

Maximum accrual of vacation time for employees represented by collective bargaining is governed by their respective collective bargaining agreement.

3.4 Accrual Over Maximum Not Allowed

Accrual beyond the maximum rate shall be forfeited at the end of each year the employee is at or above the maximum vacation accrual at the end of the last working day of the year. Employees are responsible for keeping track of their vacation accrual and schedule their vacation leave with their supervisor in order to avoid forfeiting their vacation leave.

3.5 Cancelling Vacation

Once approved, an employee's vacation period should be respected unless an unforeseeable emergency exists that requires the employee's presence. If the employee's vacation should be so cancelled, the employee may reschedule vacation to a future date, and such schedule shall be given priority by the County Official, provided it does not cause a conflict with other scheduled vacations. The cancellation of vacation shall not be done in a capricious or arbitrary manner.

3.6 Use of Vacation Leave Upon Retirement

An employee who is retiring from the County's service may use vacation leave to complete the month of service in which retirement occurs.

3.7 Use of Vacation

Employees are encouraged to schedule vacation annually, preferably before March 31st.

Employees shall request their vacation time between January 1st and the last working day in March of each year, unless otherwise established by department policy/practice. If in the opinion of the County Official, too many requests are received for the same time period, seniority by unit shall prevail. Any requests received after the last working day in March shall be considered on a first-come, first-served basis.

Use of vacation leave in less than full day increments is discouraged; however, such leave may be granted by the County Official with a minimum notice of two (2) working days. Granting of such leave shall be subject to operational needs.

3.8 Extended Vacation

An employee who intends to use extended vacation (a period exceeding four (4) weeks) shall make a request for vacation leave in writing to the County Official a minimum of three (3) months in advance for the anticipated departure time. The purpose of the three month lead-time is to give the County Official sufficient notice to properly schedule and distribute the workload within the department. Conflicts in scheduling shall be resolved by the County Official, usually using seniority by unit as the determining factor.

4.0 Sick Leave

Paid sick leave is available for employees to care for their health and the health of their family members.

4.1 ACCRUAL OF PAID SICK LEAVE FOR EMPLOYEES

For regular full-time and regular part-time employees, accrual of sick leave will remain unchanged. One (1) day per month for regular full-time employees will be accrued and pro-rata accrual for part-time employee's dependent upon their status. The current accruals for regular employees exceed the requirements as set forth in Initiative I-1433 and codified as R.C.W. 49.46.210 and WAC 296-128-600 through 296-128-770. Accruals will continue to be tracked on employee timesheets. There is no cap in the number of paid sick leave hours an employee can accrue unless otherwise stated in a collective bargaining agreement.

Temporary, seasonal, casual and paid interns (all employees not designated as regular employees) shall accrue one hour of sick leave for every 40 hours worked. Timesheets must be kept on file for each employee to allow for audit of the accruals. There is no cap on the number of paid sick leave hours an employee can accrue; however, non-regular employees can only carry over 40 hours from year-to-year.

4.2 AUTHORIZED USES OF PAID SICK LEAVE

- a. An employee's mental or physical illness, injury, or health condition;
- b. Preventive care such as a medical, dental or optical appointment and/or treatment;
- c. Care of a family member with an illness, injury, health condition and/or preventive care such as a medical/dental/optical appointment;
- d. Closure of the employee's place of business or child's school/place of care by order of a public official for any health-related reason;

- e. If the employee of the employee's family member is a victim of domestic violence, sexual assault, or stalking.

4.3 AUTHORIZED USE OF PAID SICK LEAVE FOR DOMESTIC VIOLENCE, SEXUAL ASSAULT OR STALKING INCLUDES:

- a. Seeking legal or law enforcement assistance or remedies to ensure the health and safety of employee's and their family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault or stalking.
- b. Seeking treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking.
- c. Attending health care treatment for a victim who is the employee's family member.
- d. Obtaining, or assisting the employee's family member(s) in obtaining, services from: a domestic violence shelter; a rape crisis center; or a social services program for relief from domestic violence, sexual assault or stalking.
- e. To obtain, or assist a family member in obtaining, mental health counseling, related to an incident of domestic violence, sexual assault or stalking in which the employee or the employee's family member was a victim of domestic violence, sexual assault or stalking.
- f. Participating, for the employee or for the employee's family member(s), in: safety planning; or temporary or permanent relocation; or other actions to increase the safety from future incidents of domestic violence, sexual assault, or stalking.

4.4 FAMILY MEMBERS INCLUDED IN THIS POLICY

"Family member" is defined as a child or parent (including biological, adopted, foster, step or legal guardian), a spouse, registered domestic partner, spouse's parent, grandparent, grandchild or sibling.

4.5 ELIGIBILITY TO USE ACCRUED PAID SICK LEAVE

Employees may use sick leave after 90 days of employment. Paid sick leave balances are updated monthly. Employees may use paid sick leave once it has accrued.

4.6 REASONABLE NOTICE FOR THE USE OF PAID SICK LEAVE

Employees must provide reasonable notice of an absence from work for the use of paid sick leave to care for themselves or a family member. Such reasonable notice should be provided to their supervisor. Any information provided will be kept confidential.

4.7 REASONABLE NOTICE FOR FORESEEABLE USE OF PAID SICK LEAVE

If an employee's absence is foreseeable, the employee must provide at least ten (10) days, or as early as possible, before the first day paid sick leave is used. If possible, notification should include the expected duration of the absence.

4.8 REASONABLE NOTICE FOR UNFORESEEABLE USE OF PAID SICK LEAVE

If an employee's absence is unforeseeable, the employee must contact his/her supervisor as soon as possible.

- a. If the need for paid sick leave is unforeseeable, and arises before the required state of the employee's shift, notice should be provided no later than one (1) hour before the employee's required start time, unless a collective bargaining agreement sets forth an alternative time frame.
- b. In the event it is not possible to provide notice of an unforeseeable absence, a person, on the employee's behalf, may provide such notice.
- c. If possible, the notification should include the expected duration of the absence.

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

4.9 REASONABLE NOTICE FOR USE OF PAID SICK LEAVE FOR DOMESTIC VIOLENCE LEAVE

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

4.10 REASONABLE NOTICE FOR UNFORESEEABLE USE OF PAID SICK LEAVE FOR DOMESTIC VIOLENCE LEAVE

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

4.11 VERIFICATION OF ABSENCES EXCEEDING THREE DAYS

If an employee is seeking to use or has used paid sick leave for authorized purposes for more than three (3) consecutive days during which the employee is/was required to work, the employee may be required to provide verification that establishes or confirms that the use of paid sick leave is for an authorized purpose. Verification must be provided within 14 calendar days of the first day an employee used paid sick leave to care for themselves or a family member that exceeds three consecutive working days.

Employees are not required to provide any details concerning the specific nature of the health condition in order to use paid sick leave, unless otherwise required by law.

Any information provided will be kept confidential.

When an employee or the employee's family member is sick for more than three (3) consecutive days for which the employee is required to work, acceptable verification may include:

- a. A doctor's note or a signed statement by a health care provider indicating that the use of paid sick leave is necessary to take care of the employee or an employee's family member; or
- b. A written or oral statement from the employee indicating that the use of paid sick leave is necessary to take care of themselves or a family member.

When an employee or the employee's family member has been a victim of domestic violence, sexual assault or stalking, the employee's choice of any of the following documents, or any combination thereof, satisfy this verification requirement.

- a. A written statement that the employee or an employee's family member is a victim of domestic violence, sexual assault, or stalking, and that the leave was taken to address related issues.
- b. A police report indicating that the employee or the employee's family member was a victim of domestic violence;
- c. Evidence from a court or prosecuting attorney showing that the employee or an employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual assault, or stalking;
- d. A court order of protection;
- e. Documentation from any of the following persons from whom an employee or an employee's family member sought assistance in addressing the domestic violence situation indicating that the employee or the employee's family member is a victim:
 - i. An advocate for victims of domestic violence, sexual assault or stalking;
 - ii. An attorney;
 - iii. A member of the clergy; or
 - iv. A medical professional.

4.12 UNREASONABLE BURDEN OR EXPENSE FOR VERIFICATION

If an employee believes obtaining verification for use of paid sick leave would result in an unreasonable burden or expense, please contact the Human Resources Manager orally or in writing.

Indicate that your absence is for an authorized purpose and explain why verification would result in an unreasonable burden or expense for you.

Within 14 calendar days following receipt of the request, the Human Resources Manager will work with an employee to identify an alternative for the employee to meet the verification requirement in a way that does not result in an unreasonable burden or expense.

Possible options may include, but are not limited to:

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

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

4.13 FACILITY CLOSURE

When an employee is absent due to the closure of the employee's child's school or place of care by a public official due to health-related reasons, the employee must provide a copy of the notice of closure by a public official that the employee received regarding employee's child's school or place of care.

4.14 SEPARATION OF EMPLOYMENT

If an employee separates from employment, there will not be a financial or other reimbursement to the employee for accrued, unused paid sick leave at the time of separation. Upon separation due to retirement or death, the employee or their dependents will be paid out at 1/3 of their accrued sick leave to a maximum of 320 hours unless otherwise covered by a collective bargaining agreement.

4.15 REINSTATEMENT OF EMPLOYMENT

If an employee leaves employment and is rehired within 12 months of separation, any accrued, unused paid sick leave will be reinstated to the employees paid sick leave balance.

4.16 RETALIATION PROHIBITED

Any discrimination or retaliation against an employee for lawful exercise of paid sick leave rights is not allowed. Employees will not be disciplined for the lawful use of paid sick leave.

If an employee feels they are being discriminated or retaliated against, the employee may contact the Human Resources Manager.

If an employee is not satisfied with the County's response, the employee may contact the Washington State Department of Labor & Industries.

4.17 Use of Other Accrued Leave For Sickness

Employees who have insufficient sick leave accrued for a period of illness or temporary disability shall use all accrued vacation and comp time. Unpaid absence for sickness or injury not qualifying for Family Medical Leave or other statutory leave will be evaluated on a case-by-case basis and such employees may be subject to termination.

4.18 Extended Medical Leave

An extended medical leave is defined as an absence from work in excess of three (3) work days. An extended medical leave shall be subject to the County's rules in applying the Family and Medical Leave Act and Pregnancy Disability Leave.

(1) Unanticipated Extended Medical Leave

Where an employee has been absent from work three (3) days due to an unanticipated illness or disability, a physician's statement may be required to verify the employee's condition and prognosis.

(2) Anticipated Leave of Absence

Employees anticipating a leave for surgery, pregnancy disability, or any other anticipated disability are required to notify their County Official of the start date and the expected date of return to work. Any employee who desires an extended medical leave for other than pregnancy disability must submit a request, in writing, at least thirty (30) days prior to the beginning of leave. In the event the employee has less than thirty (30) days' notice of an extended medical leave, notice shall be given to the County Official as soon as possible. A request for an extended medical leave must be accompanied by a physician's statement, including the anticipated beginning and length of disability, as well as a confirmation that the employee is unable to work during the leave period.

(3) Reports Required for Continued Disability

Updated physicians' reports shall be required for persons who have been on leave for thirty (30) days, and shall be required every thirty (30) days thereafter.

(4) Release to Return to Work Required

Prior to return to work, employees who have been on extended medical leave for thirty (30) days or more shall submit a physician's statement certifying their ability to return to their normal duties and indicating any restrictions. County Officials, at their discretion, may require employees who have been on sick leave for less than thirty (30) days submit a physician's statement certifying their ability to return to their normal duties and indicating any restrictions. In the event the employee is released to work with restrictions that impact the employee's ability to perform the essential job functions, the County reserves the right to require additional medical opinion(s,) at the County's expense, to determine fitness for duty and make determinations concerning reasonable accommodation.

(5) Effect of Sick/Medical Leave on Other Benefits

Employee's seniority, benefit accruals and retirement benefits will not be affected by a paid extended medical leave. An employee's adjusted hire date, adjusted classification date and retirement credit will be adjusted for any periods of unpaid leave of absence.

Employees on workers compensation leave have the right by statute to purchase retirement service credit.

4.19 Illness During Vacation

Should an employee become ill while on vacation and require medical attention or hospitalization, the time ill may be charged to accumulated sick leave, provided the employee furnishes a certificate issued by a licensed physician or practitioner or other satisfactory evidence of illness.

4.20 Sick Leave Sharing

Leave Sharing: The purpose of the program is to permit unclassified employees to donate a portion of their sick leave to a fellow unclassified employee who is unable to work due to suffering from an illness or injury, or the illness or injury of an immediate family member is out of sick leave, vacation leave, floating holiday and compensatory time, and will immediately go on leave without pay. It is understood and agreed as follows:

(1) General:

- a. An employee may receive the leave sharing benefit from another unclassified employee conversely; an employee may donate to another employee.
- b. All sick leave donated under the Leave Sharing Program shall be by day. A day shall be considered 7-1/2 hours. No differentiation will be made between the salary level of the donor or recipient.
- c. There shall be no retroactive applications of donated leave.
- d. No employee shall be coerced, threatened, intimidated, or financially induced into donating leave.
- e. All donations to the leave sharing program shall be confidential and final.

(2) Eligibility To Receive Leave

- a. An employee may receive donated leave if the employee, or an immediate family member, suffers from a severe or extraordinary illness which causes, or is likely to cause, the employee to go on leave without pay.
- b. A request to receive the leave sharing benefit shall be submitted to the Human Resources Office on the "Sick Leave Share Request" form along with a note from the employee's physician indicating that he/she is seriously ill, or is having surgery, and an estimated time he/she will be unavailable for work.
- c. Should an employee's employment records indicate a consistent lack of more than five (5) days accumulated sick leave or a persistent pattern of using one or more sick leave days per month (without evidence of chronic illness), the employee will not be able to receive shared sick leave.
- d. All requests to receive leave will be reviewed by a Review Team made up of three (3) County staff. The Review Team will be appointed by the Board of County Commissioners. The Review Team may deny leave sharing if there is a question of abuse of the program.
- e. An employee receiving a leave sharing benefit must have exhausted his or her sick leave, vacation leave, compensatory time, and floating holiday.
- f. An employee receiving a leave sharing benefit must have abided by the County's policies regarding sick leave, Section 4.
- g. Initial grants of shared leave shall be for a period of sixty (60) working days or less, unless there is clear and compelling information from a physician to the effect that the disability will last longer than sixty (60) working days. The ability of the employees to physically return to work must be determined by a qualified physician. No shared leave will be allowed for employees found to be physically unable to return to work. Should an employee require more shared leave, the employee may petition for additional shared leave, but in no event more than a total of one hundred twenty (120) days of such leave during the course of his or her employment.
- h. The employee's position must be one in which sick leave can be accrued and used.
- i. The employee must be eligible to use sick leave pursuant to Personnel Policy, Employee Benefits, Section 4 – Sick Leave.
- j. The employee must not be receiving Labor and Industries payments as a result of an on-the-job injury.

(3) Leave Transference Process

- a. Employees wishing to donate sick leave shall send the Shared Sick Leave Donation Form to the Human Resources Office for processing.
- b. Employees wishing to receive sick leave shall send the Shared Sick Leave Request Form to the Human Resources Office for processing.

(4) Donating Leave

- a. All donations shall be in full days. A full day is to consist of seven and one-half (7-1/2) hours. An employee may donate a maximum of ten (10) days of sick leave in a calendar year.
- b. Donations of sick leave may not bring the donor's sick leave balance below thirteen (13) days.
- c. All donations shall be strictly voluntary. The donor shall designate the recipient.
- d. The donor does not have the right to retract or take back donated leave.

4.21 Sick Leave Sharing – Sheriff's Office

Leave Sharing: The purpose of the program is to permit employees within the Sheriff's Office to donate a portion of their sick leave to a fellow employee who is unable to work due to suffering from an illness or injury, or the illness or injury of an immediate family member, and is out of sick leave, vacation leave, floating holiday, and compensatory time, and will imminently go on leave without pay. It is understood and agreed as follows:

(1) General

- a. An employee may receive the leave sharing benefit from another employee conversely; an employee may donate to another employee.
- b. All sick leave donated under the Leave Sharing Program shall be by day. A day shall be considered 8 hours. No differentiation will be made between the salary level of the donor or recipient.
- c. There shall be no retroactive applications of donated leave.
- d. No employee shall be coerced, threatened, intimidated, or financially induced into donating leave.
- e. All donations to the leave sharing program shall be confidential and final.

(2) Eligibility To Receive Leave

- a. An employee may receive donated leave if the employee, or an immediate family member, suffers from a severe or extraordinary illness which has caused, or is likely to cause, the employee to go on leave without pay.
- b. A request to receive the leave sharing benefit shall be submitted to the Human Resources Office on the "Sick Leave Share Request" form along with a note from the employee's physician indicating that he/she is seriously ill, or is having surgery, and an estimated time he/she will be unavailable for work.
- c. Should an employee's employment records indicate a consistent lack of more than five (5) days accumulated sick leave or a persistent pattern of using one or more sick leave days per month (without evidence of a chronic illness), the employee will not be able to receive shared sick leave.
- d. All requests to receive leave will be reviewed by a Review Team made up of three (3) County staff. The Review Team will be appointed by the Board of County Commissioners. The Review Team may deny leave sharing if there is a question of abuse of the program.
- e. An employee receiving a leave sharing benefit must have exhausted his or her sick leave, vacation leave, floating holiday and compensatory time.

- f. An employee receiving a leave sharing benefit must have abided by the County's policies regarding sick leave, Section 4.
- g. Initial grants of shared leave shall be for a period of sixty (60) working days or less, unless there is clear and compelling information from a physician to the effect that the disability will last longer than sixty (60) working days. The ability of the employee to physically return to work must be determined by a qualified physician. No shared leave will be allowed for employees found to be physically unable to return to work on a permanent basis, either as full or part-time employee. Should an employee require more shared leave, the employee may petition for additional shared leave, but in no event more than a total of one-hundred twenty (120) days of such leave during the course of his or her employment.
- h. The employee's position must be one in which sick leave can be accrued and used.
- i. The employee must be eligible to use sick leave pursuant to Personnel Policy Employee Benefits, Section 4 - Sick Leave or by union contract.
- j. The employee must not be receiving Labor and Industries payments as a result of an on-the-job injury.

(3) Leave Transference Process

- a. Employees wishing to donate sick leave shall send the Shared Sick Leave Donation form to the Human Resources Office for processing.
- b. Employees wishing to receive sick leave shall send the Shared Sick Leave Request form to the Human Resources Office for processing.

(4) Donating Leave

- a. All donations shall be in full days. A full day is to consist of eight (8) hours. An employee may donate a maximum of ten (10) days of sick leave in a calendar year.
- b. Donations of sick leave may not bring the donors sick leave balance below thirteen (13) days (104 hours).
- c. All donations shall be strictly voluntary. The donor shall designate the recipient.
- d. The donor does not have the right to retract or take back donated leave.

4. Leaves of Absence

Leaves of absence may be granted to employees by the County Official subject to the following policies. Leaves of absence for Sheriff's employees subject to Civil Service are granted according to Civil Service Rules.

5.1 Authorization For Leave – Requests To Be In Writing

All requests for leaves of absence, paid or unpaid, shall be submitted by the employee to the County Official in writing prior to the anticipated beginning of the leave period. Approval of a leave of absence shall be in writing. Approval of unpaid leaves will be documented on a Personnel Action form. No employee shall receive compensation for a period of absence unless leave is authorized and earned leave has been accrued by employee. No leave of absence with or without pay shall be granted

unless a request is submitted by the employee and approved in accordance with these rules. All leaves shall be reported on the employee's payroll form.

5.2 Leaves of Absence With Pay

Leaves of absence with pay may be granted to benefit eligible employees for the following reasons and subject to the following conditions:

- (1) Statutory Leave – Including Family Medical Leave, Washington Family Care Leave and Washington Pregnancy Disability Leave according to Section 6 of this Policy.
- (2) Jury Duty – Employees required to appear for jury duty are expected to utilize telephone and other systems designed to minimize their work absence. Any per diem received while on leave with pay status must be reimbursed to the County. The County will not reimburse employees for travel while on jury duty. Any mileage or payment for other expenses may be retained by the employee.
- (3) Bereavement Leave – In the event of the death of a family member, a benefit eligible employee shall be granted up to three (3) working days leave of absence with pay to make household arrangements and to arrange for and attend the funeral. Employees may request additional leave if necessary to exceed this three-day period. All such additional leave shall be charged to accrued sick, vacation and accumulated comp time, or to leave without pay in the event the employee has no accruals available to draw from.
- (4) Military Leave – As required by statute and in accordance with Section 6.1 of this Policy.
- (5) Administrative Leave – As detailed in County Policy 160, Investigation of Complaints and Discipline.
- (6) Inclement Weather/Emergency – In the event the weather and or an emergency prohibit the County from operating, the employee will not be charged accrued time off.

Workers who are not benefit eligible shall not be granted leaves with pay under the above or any circumstances. Such employees shall be compensated for only those actual hours worked in County service.

5.3 Leaves of Absence Without Pay

Leaves without pay may be granted to employees who have no accrued paid leave subject to the following conditions. It is the policy of Pend Oreille County that leaves without pay granted only in unusual or emergency circumstances or as required by statute. Employees who routinely use all other accrued leave do not have a right to leave without pay. County Officials should evaluate the ability of the employee to perform his/her essential job duties prior to granting leave without pay. Leaves without pay may be granted for the following:

- (1) Emergency absence necessary because of illness as stated in Family Medical Leave Act of 1993 (FMLA); or, Pregnancy Disability under Washington Family Leave Law.
- (2) Disciplinary Suspension.
- (3) Other emergency or unusual circumstance as approved by the County Official.

5.4 Working While on Leave of Absence

Employees on authorized Family Medical Leave, Pregnancy Disability Leave, ADA, Workers Compensation or accrued sick leave may not accept other employment or engage in self-employment or business without prior written authorization of the County Official.

5.5 Effect of Leaves on Benefits

Employees shall continue to accrue benefits during leaves with pay. Employees on leaves of absence without pay shall not accumulate vacation, sick or other leave during any month in which they actually work less than 80 hours. In addition, the Adjusted Date of Hire and the Adjusted Date of Classification shall be modified by the amount of leave for employees on unpaid leaves of absence.

6. Statutory Leaves

6.1 Military Leave

Employees and County Officials who are members of the reserve components of the Armed Forces of the United States or the State of Washington will be accorded all rights to which they are entitled under Washington and federal law, and may be amended periodically. Military leave shall be without loss of benefits, or seniority for up to a total of 21 workdays per year, and the County will maintain insurance benefits ordinarily provided by the County to the employee during any military leave period which does not exceed 21 days in a single calendar year.

Employees must be granted military leave with pay not to exceed twenty-one (21) working days during each year, beginning October 1st and ending the following September 30th in order to report for active duty or take part in active training duty in any organized reserve or armed forces of the United States. See WAC 357-31-360.

Reservists activated beyond 21 days per year shall be placed on unpaid leave of absence as provided by law for the period of their activation. Activated reservists may elect to use accrued vacation leave in lieu of leave without pay. Upon involuntary activation during an armed conflict, an employee or County Official who enrolls in COBRA to continue medical benefits shall be entitled to receive reimbursement for the County's contribution to health care up to a maximum of six months. Contributions beyond six months must be requested in writing prior to the end of the six month period and will be considered at the discretion of the Board of Commissioners.

6.2 Washington Family Care Leave

The Washington Family Care Leave Act allows benefit eligible employees who have unused accrued leave to take such leave subject to the following conditions.

If the reason for the leave is the serious health condition of a spouse, parent, parent-in-law or grandparent, the County may require the employee to utilize and be subject to conditions of Family Medical Leave concurrently with Washington Family Care Leave.

(1) Reasons For Washington Family Care Leave

An employee may use paid sick leave or other accrued leave to care for the following:

- a. A child of the employee with a serious health condition that needs treatment or supervision.
- b. A spouse, parent, parent-in-law, or grandparent with a serious health condition or emergency condition.

(2) Definitions for Purposes of This Section

“Child” means biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is (a) under 18 years of age, or (b) 18 years of age or older and incapable of self-care because of mental or physical disability.

“Emergency Condition” is defined as a “health condition that is a sudden, generally unexpected occurrence or set of circumstances demanding immediate action and is typically very short-term in nature”.

“Health Condition that requires treatment or supervision” includes:

- a. Any medical condition requiring treatment or medication that the child cannot self-administer.
- b. Any medical or mental health condition which would endanger the child’s safety or recovery without the presence of a parent or guardian; or
- c. Any condition warranting treatment or preventative health care such as physical, dental, optical or immunization services, when parent must be present to authorize and when sick leave may otherwise be used for the preventive health care.

“Serious Health Condition” means an illness, injury, impairment, or physical or mental condition that involves any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment or recovery in connection with such inpatient care; or continuing treatment by or under the supervision of a health care provider or a provider of health care services and which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities).

(3) Employee Required To Notify County

Employees are required to follow procedures detailed in Section 4.7 of the Policy in order to provide notice under the Washington Family Care Act.

6.3 Family Medical Leave Act

It is the policy of Pend Oreille County to grant up to 12 weeks of family and medical leave during any 12-month period to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA). The County considers any sick or disability leave or workers compensation leave that qualifies under the Family Medical Leave Act to be subject to and part of Family Medical Leave. Sick and disability leaves other than pregnancy-related and non-qualifying workers compensation leaves shall run concurrent with FMLA. The leave may be paid, unpaid or a combination of paid and unpaid, depending on the circumstances and as specified in this policy. Rights under Family Medical Leave Act may not be utilized to pursue other gainful employment.

(1) Reasons Family Medical Leave May Be Granted

Leave may be granted for the following reasons:

- a. The birth of a child and in order to care for such child or the placement of a child with the employee for adoption or foster care (leave for this reason must be taken within the 12-month period following the child's birth or placement with the employee).
- b. In order to care for an immediate family member (spouse, child or parent) of the employee if such immediate family member has a serious health condition.
- c. The employee's own serious health condition that makes the employee unable to perform the functions of his/her position.

(2) Definitions

For purposes of this section, the following definitions apply:

"12 Month Period" means the 12 month period measured forward from the date any employee's first FMLA leave begins.

"Spouse" means a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in states where it is recognized. Spouse does not include unmarried domestic partners. If both spouses work for Pend Oreille County their total leave in any 12 month period may be limited to an aggregate of 12 weeks if the leave is taken for either the birth or placement for adoption or foster care of a child or to care for a sick parent.

"Son or Daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is either under age 18 or age 18 or older and "incapable of self-care" because of a mental or physical disability.

"Incapable of self-care" means that the individual requires active assistance or supervision to provide daily self-care in three or more of the "activities of daily living" (ADL) or "instrumental activities of daily living" (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

“Physical or mental disability” means a physical or mental impairment that substantially limits one or more of the major life activities of an individual.

“Persons who are ‘in loco parentis’” include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary. For purpose of confirmation of family relationship, the county may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship. This documentation may take the form of a single statement from the employee, or a child’s birth certificate, etc., but the employee is entitled to the return of the official document submitted for this purpose.

“Parent” means a biological parent or individual who stands or stood in loco parentis to an employee when the employee was a child. It does not include parents “in-law”.

“Serious Health Condition” means an illness, injury, impairment or a physical or mental condition that involves:

- a. Inpatient care (i.e. overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom), or any subsequent treatment in connection with such inpatient care; or
- b. Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
 - A period of incapacity
 - (i.e. inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore or recovery therefrom) of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - Treatment two or more times by a health care provider, by a nurse or physician’s assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, health care provider; OR
 - Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
 - Any period of incapacity due to pregnancy or for prenatal care.

- Any period of incapacity or treatment for such incapacity due to a chronic serious health condition.
- A chronic serious health condition is one which:
 - Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider.
 - Continues over an extended period of time (including recurring episodes of a single underlying condition); AND
 - May cause episodic rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy, etc.).
 - A period of incapacity that is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
 - Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.) severe arthritis (physical therapy) kidney disease (dialysis).
 - Treatment for purposes of paragraph (a) of this section includes (*but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.
 - Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA

leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions providing all the other conditions of this regulation are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met.

- Substance abuse may be a serious health condition if the conditions of this section are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider for health care services on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.
- Absences attributable to incapacity may qualify for FMLA leave even though the employee or the immediate family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

“Employee is Unable to Perform the Functions of the Position of the Employee” means when the health care provider finds that the employee is unable to work at all or is unable to perform any one of the essential functions of the employee's position within the meaning of the Americans with Disabilities Act. An employee who must be absent from work to receive medical treatment or a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment. The County has the option, in requiring certification from a health care provider to provide a statement of the essential functions of the employee's position for the health care provider to review.

“Health Care Provider” includes doctors of medicine or osteopathy authorized to practice in the state in which the doctor practices, any other person determined by the Secretary of Labor to be capable of providing health care services such as podiatrists, dentist, clinical psychologist, optometrists, chiropractors, nurse practitioners and nurse mid-wives. Christian Science practitioners listed with the First Church of Christ Science in Boston, Massachusetts are also health care providers. Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from the County that the employee or family member submit to examination (though not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner.

“Needed to Care for a Family Member” encompasses both physical and psychological care. It includes situations where, for example, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport himself or herself to the doctor, etc. The terms also includes providing psychological comfort and reassurance which would be beneficial to a child, spouse or parent

with a serious health condition who is receiving inpatient or home care. The term also includes situations where the employee may be needed to fill in for others who are caring for the family member or to make arrangements for changes in care, such as transfer to a nursing home. An employee's intermittent leave or a reduced leave schedule necessary to care for a family member includes not only a situation where the family member's condition itself is intermittent, but also where the employee is only needed intermittently – such as where other care is normally available or care responsibilities are shared with another member of the family or third party.

“Intermittent FMLA Leave or Leave on a Reduced Leave Schedule” for intermittent leave or leave on a reduced leave schedule, there must be a medical need for leave (as distinguished for voluntary treatments and procedures) and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. The treatment regimen and other information described in the certification of a serious health condition meets the requirement for certification of the medical necessity of intermittent leave or leave on a reduced leave schedule. Employees needing intermittent FMLA leave or leave on a reduced leave schedule must attempt to schedule their leave so as not to disrupt the County's operations. As an alternative, the County may assign an employee to an alternative position with equivalent pay and benefits that better accommodates the employee's intermittent or reduced leave schedule. For example:

- a. When leave is taken after the birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the County agrees. Such a schedule reduction might occur where an employee, with the County's agreement, works part-time after the birth of a child or takes leave in several segments. The County's agreement is not required, however, for leave during which the mother has a serious health condition in connection with the birth of her child or if the newborn child has a serious health condition.
- b. Leave may be taken intermittently or on a reduced leave schedule when medically necessary for planned and/or unanticipated medical treatment of a related serious health condition by or under the supervision of a health care provider or for recovery from treatment or recovery from a serious health condition. It may also be taken to provide care or psychological comfort to an immediate family member with a serious health condition. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six months, such as for chemotherapy. A pregnant employee may take leave intermittently for prenatal examinations or for her own conditions, such as for periods of severe morning sickness. An example of an employee taking leave on a reduced leave schedule is an employee who is recovering from a serious health condition and is not strong enough to work a full-time schedule.
- c. Intermittent or reduced schedule leave may be taken for absences where the employee or family member is incapacitated or unable to perform the essential functions of the position because of a chronic serious health condition even if he or she does not receive treatment by a health care provider.

There is no limit on the size of an increment of leave when an employee takes intermittent leave or leave on a reduced leave schedule.

“Other Circumstances Beyond the Employee’s Control” includes spouse’s unexpected transfer to a job more than 75 miles from the employee’s work site, a relative or individual other than an immediate family member has a serious health condition and the employee is needed to provide care, the employee is laid off while on leave; or the employee is a key employee who decides not to return to work after being notified of the County’s intention to deny restoration to the position. A parent’s decision not to return to work after the birth or adoption of a child is not a condition beyond the employee’s control.

“Key Employee” means the top 10% highly compensated employees.

(3) Coverage and Eligibility

To be eligible for family/medical leave an employee must:

- a. Work at a work site which has 50 or more employees or be within 75 miles of a work site that has 50 or more employees;
- b. Have worked for Pend Oreille County in a regularly benefited position for at least 12 months; and
- c. Have worked at least 1250 hours over the previous 12-month period. For part-time employees and those who work variable hours, the family and medical leave entitlement is calculated on a pro rata basis. A weekly average of the hours worked over the 12 weeks prior to the beginning of the leave should be used for calculating the employee’s normal work week.

(4) Use of Accrued Sick and Vacation Time Required

An employee will be required to use accrued sick and vacation leave, personal holidays and any accrued compensatory time for any part of a family/medical leave taken for any reason. When an employee has exhausted all paid leave time for a portion of a family/medical leave, the employee may request the additional period of FMLA leave as unpaid leave to be granted so that the total of paid and unpaid leave provided equals no more than 12 weeks.

(5) Leave to Run Concurrently

Work Related Disability Leave (Workers Compensation) shall run concurrent with leaves of absence granted under FMLA leave when the injury is one that meets the criteria for a serious health condition. The Human Resources Office is responsible to assist employees in coordinating concurrent leaves.

(6) Notice Requirements

An employee is required to give 30 days’ notice in the event of a foreseeable leave under FMLA. A “Request for Family/Medical Leave” form shall be completed by the employee and returned,

through the County Official, to the Human Resources Office. In unforeseeable or emergency situations, notice requirements are those for use of sick leave, followed by a completed "Request for Family/Medical Leave" form.

If an employee fails to provide 30 days' notice of foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the employer receives notice. While on leave, employees are requested to report periodically to the County regarding the status of the medical condition, and their intent to return to work.

In the event an employee fails to give notice of FMLA leave and the County has acquired knowledge that the leave is being taken for FMLA required reasons, the County shall within two business days, absent extenuating circumstances, notify the employee that the paid leave is designated and will be counted as FMLA leave. If the notice is oral, it shall be confirmed in writing, no later than the following payday (unless the payday is less than one week after the oral notice, in which case the notice must be no later than the subsequent payday).

(7) Medical Certification Required

For leaves taken because of the employee's or a covered family member's serious health condition, the employee must submit a completed "Physician or Practitioner Certification" form and return the certification to the Human Resources Office. Medical certification must be provided by the employee within 15 days after requested, or as soon as is reasonably possible.

Pend Oreille County may require a second or third medical opinion (at its own expense), periodic reports on the employee's status and intent to return to work and a fitness-for-duty report to return to work.

All documents related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's medical records file.

(8) Effect of Family Medical Leave on Benefits

An employee granted a leave under this policy will continue to be covered under Pend Oreille County group health insurance plan and life insurance plan under the same conditions as coverage would be provided if they had been continuously employed during the leave period.

Employee contributions will be required either through payroll deduction or by direct payment to Pend Oreille County. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to any change in rates that occur while the employee is on leave.

If an employee's contribution is more than 30 days late, Pend Oreille County may terminate the employee's insurance coverage.

If Pend Oreille County pays the employee contributions missed by the employee while on leave, the employee will be required to reimburse the County for delinquent payments (on a payroll

deduction schedule) upon return from leave. The employee shall be required to sign a written statement at the beginning of the leave period authorizing the payroll deduction for delinquent payments.

If the employee fails to return from unpaid family/medical leave for any reason other than the continuation, recurrence, or onset of a serious health condition, or other circumstances beyond the employee's control, Pend Oreille County may seek reimbursement from the employee for the portion of the premiums paid by Pend Oreille County on behalf of the employee (also known as the employer contribution) during the period of leave.

The employee is required to provide medical certification of the employee's or family member's serious health condition within 15 days from the date of the employer's request. If the employee fails to provide medical certification within 15 days, the County may recover the health benefit premium. If the employee fails to return to work, the health care premiums owed to the County become a debt, which is legally collectible.

An employee is not entitled to seniority or other employment benefit accrual during periods of unpaid leave but will not lose anything accrued prior to the leave.

An employee who fails to return from unpaid family/medical leave shall be entitled to continue health care benefits as set forth under COBRA.

(9) Job Protection

If the employee returns to work within 12 weeks following a family/medical leave, he/she will be reinstated to his/her former position or an equivalent position with equivalent pay, benefits, status and authority.

The employee's restoration rights are the same as they would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.

(10) Non-Application to "Key Employees"

Highly compensated (top 10%) employees can be denied reinstatement if necessary to prevent substantial and grievous economic injury to the operation of the County. The County shall give written notice to such "key employees" and inform them of their risks when leave is requested, or at such time when the County determines that it will sustain substantial and grievous economic injury.

If the employee fails to return within 12 weeks following a family/medical leave, the employee may be reinstated to his/her same or similar position, only if available, in accordance with the applicable laws. If the employee's same or similar position is not available, the employee may be terminated.

An employee found to have been otherwise gainfully employed (without prior written authorization from a County Official) during authorized FMLA may be denied reinstatement and be terminated from County employment.

(11) Appeal Procedure

Pend Oreille County has adopted an internal appeal procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Family and Medical Leave Act. Employees are encouraged to seek dispute resolution under the provisions of the County's Fair Treatment Policy as set forth in these Uniform Personnel Policies and Procedures. Employees who do not wish to utilize the Fair Treatment Policy may contact the U.S. Department of Labor, Wage and Hour Division.

6.4 Pregnancy Disability Leave

It is the policy of the County to grant paid or unpaid, leave of absence for pregnancy disability under the provisions of Washington Family Care Leave Act, RCW Chapter 49. Such leave of absence shall be for sickness or temporary disability because of pregnancy or childbirth.

(1) Notice Required

An employee planning to take pregnancy disability leave shall provide the County with written notice at least thirty (30) days in advance of the anticipated disability, stating the dates during which the employee intends to take leave. The employee shall adhere to the dates stated in the notice unless:

- a. Birth is premature
- b. Employee is incapacitated due to birth or complications related to the pregnancy;
- c. Employer and employee agree to alter the dates of leave stated in the notice.

In cases of premature birth or pregnancy disability, the employee must give notice of the revised dates as soon as possible, but at least within one (1) working day of the disability or birth.

If the leave is foreseeable, the employee shall make a reasonable effort to schedule the leave so as not to unduly disrupt the operation of the department. If the leave is not foreseeable thirty (30) or more days before the leave is to take place, the employee shall notify the County of the expected leave as soon as possible.

(2) Medical Certification

For leaves taken because of pregnancy disability, the employee must submit a completed "Medical Certification Form" and return the certification to the County Official. Medical certification must be provided by the employee within fifteen (15) days after the request, or as soon as reasonably possible.

All documents related to the employee's medical condition will be held in strict confidence and maintained in the employee's medical file.

(3) Second Opinions

Pend Oreille County may require, at the County's expense that the employee obtain the opinion of a second health care provider selected by the County concerning the information required under this section. If the health care providers disagree on any factor which is determinative of the employee's eligibility for leave, the two health care providers shall select a third health care provider, whose opinion, obtained at the County's expense, shall be conclusive.

In the event of any dispute regarding premature birth, incapacitation or the mother, or maternity disability, the County may require confirmation by a health care provider of the date of the birth, and the date on which incapacity because of childbirth or disability because of pregnancy commenced or will probably commence and its probably duration.

(4) Use of Accrued Sick and Vacation Leave; Sick Leave Donation

An employee will be required to use accrued sick and vacation leave, personal holidays and any accrued compensatory time for any part of a Pregnancy Disability Leave prior to being placed on leave without pay.

When an employee has exhausted all paid leave time, the employee may be eligible to receive sick leave donation from other County employees; however, County employees may collectively donate only sufficient leave to allow the affected employee to maintain paid status during Pregnancy Disability Leave and in no case more than twelve (12) weeks to any single employee for either Pregnancy Disability Leave under Washington Law, or FMLA leave as defined under the federal statutes, or a combination of both.

(5) Non-Concurrent Leave

Pregnancy Disability Leave shall run independent of leaves of absence granted under FMLA.

(6) Effects on Benefits

An employee granted leave of absence under this policy shall be subject to the same benefit eligibility as any other employee placed on leave with or without pay status.

7. Retirement

7.1 Membership Required

Membership in PERS, PSERS and LEOFF is required by all regular employees. Employees who have been previously enrolled in the retirement system must commence making retirement contributions to their original selected PERS, PSERS or LEOFF plan.

7.2 Employee Contribution

The employee contribution to retirement is based upon actuarial calculations as determined by the State with the exception of the PERS Plan 3.

7.3 County Contribution

The County contributions are based on State actuarial calculations in order that PERS, PSERS and LEOFF benefits can continue to be provided on a sound basis.

8. Social Security

County employees are also covered by the Federal Social Security Act. Social Security benefits are totally supplementary to PERS, PSERS and LEOFF allowances.

Social Security Contributions:

8.1 Employee Contribution

Employee contributions are deducted from gross monthly wages less sick pay based on a percentage and amount as is established by the Federal Government.

8.2 County Contribution

The County contributes a percentage amount of those wages as established by the Federal Government.

9. Deferred Compensation

Benefit eligible employees may elect to participate in the County Deferred Compensation Plans under IRC 457 and 401(a). Plan Details may be obtained from the Human Resources Office.

10. Health Insurance

10.1 Eligibility

Benefit eligible employees are eligible for health insurance. The date when an employee was hired will determine when medical coverage begins. Plan selection, design and coverage are described in the group benefit plan pamphlets available from the Human Resources Office.

10.2 Coverage During Leaves of Absence

Employees on paid leaves of absence will have their health benefits continued.

An employee on an approved leave of absence without pay may continue enrollment through COBRA provided the employee pays the entire health insurance premium pursuant to the County's agreement with the participating provider.

An eligible employee on a leave of absence without pay that is the result of a work related injury or disease shall be provided health insurance premiums, less any self-pay portion which the employee was paying at the time of injury or disease, as long as the employee remains in a time loss status. Eligibility for COBRA option shall commence when time loss payments cease.

Employees on Family Medical Leave of absence shall be entitled to continue health care benefits as specified under the provisions of these Policies.

10.3 Termination of County Paid Coverage

Coverage is terminated at the end of the payment period in which the employee becomes ineligible for benefits by reason of termination of employment, retirement, expiration of authorized leave of absence, layoff, or upon change in employment status making the employee ineligible for benefits. Dependent coverage terminates at the same time the employee's coverage terminates.

10.4 Cobra Option

Employees and their families are eligible to continue medical insurance under the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) by self-paying the premiums. Details may be obtained from the Human Resources Office.

10.5 Coverage Conversion

Employees who have exhausted their COBRA option may have the right to convert to individual policies of coverage if available and should contact the carrier directly.

10.6 Health Care Fraud

Health care plan fraud is a felony that can be prosecuted. Any employee who willfully and knowingly engages in an activity intended to defraud the County's healthcare plans will face disciplinary action that will include the termination of employment and may result in prosecution.

11. Voluntary And Optional Insurance

The County has a number of optional insurance plans available for purchase by employees. These include dental insurance, life insurance, accidental death and dismemberment insurance, short term disability insurance and long term disability insurance. Premiums for optional plans are typically employee paid unless otherwise specified by contract. Additional detailed information concerning benefits and coverage can be obtained from the Human Resources Office.

12. Flexible Benefits

The County has an IRC Section 125 flexible benefit plan available to benefit eligible employees. The plan consists of Insurance Premium. Plan Administration is performed by a third party administrator. The Plan summary document may be obtained from the Human Resources Office.

13. Unemployment Insurance

Unemployment insurance provides benefits to insured workers who are unemployed through no fault of their own. The cost of the unemployment insurance is borne entirely by the County and is based upon the number of claims filed by former employees. Additional information about unemployment insurance benefits and regulations should be directed to the Employment Security Division of the State of Washington.

14. Workers Compensation

The County is a Self-Insured Employer under the provisions of Chapter 51 of the Revised Code of Washington. Worker's Compensation coverage provides medical benefits and disability income payments to employees who suffer from work-related injuries or illnesses. The County pays the majority of the cost of Worker's Compensation Insurance. A small deduction is made from each employee's paycheck to cover part of the cost of the medical premium and the supplemental pension assessment portions of the coverage.

14.1 Time Loss Compensation

Occupationally injured or ill employees who are off work for less than fourteen (14) days immediately following an injury or illness do not receive compensation from Labor and Industries for the first three (3) days of time lost from work (eligible employees may use sick leave benefits on these days). Workers disabled fourteen (14) consecutive calendar days or more immediately following an injury receive time-loss compensation from Labor and Industries the first day off work. (Day of injury is considered a regular work day.)

14.2 Worker's Compensation Supplement

An employee who is collecting Workers Compensation temporary disability benefits may use their accrued sick leave, accrued vacation leave, personal holidays and compensatory time or in the case of the Road Union employees, personal leave. An employee may use their Workers Compensation temporary disability payments to buy back as much of their accrued sick or vacation time or in the case of the Road Union employees, personal leave, as desired based on their average hourly rate of pay. Upon exhaustion of the employee's leave the amount received by the employee shall be limited to the Worker's Compensation benefit.

14.3 Benefit accruals During Time Loss

Sick, vacation and general leave accrual shall continue to accrue during periods of Workers Compensation non-provisional time loss.

Employees who receive provisional time loss payments shall not accrue leave credit until the claim is determined to be valid at which time leave will be posted to the employee's account.

14.4 Third Party Administrator

The County utilizes a third party administrator (TPA) for the purpose of administering the day-to-day functions for individual Workers Compensation claims. Claims are administered by TPA in accordance with the RCW and WAC with oversight by the department of Labor and Industries and Pend Oreille County.

14.5 Time Loss – Transitional Employment

The County encourages injured/ill workers to consider transitional employment at such time as their doctor determines them sufficiently well enough to return to meaningful employment. In the event the employee is unable to return to their own job, the County will attempt to assign the employee to other work deemed appropriate by the doctor. However, in the event there is no appropriate available work, the employee will remain on time loss until they are released to full duty.

14.6 Retirement Service Credit

Employees who are members of PERS 1, 2 or 3, PSERS or LEOFF 2 may exercise their right under RCW Chapter 51 to pay for retirement service credit for up to twelve consecutive months of their disability. Retirement contributions shall be based upon the gross salary received prior to the injury.