

RESOLUTION NO. 719

RESOLUTION FOR SHARED LEAVE PROGRAM

WHEREAS, the East Wenatchee Water District (“Employer”) recognizes that employees may have a family medical emergency resulting in a need for additional time off in excess of their available sick, vacation and compensation time, and

WHEREAS, the Employer wishes to adopt the shared leave program as set forth in Exhibit “A.”

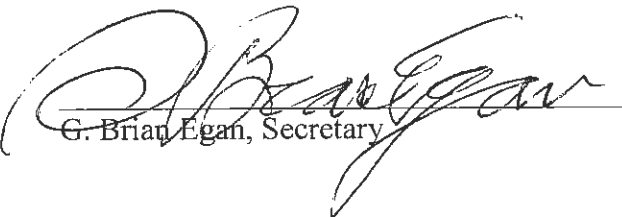
BE IT HEREBY RESOLVED BY THE BOARD OF COMMISSIONERS of the East Wenatchee Water District that the shared leave program attached hereto as Exhibit “A” and approved by motion on December 19, 2018 is hereby fully implemented as fully set forth in Exhibit “A” as of December 19, 2018 to expire on December 31, 2019.

ADOPTED, by the BOARD OF COMMISSIONERS of the EAST WENATCHEE WATER DISTRICT, Douglas County, Washington at a regular meeting thereof, this 2nd day of January, 2019.



Nick Warner, President

ATTEST:



G. Brian Egan, Secretary

Shared Leave Program

The East Wenatchee Water District, by and through its Board of Commissioners and a motion carried December 19, 2018, approves the following Shared Leave Program (the “Program”). The Program shall be implemented into the East Wenatchee Water District’s handbook and shall bind, upon approval where necessary, both union and non-union employees. This Program is effective December 19, 2018, subject to union approval.

Statement of Purpose

The East Wenatchee Water District (“Employer”) recognizes that employees may have a personal emergency or family medical emergency resulting in a need for additional time off in excess of their available sick, vacation and compensation leave. To address this need, all eligible employees will be allowed to donate accrued paid sick or vacation leave hours from their unused balance to their co-workers in need of additional paid time off in accordance with the Program, as outlined below. This Program is strictly voluntary and put in place on an interim basis to expire on December 31, 2019. The Program is intended to assist employees until the Washington Family Leave Act becomes available to employees on January 1, 2020. On December 31, 2019, the Program will be automatically cancelled, unless explicitly renewed by way of separate action of the Employer. Regardless, Employer and employees (including union employees) acknowledge that Employer, by and through the sole discretion of its General Manager, has the right, at any time and for any reason, to cancel the Program prior to December 31, 2019. In the event that the Program expires or is cancelled, any leave already approved by the General Manager and donated to an eligible employee will remain with that employee.

Eligibility to Receive Donated Leave

For an employee to be eligible to receive donated time:

- The recipient employee or the recipient employee’s family member must suffer from an illness, injury, impairment, or a physical or mental condition that qualifies as a “serious health condition” under the federal Family and Medical Leave Act (“FMLA”).
- An employee must have depleted all his/her sick, compensation leave and vacation leave reserves and must be under the protection of FMLA regulations.
- The employee in need of leave must not qualify for other paid family leave or paid disability benefits, including but not limited to benefits under Washington’s Industrial Insurance Act.
- An employee must submit a written application, in a form to be provided by the Employer, to the General Manager. The recipient employee shall be required to provide a certification from a qualified health care provider verifying the serious health condition. The certification shall be provided by and through the most current Certification of Health Care Provider for Employee’s Serious Health Condition (Family and Medical Leave Act) provided by the U.S. Department of Labor, Wage and Hour Division. The most recent version of this form is attached as Exhibit “A.”

Eligibility to Donate Leave

In order to donate sick or vacation leave:

- The donating employee must retain a combined minimum of 240 hours sick and vacation to include the Floating Holiday leave in their respective accounts after donation of the hours at issue.
- An employee must complete and submit a shared leave donation form, to be provided by the District.

Other Conditions of Donation

The following additional conditions of the Program must be followed:

- An eligible employee may receive up to 240 hours of combined shared leave¹ from the period of December 19, 2018, through January 15, 2019. An eligible employee may receive up to an additional 240 hours of combined shared leave from January 16, 2019, through December 31, 2019. The donating employee and recipient employee, however, must meet all other eligibility requirements each time any amount of leave is donated.
- Nothing in this Program will be construed to limit or extend the maximum allowable absence under the FMLA.
- While a recipient employee is on leave under this shared leave program, the employee shall continue to receive the compensation and benefits that the employee would otherwise receive if the employee was in regular pay status. The total compensation and benefits of an employee using donated leave shall not exceed the amount the employee would have received if the employee had been in regular pay status.
- A recipient employee shall remain eligible to accrue paid leave while in paid status as the result of donated leave pursuant to this Program.
- Employees are not allowed to lobby for donations.
- Donations to employees shall remain anonymous in all regards.
- Donations of leave must be in 1 hour increments and may not exceed 80 hours total per donating employee for the period of December 19, 2018, through January 15, 2019. The donating employee may donate up to another 80 hours of leave from January 16, 2019, through December 31, 2019, assuming all other donating conditions are met (i.e., the employee retains 240 hours of combined sick and vacation leave in their respective accounts and meets any other applicable criteria).
- A donation of leave, once made, is irrevocable and shall not be returned to the donor employee under any circumstances, even if not used by the recipient employee.
- Leave is transferred on an hour for hour basis with no monetary value attached regardless of the rates of pay of the employees.
- Either sick leave or vacation leave may be donated by the donating employee as long as other requirements are met. Compensation leave may not be donated by the donating employee.
- "Because this Program shall end for all employees on December 31, 2019, the provisions of RCW 41.56.123(1) do not apply to this agreement and this Program shall not extend past December 31, 2019, in the event that a union and the Employer cannot reach agreement on extending any applicable contract."

¹ "combined shared leave" shall be sick leave plus vacation leave donated to the recipient employee.