



Gig Harbor Fire & Medic One

RESOLUTION 2019-08 September 24, 2019

BE IT RESOLVED by the Board of Fire Commissioners of Pierce County Fire District #5 as follows:

WHEREAS, Pierce County Fire District #5 seeks to comply with all applicable laws and regulations, and

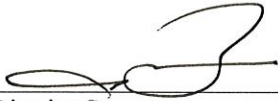
WHEREAS, the State of Washington adopted RCW 49.46.200, 49.46.210 and WAC 296-128 requiring paid sick leave for employees, and

WHEREAS, Pierce County Fire District #5 has certain employees who are not covered by agreements that meet or exceed the provisions of the new sick leave law

NOW, THEREFORE BE IT HEREBY RESOLVED, that Pierce County Fire District #5 adopts the attached Temporary and/or Part Time Employee Paid Sick Leave Policy (Attachment A).

Adopted at a regular meeting of the Board of Fire Commissioners, Pierce County Fire District No. 5, this 24th day of September, 2019.

Attest:



District Secretary

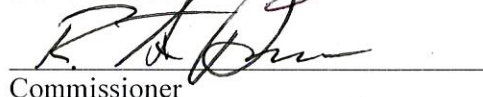
PIERCE COUNTY FIRE PROTECTION
DISTRICT NO. 5




Chairman



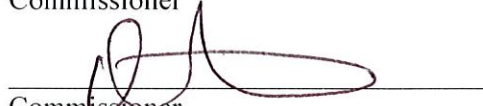
Commissioner



Commissioner



Commissioner



Commissioner

Attachment “A”

Pierce County Fire District # 5 Temporary and/or Part Time Employees Paid Sick Leave Policy

This policy applies only to District employees who are not covered by a collective bargaining agreement or other contract/agreement that meets or exceeds legally required sick leave accrual and availability standards.

Paid Sick Leave Accrual and Availability

Accrual

- Employees accrue one hour of paid sick leave for every 40 hours worked.
- Employees are not entitled to accrue paid sick leave for hours paid while not working (such as vacation, paid holidays, or while using paid sick leave).

Availability

- Employees are entitled to use their accrued, unused paid sick leave beginning on the 90th calendar day after the start of their employment.
- After this 90-day period, employers must make accrued paid sick leave available to employees for immediate use after pay period earned.

Authorized Uses of Paid Sick Leave

Care of the employee or the employee’s family member

- Employees may use their accrued, unused paid sick leave hours to care for themselves or a family member (definition below) for:
 - Mental or physical illnesses, injuries, or health conditions;
 - The need for medical diagnosis, care, or treatment of mental or physical illnesses, injuries, or health conditions; or
 - The need for preventive medical care.

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

Closure of the company or the employee's child's school or place of care

- Employees may use their accrued, unused paid sick leave when Pierce County Fire District #5 has been closed by order of a public official for any health-related reason; or
- When an employee's child's school or place of care has been closed by order of a public official for any health-related reason.
 - Please see the definition of "child" in the previous section.

To address issues related to domestic violence, sexual assault, or stalking

- Employees may use their accrued, unused paid sick leave to:
 - Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee and their family members including, but not limited to: Preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking;
 - Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking;
 - Attend health care treatment for a victim who is the employee's family member;
 - Obtain, or assist the employee's family member(s) in obtaining, services from: A domestic violence shelter; a rape crisis center; or a social services program for relief from domestic violence, sexual assault, or stalking.
 - Obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking in which the employee or the employee's family member was a victim of domestic violence, sexual assault, or stalking.
 - Participating, for the employee or for the employee's family member(s), in: safety planning; or temporary or permanent relocation; or other actions to increase the safety from future incidents of domestic violence, sexual assault, or stalking.

- For purposes of leave related to domestic violence, sexual assault, or stalking, family member has the following definition:
 - Any individual whose relationship to the employee can be classified as a child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship.

Paid Sick Leave Increments of Use

- Pierce County Fire District #5 requires employees to use paid sick leave in no less than 15-minute increments.

Rate of Pay for Use of Paid Sick Leave

- Employees must be paid their “normal hourly compensation” for each hour of paid sick leave used.
 - “Normal hourly compensation” is the hourly rate that an employee would have earned for the time during which the employee used paid sick leave.
 - Normal hourly compensation does not include tips, gratuities, service charges, holiday pay, or other premium rates.
- For employees not paid a uniform hourly rate, please see [WAC 296-128-670](#) for more information on calculating normal hourly compensation for such employees.

Payment for the Use of Paid Sick Leave

- Pierce County Fire District #5 must pay paid sick leave to an employee no later than the payday for the pay period in which the paid sick leave was used by the employee.

Carryover of Accrued, Unused Paid Sick Leave to the Next Year

Carryover Requirements

- Accrued, unused paid sick leave balances of 40 hours or less must carry over to the following year.
 - For example, if an employee has 25 hours of accrued, unused paid sick leave at the end of the year, all 25 hours must carry over to the following year.
- If an employee carries over unused paid sick leave to the following year, accrual of paid sick leave in the subsequent year would be in addition to the hours accrued in the previous year and carried over.
 - Pierce County Fire District #5 need not permit an employee to carry over 40 hours of unused paid sick leave to the calendar year following accrual, pursuant to RCW 49.46.210 (j).
 - However, Pierce County Fire District #5 will buy-back paid sick leave balances when they exceed 40 hours at the end of a calendar year. The buy-back rate for

2019 is 30% of the employee's regular hourly rate and 35% of the employee's regular hourly rate for years thereafter.

Definition of Year

- The accrual year is January 1 – December 31.

Separation and Reinstatement

Separation

- If an employee separates from employment, there will not be financial or other reimbursement to the employee for accrued, unused paid sick leave balances available at the time of separation.

Reinstatement of Paid Sick Leave Hours upon Rehire

- Pierce County Fire District #5 must reinstate an employee's previously accrued, unused paid sick leave if it rehires an employee within 12 months of separation.
 - Note:
 - An employer is not required to reinstate any hours of paid sick leave previously provided to the employee through financial or other reimbursement at the time of separation, as long as the value of the paid sick leave was paid at a rate that was at least equal to the employee's normal hourly compensation for each hour of accrued, unused paid sick leave.
 - If the period of time an employee separates from employment extends into the following year (see definition under "Definition of Year"), an employer is not required to reinstate more than 40 hours of accrued, unused paid sick leave.
- Upon rehire, Pierce County Fire District #5 must provide notification to the employee of the amount of accrued, unused paid sick leave available for use by the employee.
- If an employee is rehired within 12 months of separation, the employee will not be required to wait another 90 calendar days to use their accrued, unused paid sick leave if the employee met that requirement during the previous period of employment.
 - If an employee did not meet the 90-day requirement for the use of paid sick leave prior to separation, the previous period of time the employee worked for Pierce County Fire District #5 will count towards the 90 days for purposes of determining the employee's eligibility to use paid sick leave.

Retaliation Prohibited by Law

- Any discrimination or retaliation against an employee for the lawful exercise of paid sick leave rights is not allowed. Pierce County Fire District #5 will not discriminate or retaliate against an employee for the lawful exercise of Minimum Wage Act rights.

- Pierce County Fire District #5 may not require, as a condition of an employee taking paid sick leave, that the employee search for or find a replacement worker to cover the hours during which the employee is on paid sick leave.
- If an employee feels they are being discriminated or retaliated against for the exercise of their Minimum Wage Act rights, the employee may contact the Administrative Manager, currently Danette Weyn, or the Human Relations Program Manager at 253-851-3111 or in person at 10222 Bujacich Rd. NW, Gig Harbor WA.
- If an employee is not satisfied with the Pierce County Fire District #5 response, the employee may contact the Washington State Department of Labor & Industries.
 - Online: www.Lni.wa.gov/WorkplaceRights
 - Call: 1-866-219-7321, toll-free
 - Visit: www.Lni.wa.gov/Offices
 - Email: ESgeneral@Lni.wa.gov

Required Notification

Initial Notification of Rights

- At the start of employment, Pierce county Fire District #5 will provide employees with notice of their paid sick leave rights. This notice will include information regarding:
 - An employee's entitlement to paid sick leave;
 - The rate at which the employee will accrue paid sick leave;
 - The authorized purposes under which an employee may use paid sick leave; and
 - That retaliation by Pierce County Fire District #5 for the employee's lawful use of paid sick leave and other rights provided under the Minimum Wage Act is prohibited.
- Pierce County Fire District #5 will make this information readily available to all employees.

Ongoing Notification

- At least once a month, Pierce County Fire District #5 will provide notice to its employees of:
 - The amount of paid sick leave accrued since notice was last made;
 - The amount of paid sick leave reductions since notice was last made; and
 - The total amount of unused paid sick leave available for use by the employee.