

**CITY OF BUCKLEY, WASHINGTON**

**RESOLUTION NO. 20-03**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
BUCKLEY, PIERCE COUNTY, WASHINGTON AMENDING SECTION  
2.34 AND 6.08 OF THE “CITY OF BUCKLEY PERSONNEL POLICY  
AND PROCEDURES MANUAL” TO DEFINE OVERTIME AND ADD  
PAID FAMILY MEDICAL LEAVE**

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**WHEREAS**, The City Council adopted the most current version of the “City of Buckley Personnel Policy and Procedures Manual” on January 14, 2020; and

**WHEREAS**, Section 2.34 provides a definition for City employees’ overtime; and

**WHEREAS**, the City Finance Department has as past practice historically considered sick leave, vacations and holidays as time worked for the purpose of computing overtime; and

**WHEREAS**, existing Bargaining Unit Agreements contain language identifying that sick leave, vacations and holidays as time worked for the purpose of computing overtime; and

**WHEREAS**, in order to clarify and memorialize this process, the City would like its Personnel Policies to be aligned with the Union Contracts; and

**WHEREAS**, the City would like to amend the definition of overtime to state that sick leave, vacations and holidays shall be counted as time worked for the purpose of computing overtime; and

**WHEREAS**, Section 6.08 currently provides guidelines for the Sick Leave Sharing Program; and

**WHEREAS**, the State of Washington now offers Paid Family Medical Leave to employees; and

**WHEREAS**, the City would like to update the Personnel Policy & Procedures manual to reflect this change.

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Buckley hereby amends the City of Buckley “Personnel Policy and Administrative Procedures Manual” as follows:

**Section 1.** Section 2.34 **Overtime** is hereby amended to read as follows:

**2.34 Overtime:** Time a non-exempt employee is directed or authorized to work in excess of the regular work week. Sick leave, vacations and holidays shall be counted as time worked for the purpose of computing overtime.

**Section 2.** Section 6.08 Sick Leave Sharing is hereby amended to read as follows:

## **6.08 Washington Paid Family & Medical Leave**

Effective immediately, the City of Buckley shall remove the Sick Leave Sharing Policy based on the Washington Paid Family & Medical Leave, which pays employees who qualify, for family medical leave based on a qualifying event.

Paid Family and Medical Leave Overview: Paid Family and Medical Leave, RCW 50A.04 is a mandatory statewide insurance program that will provide almost every Washington employee with paid time off to give or receive care. If you qualify, this program will allow you to take up to 12 weeks, as needed, if you:

- Welcome a child into your family (through birth, adoption or foster placement).
- Experience a serious illness or injury.
- Need to care for a seriously ill or injured relative.
- Need time to prepare for a family member's pre- and post-deployment activities, as well as time for childcare issues related to a family member's military deployment.

For specifics on military-connected paid leave, visit [www.dol.gov/whd/regs/compliance/whdfs28mc.pdf](http://www.dol.gov/whd/regs/compliance/whdfs28mc.pdf)

If you face multiple events in a year, you might be eligible to receive up to 16 weeks, and up to 18 weeks if you experience a serious health condition during pregnancy that results in incapacity.

6.08.01 Payment of Premiums: The program is funded by premiums paid by both employees and employers. It will be administered by the Employment Security Department (ESD).

Premium collection started on January 1, 2019, the premium is 0.4 percent of wages. Employers can either pay the full premium or withhold a portion of the premium from their employees. Employers who choose to withhold premiums from their employees may withhold up to about 63 percent of the total premium, or \$2.44 per week for an employee making \$50,000 annually. The employer is responsible for paying the other 37 percent. Businesses with fewer than 50 employees are exempt from the employer portion of the premium but must still collect or opt to pay the employee portion of the premium.

Premium collection began January 1, 2019. Your employer will calculate and withhold premiums from your paycheck and send both your share and theirs to ESD on a quarterly basis.

6.08.02 Washington Paid Family & Medical Leave Coordinated with Other Leaves: Employees who have accrued vacation, sick or other paid time off may choose to take such leave **or** receive paid family and medical leave benefits, as provided for in RCW 50A.04.020.

An employee receiving Washington Paid Family and Medical Leave payments during a family and/or medical related leave shall use only the number of leave hours that, together with the Washington Paid Family & Medical Leave benefits payments, represents the employee's normal pay for the same period. Payroll will calculate use of paid leave hours on a retroactive basis back to the first day in which the employee was off work. In no event shall the accumulation of leave and Washington Paid Family Medical Leave income result in an employee receiving income in excess of 100% of their regular straight-time income for the same period.

If the employee elects to use paid leave to supplement the employee's earnings, the employee must notify Payroll at the start of his/her Washington Paid Family & Medical Leave. Once the employee elects to use paid leave to supplement his/her earnings, the employee may not reverse the election. An employee may not elect to use only a portion of his/her accrued leave.

Employees who elect to use his/her accrued leave to supplement their wage while on family and/or medical leave shall bring their Washington Paid Family & Medical Leave check in to Payroll to purchase back all or a portion of his/her leave hours used and paid to the employee during the family and/or medical leave. Once the employee makes payment to the City of Buckley and the Finance Department approves the deposit, the employee's number of leave hours will be added back to the accrual record.

Any employee who collects both a full-accrued leave paycheck and a Washington Paid Family & Medical Leave payment SHALL remit the Washington Paid Family & Medical Leave payment to the City. In the event an employee does not submit the Washington Paid Family & Medical Leave payment to the City, they may be subject to disciplinary action for misuses, falsifying, or abusing leave.

6.08.03 Taking Leave: Starting January 1, 2020, employees who have worked 820 hours in the qualifying period (equal to 16 hours a week for a year) will be able to apply to take paid medical leave or paid family leave. The 820 hours are cumulative, regardless of the number of employers or jobs someone has during a year. All paid work over the course of year counts toward the 820 hours, including pat-time, seasonal and temporary work.

While on leave, you are entitled to partial wage replacement. That means you will receive a portion of your average weekly pay. The benefit is generally up to 90 percent of your weekly wage, with a minimum of \$100 per week and a maximum of \$1,000 per week. You will be paid by the Employment Security Department rather than your employer.

Unlike the federal Family and Medical Leave Act (FMLA), employees of small businesses may take Paid Family and Medical Leave if they meet the standard eligibility requirements.

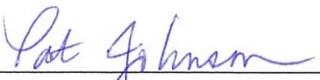
More information on applying for benefits will come 2019. Please go to [paidleave.wa.gov](http://paidleave.wa.gov) for more information.

6.08.04 Leave Protection: Employees who return from leave under this law will be restored to a same or equivalent job if they work for an employer with 50 or more employees, have worked for this employer for at least 12 months, and have worked 1,250 hours in the 12 months before taking leave (about 24 hours per week, on average).

You can keep your health insurance while on leave. If you contribute to the cost of your health insurance, you must continue to pay your portion of the premium cost while on leave.

Your employer is prohibited from discriminating or retaliating against you for requesting or taking paid leave.

Introduced, passed and approved this 11<sup>th</sup> day of February 2020.

  
Pat Johnson, Mayor

**ATTEST:**

  
Treva Percival, City Clerk

**APPROVED AS TO FORM:**

  
Phil Olbrechts, City Attorney

Posted: February 12, 2020