

RESOLUTION NO. 1595

A RESOLUTION AMENDING PERSONNEL POLICY 310

WHEREAS to standardize the language of the Port of Pasco Employee Benefits Policy, Personnel Policy 310, with the replacement of Vacation and Sick Leave for all Port Employees with the Paid Time Off (PTO) benefits program; and

WHEREAS the general language of the Policy has been reviewed for clarification and consistency with Port practices and compliance with state and federal requirements;

NOW THEREFORE, BE IT RESOLVED THAT Personnel Policy 310, Employee Benefits Policy is amended to remove the Vacation and Sick Leave plans, implementing the PTO plan for all employees and other such changes included on the attached Personnel Policy 310 with the effective date of January 1, 2023.

ADOPTED this 15th day of December 2022.

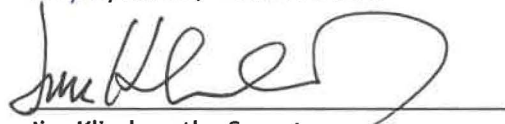
PORT OF PASCO COMMISSION



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OBJECTIVE

It is the policy of the Port to provide Benefits for eligible employees, their spouses or registered domestic partner, and their children.

POLICY

Benefits for eligible employees, *at the present time*, are paid by the Port of Pasco accordingly:

- Full-time regular and full-time Union employee, spouse or registered domestic partner, and children are paid at 100%
- Part-time Union employee, spouse and children are prorated in accordance with the Collective Bargaining Agreement.

Part-time non-union, on-call, and Seasonal employees are not eligible for medical benefits.

The medical and ancillary plan benefits are subject to change on January 1 of any year, based on the plans available to the Port and the cost of those plans.

Port of Pasco Provides the following benefits:

MEDICAL PLAN
DENTAL PLAN
VISION PLAN
LIFE INSURANCE
LONG-TERM DISABILITY

PENSION PLAN

The Port of Pasco is part of the Washington State Pension Systems. It is in whole, or in part a defined benefit plan. Employees are required to contribute a percentage of their salary into the system and the Port of Pasco contributes an additional percentage. This rate is subject to change upon legislative action. The Port also participates in a voluntary deferred compensation program which will match up to the first four percent (4%) of employee contribution.

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PAID TIME OFF (PTO)

Implementation:

As of January 1, 2023, non-union employees and union employees will receive their current earning tier worth of the previous plan’s vacation time (10, 15, 20, or 25 days), of frontloaded PTO. The rest of their PTO will be accrued at 4 hours per pay period, until January 1 of 2024, when 40 hours of PTO time will be frontloaded, and the remainder accrued based on the amounts provided below. During this time, if an employee separates from the Port, they must pay back any frontloaded/unearned PTO that has been utilized

At the beginning of the PTO plan, the employee’s existing Vacation time will be converted to PTO, and existing Sick time will become part of the employee's Grandfathered Sick Leave as outlined below.

Purpose:

The purpose of PTO is to provide employees with flexible paid time off that can be used for vacation, personal or family illness, doctor appointments, school, volunteerism, and other activities of the employee’s choice. The Port’s goal is to reduce unscheduled absences and the need for supervisory oversight.

Eligibility:

Full Time and Part Time employees are eligible to accrue PTO. This is contingent on the employee either working or utilizing accrued PTO for the entire bi-monthly pay period. PTO will accrue during protected medical leave but is not earned in pay periods during which unpaid leave, short or long-term disability leave, or workers compensation is taken. Seasonal employees, temporary employees, on-call employees, and interns are not eligible to accrue PTO. Any employee not eligible for PTO will be eligible to earn (and use) 1 hour of sick leave for every 40 worked in accordance with Washington State Sick Leave Laws.

Earning PTO:

PTO is based on a 40-hour work week and is accrued based on the number of hours worked on an employee's regular work schedule. Each full-time employee will accrue PTO bi-monthly in increments based on their length of service time. The accrual rates are calculated to include Washington State Paid Sick Leave requirements.

Each Port of Pasco employee who is eligible for PTO will receive 40 hours of frontloaded PTO on January 1 of each year (as of January 1, 2024), subject to proration. The remainder of their time will be accrued in the following manner:

Earning Tiers:	Annual Total:	Accrual Rates:
0-5 years	17 days/136 hours	5.66 hours per pay period
5-10 years	22 days/176 hours	7.33 hours per pay period
10-15 years	27 days/216 hours	9.00 hours per pay period
15-20 years	32 days/256 hours	10.67 hours per pay period
20+ years	34 days/272 hours	11.33 hours per pay period

PTO Bank Balances:

Employees must have a PTO balance in order to use PTO. If an employee's PTO bank becomes negative, they may be subject to disciplinary action up to termination and the time used will remain as unpaid.

PTO Use Increments:

Employees may use time from their PTO bank in 1/2-hour increments.

Scheduled PTO:

PTO must be scheduled in advance whenever possible. It is subject to supervisor approval, department staffing needs, and established departmental procedures. Each department is responsible for scheduling its employees' time off without undue interruptions to the department's operations. Obtaining prior approval constitutes scheduled leave.

Employees are required to use available PTO when taking any time off from work except for a company-required absence, or when making time up as approved by their supervisor. Employees may not borrow against future accruals to their PTO banks; therefore, no leave will be granted if an employee has no PTO. A Port employee who qualifies for FMLA is required to use their PTO time and/or PFML before being eligible for unpaid leave.

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An employee's absence from work may not exceed 15 consecutive workdays without written approval from the Executive Director, unless for an approved medical reason.

Unscheduled PTO:

Absences that are of an emergent/urgent nature may be taken as unscheduled PTO. Preventative health appointments are not considered unscheduled. Unscheduled PTO may be used for unexpected absences such as, but not limited to, the following:

- The employee's mental or physical illness, injury, or health condition
- Exposure to an infectious disease, as a health risk could be presented to other employees or the public.
- Care of a family member with an illness, injury, or health condition of an emergent/urgent nature.
- Closure of the employee's workplace, or child's school/place of care by order of a public official for any health or safety related reasons.
- If the employee or a family member is a victim of domestic violence, sexual assault, or stalking.

Excessive Unscheduled Absences:

An employee who misses more than 5 consecutive workdays by unscheduled absence for health-related issues may be required to present a note for the absence and/or a doctor's release that permits the employee to return to work, to be provided to the employee's immediate supervisor or HR.

Repeated or frequent unscheduled employee absences may be subject to discipline.

FMLA (Family Medical Leave Absence):

Under the Port's FMLA policy, PTO and/or Grandfathered Sick Leave must be used before FMLA leave becomes unpaid.

PFML (Paid Family and Medical Leave):

PTO and Grandfathered Sick Leave may qualify as a supplemental benefit for employees who are on approved PFML.

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Carry Over:

Each employee may carry a maximum of 180 days or 1440 hours of accrued PTO over into a new calendar year. Employees are responsible for monitoring their accrual of and using PTO, subject to supervisory approval, over the course of a year. Any accrued PTO over 1440 hours will be lost when the current calendar year ends, except as described below.

At no time may an employee have over 1440 hours of PTO banked, however, if business circumstances prevented the employee from taking scheduled PTO, this PTO may be carried over to the next calendar year or cashed out at the employee's current salary rate with the approval of the Executive Director.

Annual Cash Out:

Any Port employee who has a minimum of 720 hours of banked PTO and 5 or more years of service will be eligible to cash out 40 hours of PTO annually in December. Remittance will be made in the second December pay period.

Retirement:

Upon retirement from Port service and if the employee has unused PTO, a stepped cash out of up to 720 hours will be as follows; 30 days or 240 hours at 100% of the employee's current salary rate, plus a maximum of 30 days or 240 hours at 50% of the employee's current salary rate, plus a maximum of 30 days or 240 hours at 25% of the employee's current salary rate will be paid to the employee. Hours in excess of 720 at retirement will be lost. Only employees with banked PTO time are eligible for cash out, at retirement.

A vote will be held annually, for PERS retirement eligible employees (those with at least 5 years of service) who are 55 years or older, or who will turn 55 during the year the vote is in effect, on whether the end of service sell back remittances should be paid out as cash OR made as contributions to the HRA-VEBA Account. This vote will be held before the 15th of December, each year and will be in effect for the following calendar year.

Separation:

If a Port employee separates from service, is not eligible for the retirement vote, and if the employee has unused PTO, a stepped cash out of up to 720 hours will be as follows; 30 days or 240 hours at 100% of the employee's current salary rate, plus a maximum of 30 days or 240 hours at 50% of the employee's current salary rate, plus a maximum of 30 days or 240 hours at 25% of the employee's current salary rate will be paid to the employee. Hours in excess of 720 at separation will be lost. Only employees with banked PTO time are eligible for cash out, at separation.

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Grandfathered Sick Leave:

Employees who earned sick leave, before January 1, 2023, under the previous leave plan, are eligible for the Grandfathered Sick Leave. This leave bank allows for sick time previously earned to be kept in a separate bank that may be used for the following:

- Scheduled, preventative health appointments.
- Unscheduled personal or family illness, or short/long-term illness or injury, or during FMLA.
- 25% Cash out at retirement or separation (in addition to any PTO cash out)
- Employees may make a one-time transfer at 25% from the sick leave bank to the new PTO bank. At no time will additional leave be added to the grandfathered sick leave bank after January 1, 2022, and January 1, 2023, respectively.

Donating Leave:

Eligible employees may donate excess PTO for use by another employee who is personally or has an immediate family member suffering from an extraordinary medical emergency of such severity that it would cause the employee to take leave without pay or to terminate employment without shared leave. Employees who donate leave will no longer have rights or access to donated leave. Employees may request a leave donation when they have or expect to use all of their accrued leave (including PTO, and/or compensatory time, and grandfathered sick leave) and would otherwise be on a leave without pay. The employee receiving a PTO leave donation is required to provide documentation of the medical justification for the necessity for the leave and the length of time the employee reasonably can be expected to be absent due to the condition. While an employee is receiving shared leave, the employee continues to be classified as a Port employee and shall receive the same treatment in respect to compensation and employee benefits as the employee would normally receive if using the employee's own accrued leave except that the shared hours received are not eligible for retirement benefits. The Executive Director retains discretion to determine the eligibility to receive donated leave. Donations and use of leave are on an hour-for-hour basis, without conversion for differentials between rates of pay received by the donors and the recipients. In the case where employees donate more leave than used by the recipient, the amount of unused donated leave will be credited back to the donors in a prorated manner. Washington Paid Sick Leave does not qualify for leave donation.

Washington State Paid Sick Leave:

Employees who do not qualify for PTO but do qualify to earn Washington State Paid Sick Leave, will earn 1 (one) hour of sick leave for every 40 (forty) hours worked. An employee may begin using earned paid sick leave 90 calendar days after the first day of work. Any days worked in a

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12-month period will count toward the 90-day period. Employees with Paid Sick Leave may use it for scheduled shifts once the 90-day threshold has been reached.

Sick leave may be used for the following:

- An employee’s mental or physical illness, injury or health condition.
- Preventive care such as a medical, dental or optical appointment and/or treatment.
- Care of a family member with an illness, injury, health condition and/or preventive care such as a medical/dental/optical appointment.
- 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 reasons.
- If the employee or the employee’s family member is a victim of domestic violence, sexual assault, or stalking.

Authorized use of paid sick leave for domestic violence, sexual assault or stalking includes:

- Seeking legal or law enforcement assistance or remedies to ensure the health and safety of 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.
- Seeking treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking.
- Attending health care treatment for a victim who is the employee's family member.
- 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.
- 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.
- 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.

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RETIREE INSURANCE PROGRAM

Port of Pasco Retiree Insurance Program. The Port of Pasco Board of Commissioners has established a Retirement Insurance Program (the “Program”) that will pay all or a portion of the medical insurance premium (excluding optical and dental) for an eligible employee and their spouse. The Program was established as set forth in the minutes of the Port of Pasco commission meetings of November 8, 1979 and clarified and amended as set forth in the minutes of November 21, 2017, and December 13, 2012, and February 9, 2012. This policy has been written to further clarify the Program.

The Program pays for retiree and spouse insurance at the same rate the Port of Pasco (the “Port”) pays for an active (currently employed) employee of the Port. An employee must meet the following criteria in order to be eligible, and continue to be eligible, for the Program:

1. Employed by the Port prior to January 1, 2008.
2. Completed a minimum of ten years of employment with the Port.
3. Upon separation of employment with the Port, the employee be eligible to receive benefits from the Washington State Public Employees Retirement System (PERS) that are effective immediately upon termination of the Employee’s employment with the Port. In other words, the employee must be eligible to immediately draw benefits from PERS upon termination of employment with the Port.
4. Neither the employee nor their spouse shall have the ability to acquire medical insurance from any other source, including a new or existing employer.
5. The employee is separating from the Port by retiring.

If the foregoing requirements are not met at the time of the termination of the Employee’s employment with the Port, neither the employee, nor their spouse, shall be covered by the Program.

The eligibility of an employee, or spouse, for the Program shall terminate upon the employee or spouse reaching the age of 65 years, becoming eligible for another medical insurance program, or becoming eligible for medical insurance or similar benefits as a result of a disability. The benefits of the Program shall continue for a spouse after the employee’s qualification for the Program terminates as herein stated so long as the spouse continues to qualify for the Program.

Should the employee and their spouse divorce or become legally separated after the instigation of participation in the Program, the Port shall continue to pay for the medical premium of the former employee but will not continue to pay for the medical premiums for the divorced or legally separated spouse.

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Each year, the employee, and spouse will be required to provide proof of purchase for an active medical insurance policy, and to certify that they continue to meet the eligibility requirements outlined above to remain on the program. Should the employee/spouse fail to produce these documents the Port will immediately discontinue premium payments until the employee/spouse provides proof of purchase of an active insurance policy.

Premium payments shall be made to an employee's HRA/VEBA.

PAID HOLIDAYS

The Port of Pasco recognizes twelve (12) paid holidays per year. They are:

- NEW YEARS DAY
- MARTIN LUTHER KING DAY
- PRESIDENTS' DAY
- MEMORIAL DAY
- JUNETEENTH
- INDEPENDENCE DAY
- LABOR DAY
- VETERANS' DAY
- THANKSGIVING DAY
- THE DAY AFTER THANKSGIVING
- CHRISTMAS EVE DAY
- CHRISTMAS DAY

Any of the above can be changed at any time without an amendment to this Policy.

UNPAID HOLIDAYS

In accordance with Resolution 1385, employees are entitled to two (2) unpaid holidays per calendar year for reasons of faith or conscience or for an organized activity conducted under the auspices of a religious denomination, church, or religious organization.

- Ref: Port of Pasco Resolution No. 1595-A Resolution Amending Personnel Policy 310
 Port of Pasco Resolution No. 1555-Port Observed Holidays
 Port of Pasco Resolution No. 1483- Establishment of HRA VEBA Plan
 Port of Pasco Resolution No. 1385-Unpaid Holidays for Faith or Good Conscience
 IUOE Collective Bargaining Agreement (1/1/2023-12/31/2028)
 RCW 49.46.210(1a)
 WAC 296-128-650