

CITY COUNCIL AGENDA

15728 Main Street, Mill Creek, WA 98012 (425) 745-1891



Pam Pruitt, Mayor • Brian Holtzclaw, Mayor Pro Tem
Mark Bond • Mike Todd • Vince Cavaleri • John Steckler

Regular meetings of the Mill Creek City Council shall be held on the first, second and fourth Tuesdays of each month commencing at 6:00 p.m. in the Mill Creek Council Chambers located at 15728 Main Street, Mill Creek, Washington. Your participation and interest in these meetings are encouraged and very much appreciated. We are trying to make our public meetings accessible to all members of the public. If you require special accommodations, please call the office of the City Clerk at (425) 921-5725 three days prior to the meeting.

The City Council may consider and act on any matter called to its attention at such meetings, whether or not specified on the agenda for said meeting. Participation by members of the audience will be allowed as set forth on the meeting agenda or as determined by the Mayor or the City Council.

To comment on subjects listed on or not on the agenda, ask to be recognized during the Audience Communication portion of the agenda. Please stand at the podium and state your name and residency for the official record. Please limit your comments to the specific item under discussion. Time limitations shall be at the discretion of the Mayor or City Council.

Study sessions of the Mill Creek City Council may be held as part of any regular or special meeting. Study sessions are informal, and are typically used by the City Council to receive reports and presentations, review and evaluate complex matters, and/or engage in preliminary analysis of City issues or City Council business.

Next Ordinance No. 2019-844

Next Resolution No. 2019-577

**January 8, 2019
City Council Meeting
6:00 PM**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

AUDIENCE COMMUNICATION

- A. Public comment on items on or not on the agenda

PRESENTATIONS

- B. Exploration Park Check Presentation
(Terry Ryan, Snohomish County Council)

NEW BUSINESS

- C. Art & Beautification Board Appointments
(City Council Interview Committee: Councilmember Steckler and Councilmember Todd)
- D. 2019 Council Liaison Assignments

(Bob Stowe, Interim City Manager)

- E. LEOFF Board
(Bob Stowe, Interim City Manager)
- F. Adoption of Personnel Policies
(Bob Stowe, Interim City Manager)

STUDY SESSION

- G. 2019 Community Events
(Joni Kirk, Director of Communications & Marketing)
- H. Community Funding Discussion
(Bob Stowe, Interim City Manager)

CONSENT AGENDA

- I. Approval of Checks #59549 through #59685 and ACH Wire Transfers in the Amount of \$1,376,773.45
(Audit Committee: Councilmember Todd and Councilmember Steckler)
- J. Payroll and Benefit ACH Payments in the Amount of \$461,611.48
(Audit Committee: Councilmember Todd and Councilmember Steckler)
- K. City Council Meeting Minutes of September 11, 2018
- L. City Council Meeting Minutes of September 25, 2018

REPORTS

- M. Mayor/Council
- N. City Manager
 - Council Planning Schedule
- O. Staff
 - Veterans Service Center
 - Potential Meeting and Adoption of a Ship from Naval Station Everett
 - Nextdoor Recommendation
 - Design Review Board Meeting Minutes of November 15, 2018

AUDIENCE COMMUNICATION

- P. Public comment on items on or not on the agenda

ADJOURNMENT



Agenda Item # C
Meeting Date: January 8, 2019

CITY COUNCIL AGENDA SUMMARY
City of Mill Creek, Washington

AGENDA ITEM: APPOINTMENTS TO THE ART AND BEAUTIFICATION BOARD

PROPOSED MOTION:

Motion to appoint three volunteers to serve a three-year term on the Art and Beautification Board.

KEY FACTS AND INFORMATION SUMMARY:

Three positions on the Art and Beatification Board expired on October 31, 2018. Staff conducted a recruitment process that included the following:

- The notice was posted on the bulletin boards at City Hall and at the Library.
- A press release was sent to the local newspapers.
- The notice was also posted on the City's website.
- The notice was sent out through the "Notify Me" feature on the City's website, where people interested in serving on the Art and Beatification Board have signed-up to receive notice when a vacancy occurs.
- The City's social media outlets were utilized to advertise the vacancies.

Six applicants applied for the three vacancies on the Art and Beatification Board. Interviews are scheduled for Tuesday, January 8, 2019. The Interview Committee is comprised of Councilmember Steckler, Councilmember Todd, and Art and Beautification Board member Paula Dickman.

CITY MANAGER RECOMMENDATION:

N/A

ATTACHMENTS:

Applications from: William Rosenthal, Michelle Rau, Benjamin Briles, Kenneth Lowery, Earl Bardin and Matthew Buchanan.

Respectfully Submitted:

A blue ink signature of Robert S. Stowe is written over a horizontal line.

Robert S. Stowe
Interim City Manager



**City of Mill Creek
Boards & Commissions Application**

Community Service

The City of Mill Creek values the residents who volunteer their time to serve on our boards and commissions. The contribution made by such members has helped make Mill Creek the great city it is today.

Application

If you are interested in serving on the Arts and Beautification Board, Parks & Recreation Board, Design Review Board, Planning Commission or Civil Service Commission, please complete this application and submit it to the City Clerk at cityclerk@cityofmillcreek.com, or by mail at:

City of Mill Creek
Attn: City Clerk
15728 Main Street
Mill Creek, WA 98012

Please fill out the following information:

First Name: William Last Name: Rosenthal

Address: 1710 164th Pl SE City: Mill Creek, WA Zip: 98012

Email: the.rosenthals@frontier.com Phone: 425 308 6380

Please complete each of the following questions:

1. What board or commission would you like to be considered for?

 Art and Beautification Board
2. Why are you interested in serving on a board or commission?

I currently teach art, design and photography classes at North Creek High School in Bothell. Prior to the school's opening last year I was a member of the Northshore School District task force that worked with the Washington State Arts Commission to determine how and why we would pick a particular artist to receive a \$40,000 grant for art on the campus. (We chose Ries Niemi, a noted Skagit Valley metal sculptor.

It was a powerful experience to source, purchase, and then work with the artist to create this public art. I decided then that if I saw the opportunity to do this again, I would go for it.

During my tenure as art director at the Federal Reserve Bank of San Francisco (see below) our staff found a large envelope of old American currency that had fallen behind a safe during a period of safekeeping in the 1930s. I became part of the team that used this find as the basis for designing a small currency museum (The American Currency Exhibit) that was built in the bank's lobby. We had tens of thousands of visitors a year.

3. Please explain your professional background and list any professional licenses, registrations or certificates held.

I began my career as a combat photographer in the U.S. Navy.

After graduating from art school I worked for 29 years as a graphic designer, art director, and program manager in the Economic Research Dept. at the Federal Reserve Bank of San Francisco. I created and managed the Computer Design Lab that eventually included economics education facilities, a 3D animation facility, and the bank's external web site. Our materials were disseminated mainly to high schools across the country to aid their economic education programs.

IN 2001 my wife and I moved to Washington. After gaining my teaching certificate I entered the teaching profession in our local area. I've taught full-time in the Northshore School District (Bothell) for the past eleven years and am currently doing so at North Creek High School.

Education:

BFA, Sculpture, San Francisco Art Institute
MBA, Marketing Management, Golden Gate University, San Francisco
K-8 Teaching Certification, UW Bothell
Arts endorsement, Seattle University
WA State Professional teaching certificate. Updated 2018.

4. What are some of the most important concerns or issues that you think the City will have to face in the next 5-10 years?

Managing and leveraging growth that aligns with Mill Creek's core values will remain important. Especially so the city can maintain its vitality in the face of increasing housing costs.

There are also considerable infrastructure issues and associated costs, including traffic management, aging underground sewer/storm water facilities, etc.

Maintaining school facilities in a way that maximizes educational opportunities will also be key in drawing new residents to the city.

5. What do you see as the City's best asset to bring visitors and new residents to the City?

My wife and I were attracted to Mill Creek by its small town feel and the well-established natural aesthetic of the city. As much as Mill Creek has grown over the past two decades, development for the most part has seemed to be woven into this natural landscape. The downtown looks entirely natural as to how it co-exists with North Creek. I appreciate that some of the public art relates directly to this aesthetic.

Also important is the city's cultural life. Among others, the Downtown art walk, the Safe Halloween activities, the dog-friendly nature of the city, the numerous parades, and a plethora of family friendly locations and venues all draw in visitors and prospective residents.

Mill Creek has some unique new sports venues, along with traditional venues and parks. These are likely to attract younger families and visitors to Mill Creek.

6. Please list any other comments that would help the City Council evaluate your skills for this position.

I was the President of the Winslow Neighborhood Community Association for several years until we voted to be absorbed into the Mill Creek Community Association. I learned quite a bit about working with the City of Mill Creek and some of its departments.



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Application

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City of Mill Creek
Attn: City Clerk
15728 Main Street
Mill Creek, WA 98012

Please fill out the following information:

First Name: Michelle Last Name: Rau

Address: 13310 29th Ave SE City: Mill Creek Zip: 98012

Email: mchll.jnsn@gmail.com Phone: 801-915-0463

Please complete each of the following questions:

1. What board or commission would you like to be considered for?

The Art and Beautification Board

2. Why are you interested in serving on a board or commission?

I would like to be able to contribute my skills and experience to help the city become more beautiful and accessible to all community members.

3. Please explain your professional background and list any professional licenses, registrations or certificates held.

I am a Certified Professional Horticulturalist with a degree in Ecological Restoration and Sustainable Landscaping. I currently work part time for PlantAmnesty, an organization that teaches people how to properly care for plants. I did my internship with Farmer Frog, a non-profit organization that designing and helping install 6 rain gardens in the Swamp Creek Watershed.

Prior to my horticultural studies, I worked for Marriott for 8 years and have extensive experience in customer service, employee training and liaising for multiple properties.

4. What are some of the most important concerns or issues that you think the City will have to face in the next 5-10 years?

Storm water management
Changes in population and infrastructure
Managing a budget and providing positive experiences for the citizens while we work through the variables that come along with change.

5. What do you see as the City's best asset to bring visitors and new residents to the City?

As a new-ish resident myself, I think that the greatest assets are the town center and a great variety of up-scale shopping options, consciousness of wetland habitats, a trail system that allows access to green spaces and the overall safety of the area.

6. Please list any other comments that would help the City Council evaluate your skills for this position.

I spent 2 seasons working with the Lake Forest Park Garden Tour and helped them solicit and secure vendors to make the event more appealing to attendees. This experience helped me learn more about the connections between the gardening community and arts community in Shoreline (proceeds from the tour went to secure artwork for the city).

In my current role with PlantAmnesty I walk a fine line of approaching pruning atrocities with humor and encouraging proper landscape management through education. I've had to have many difficult discussions about "aesthetic" and what's right, sustainable and just better for plants. I find this to be a primary driver behind my desire to be on this board, as I observe many atrocities and find myself wondering if there is a better way the city can approach landscape management.

Additionally, I did work to restore a wetland area in Paradise Valley Conservation area, and have watched the project evolve over the past 3 years. I have a deep passion for conservation and preserving what makes this city unique and a great place to live.

I am well-traveled and spend a lot of my time observing city health, aesthetics and the power of thoughtful design. I'm also a few classes away from completing my Associates Degree in Landscape Design.



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City of Mill Creek
Attn: City Clerk
15728 Main Street
Mill Creek, WA 98012

Please fill out the following information:

First Name: BENJAMIN Last Name: BRILES
Address: 1431 141ST CT SE City: MILL CREEK Zip: 98012
Email: benjamin.p.briles@gmail.com Phone: (515) 230-4930

Please complete each of the following questions:

1. What board or commission would you like to be considered for?

ARTS & BEAUTIFICATION BOARD

2. Why are you interested in serving on a board or commission?

SERVE MY COMMUNITY, CONTINUE WITH CURRENT PROJECTS.

3. Please explain your professional background and list any professional licenses, registrations or certificates held.

AERO SPACE ENGINEER, COMMERCIAL PROPERTY INSPECTOR

4. What are some of the most important concerns or issues that you think the City will have to face in the next 5-10 years?

INCREASED POPULATION, WITH LITTLE ROAD ABATEMENT.

STABILITY WITHIN OUR GOVERNMENT

INTERACTION BETWEEN PEDESTRIANS & VEHICLES

5. What do you see as the City's best asset to bring visitors and new residents to the City?

NATURAL SPACES, TOWN CENTER, ACTIVITIES AROUND THE CITY
LIKE ART WALK, PARTY IN THE PARKS.

6. Please list any other comments that would help the City Council evaluate your skills for this position.

I WOULD LIKE TO CONTINUE THE WORK I'VE BEEN DOING
IN THE LAST TERM.



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City of Mill Creek
Attn: City Clerk
15728 Main Street
Mill Creek, WA 98012

Please fill out the following information:

First Name: Kenneth Last Name: Lowery

Address: 2926 151st Pl SE City: Mill Creek Zip: 98012

Email: ken.lowery75@gmail.com Phone: 425.760.6343

Please complete each of the following questions:

1. What board or commission would you like to be considered for?

Design Review Board

2. Why are you interested in serving on a board or commission?

As a practicing architect and resident of Mill Creek, I am always interested in the development and growth of the area. I feel with my background expertise I will be able to provide the proper insight and feedback from the community and development of Mill Creek.

Lowery Page 12

3. Please explain your professional background and list any professional licenses, registrations or certificates held.

I currently hold an active architectural license in Washington State, as well as 8 other states. My current professional role is the design manager for an architectural team where I oversee all projects, schedule, design and quality assurance. In addition to my architectural registration, I am also LEED certified in Building Design and Construction.

4. What are some of the most important concerns or issues that you think the City will have to face in the next 5-10 years?

With the apparent growth and development in new residential construction, and with the overcrowded schools, the biggest concern will be enough planned resources for the area due to more people and businesses relocating to the area. Traffic is a concern already which means more parking requirements at new developments and buildings.

5. What do you see as the City's best asset to bring visitors and new residents to the City?

The close community of its residents was a big influence for my decision to move here 4 years ago (relocated from the east coast). In addition, the growth in business in Bothell, Lynnwood and Everett will influence where people want to live in proximity to where they work. Mill Creek's location provides an easy hub for commuters. In addition to ease of access, certain amenities like good schools, parks, restaurants provide residents with lots of choices.

6. Please list any other comments that would help the City Council evaluate your skills for this position.

As part of my role as an architect, I am responsible for providing presentations of designs to multiple review boards depending on the jurisdiction. I am skilled and knowledgeable of building and life safety codes. In addition, I have technical expertise in construction as well as building materials.

Being a resident of Mill Creek, I am conscientious of the development and progress of the area and only want to see the area thrive more. I am available for the entire duration of this position and look forward to having further dialogues with the Council.

Thank you for your consideration. I look forward to hearing back.

Regards,

Ken Lowery AIA, NCARB, LEED AP BD+C
Principal, Design Manager



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Application

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City of Mill Creek
Attn: City Clerk
15728 Main Street
Mill Creek, WA 98012

Please fill out the following information:

First Name: Earl Last Name: Bardin

Address: 2103 148th St SE City: Mill Creek Zip: 98012

Email: edbbkb@comcast.net Phone: 425-330-0793

Please complete each of the following questions:

1. What board or commission would you like to be considered for?
Arts and Beautification Board

2. Why are you interested in serving on a board or commission?

Being a new retiree, I now have time to contribute in a meaningful way to our community. I desire to provide a well-researched, broad based view to aesthetics of our town and neighborhoods.

3. Please explain your professional background and list any professional licenses, registrations or certificates held.

I grew up on an apple farm which inculcated sustained and environmental growth. However, a science background led to my BS in Zoology at WSU, followed by U W Medical School and Residency in Seattle. My professional life was in Everett, until I retired in 2018. I have lived in Mill Creek since 1987, raising three adult daughters who live in the Puget Sound area. I continue to be a lifelong learner and have enjoyed attaining my Bee Keeping Apprentice certificate from WSU.

4. What are some of the most important concerns or issues that you think the City will have to face in the next 5-10 years?

I feel maintaining the current quality of life as neighborhoods struggle with continued growth is paramount. We need to continue to be vigilant in maintaining a current mixture of green spaces, parks, and development.

5. What do you see as the City's best asset to bring visitors and new residents to the City?

I see a vibrant, clean, organized town core with surrounding well maintained neighborhoods, accessible by private and public transportation alternatives. Our vibrant city appeals to multiple generations which enrich the area. Due to the current aesthetics of greenery and public art, it provides an ambience that is unmatched.

6. Please list any other comments that would help the City Council evaluate your skills for this position.

My extensive world travel with exposure to ancient world and modern art, architecture, city planning and how this can interact with current infrastructure has enhanced my ability to assist with beautification and park development. I appreciate the different ways of achieving a well-organized city, neighborhood, and social fabric to enhance a life enjoyed by many. A community attractive to all ages, families and retirees is critical for a balanced sense of community. My adult children love to return to Mill Creek due to green walkable neighborhoods and a vibrant downtown core with a diverse set of retailers. Developing new areas while maintaining current open spaces, parks, public art is not contradictory, but requires vigilance and a keen sense of the future.

Thank you,
Earl Bardin, MD



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City of Mill Creek
Attn: City Clerk
15728 Main Street
Mill Creek, WA 98012

Please fill out the following information:

First Name: Matthew Last Name: Buchanan
Address: 2516 147th Pl SE City: Mill Creek Zip: 98012
Email: mrmat+f6@yahoo.com Phone: 425-387-9314

Please complete each of the following questions:

1. What board or commission would you like to be considered for?

Arts + Beautification

2. Why are you interested in serving on a board or commission?

Continue in the good work that I have had the pleasure of being a part of for the past several years.

3. Please explain your professional background and list any professional licenses, registrations or certificates held.

Owner and management of several businesses over the years and have been involved with other similar boards in the past.

4. What are some of the most important concerns or issues that you think the City will have to face in the next 5-10 years?

Wise growth management

5. What do you see as the City's best asset to bring visitors and new residents to the City?

6. Please list any other comments that would help the City Council evaluate your skills for this position.



Agenda Item # D
Meeting Date: **January 8, 2019**

CITY COUNCIL AGENDA SUMMARY

City of Mill Creek, Washington

AGENDA ITEM: 2019 COUNCIL LIAISON POSITIONS

PROPOSED MOTION:

Motion to appoint Councilmembers to selected liaison roles.

KEY FACTS AND INFORMATION SUMMARY:

Pursuant to the City of Mill Creek's Governance Manual, the City Council is to select individual council liaison roles to regional bodies, and community organizations, based upon the desire, qualifications and skills of interested Councilmembers. It is the duty of staff and Council who represent the City to advocate positions that are consistent with City policies, projects and plans. (See section 1.3.5, 1.3.6 and 1.3.7 of the City of Mill Creek Manual of City Governance).

It is customary for the Council to renew and/or revise liaison appointments at the beginning of a calendar year.

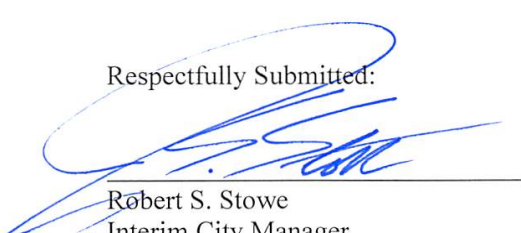
CITY MANAGER RECOMMENDATION:

N/A

ATTACHMENTS:

- Council Liaison Positions

Respectfully Submitted:



Robert S. Stowe
Interim City Manager

Council Liaison Positions

Board/ Commission/ Committee	Meeting Date/Time & # Meetings Annually	2019 Proposed Staff Representatives	2018 Council Representatives	2019 Proposed Council Representatives
Art/ Beautification Advisory Board	2 nd Weds/4:00 p.m. (12 mtgs)	Joni Kirk	John Steckler	
Park and Recreation Board	1 st Weds/5:00 p.m. (12 mtgs)	Joni Kirk	Vince Cavaleri	
Mayors Lunch Meetings	1 st Weds/12 noon (12 mtgs)	N/A	Pam Pruitt	Pam Pruitt
Puget Sound Regional Council	Annually	N/A	Mike Todd	
Snohomish County 911	3 rd Thurs/8:30 a.m. (12 mgs)	Chief Greg Elwin (Board Member)	Pam Pruitt	
Snohomish County Tomorrow (SCT) Steering Committee	4 th Weds/6:00 p.m. (12 mtgs)	ICC – Gina Hortillosa PAC – Tom Rogers	Brian Holtzclaw	
WRIA 8 Forum	2019: 1/17, 3/21, 5/16, 7/18, 9/19, 11/21 (6 mtgs)	Gina Hortillosa	Jared Mead	
Snohomish Health Board (1 rep for Bothell, Brier & Mill Creek)	2 nd Tues/3:00-5:00 p.m. (12 mtgs)	N/A	Bothell	
Mill Creek Chamber of Commerce	3 rd Tues/12 noon (12 mtgs)	Joni Kirk	Pam Pruitt	

*alternate
**second alternate

Board/ Commission/ Committee	Meeting Date/Time & # Meetings Annually	2019 Proposed Staff Representatives	2018 Council Representatives	2019 Proposed Council Representatives
Community Transit	1st Thurs/3:00 p.m. <i>(12 mtgs)</i>	N/A	Mike Todd	
Snohomish County Cities & Towns (SCC)	3rd Thurs Typically: 5:30 p.m. social 6:00 p.m. dinner <i>(12 mtgs)</i>	N/A	Mike Todd	
Alliance for Housing Affordability (AHA)	Monthly; then Quarterly	Tom Rogers	Brian Holtzelaw	
LEOFF 1 Board	To be determined by Board		N/A	Appointed by Mayor
Transportation Improvement Board		Gina Hortillosa	N/A	Mike Todd
Snohomish County Committee for Improved Transportation (SCCIT)	1/22, 2/26, 3/26, 4/23, 5/28, 6/25, 7/23, 8/27, 9/24, 10/22, 11/19, 12/17	Gina Hortillosa	N/A	
Southwest UGA Boundary Planning Study	TBD	N/A	N/A	

*alternate
**second alternate



Agenda Item # E
Meeting Date: January 8, 2019

CITY COUNCIL AGENDA SUMMARY

City of Mill Creek, Washington

**AGENDA ITEM: LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS
 DISABILITY BOARD**

PROPOSED MOTION:

Adopt Ordinance Establishing a Law Enforcement Officers and Fire Fighters Disability Board for the City of Mill Creek.

KEY FACTS AND INFORMATION SUMMARY:

State law (RCW chapter 41.26 – Law Enforcement Officers and Fire Fighters retirement system) requires that each city having a population of twenty thousand or more shall establish its own disability board with jurisdiction over that city’s Law Enforcement Officers’ and Fire Fighters (LEOFF) retirement system “Plan 1” members, defined by the Department of Retirement Systems as employees who became members of the plan prior to October 1, 1977. The City has surpassed a population of 20,000, and has (only) one LEOFF 1 (police officer) member.

Prior to reaching the statutory population threshold, the City had informal arrangements for many years with the Snohomish County LEOFF Disability Board to handle City LEOFF Plan 1 responsibilities. When the City reached its population threshold, it made several unsuccessful attempts to establish a new Mill Creek LEOFF Disability Board through interlocal agreement (pursuant to RCW chapter 39.34) with nearby cities and with Snohomish County. While such a joint arrangement is permitted under RCW chapter 39.34, no other entities were willing to do so.

Per RCW 41.26.110, the City’s new LEOFF Disability Board must consist of the following five members:

1. Two members of the city council to be appointed by the mayor.
2. Two active or retired City of Mill Creek law enforcement officers. Per RCW 41.26.110, the *electors* of such members are limited to officers who are “employed by or retired from the city [and] who are subject to the jurisdiction of the board,” which means that the sole Mill Creek LEOFF 1 member creating the need for the board will have the exclusive right to choose who those representatives will be. The pool of *electable candidates* for service on the board consists of all “officers employed by or retired from the City”.
3. One at-large member of the public who resides within the City, to be appointed by a majority vote of the other four members described above.

City Council Agenda Summary
Page 2

Each Disability Board member will serve a 2-year term, at which point the selection process described above will repeat. Board members are not eligible to receive compensation for their service, but will receive reimbursement for expenses incidental to their service. The City Manager will appoint a City employee to serve as a staff liaison to the Board.

The City's new LEOFF Disability Board will be responsible for administering State law requirements regarding all requests for disability leave, medical and dental treatment, and disability retirement for the City's member of the LEOFF 1 pension system. Those responsibilities are described in detail by State law and administrative code, and Department of Retirement Systems administrative rules.

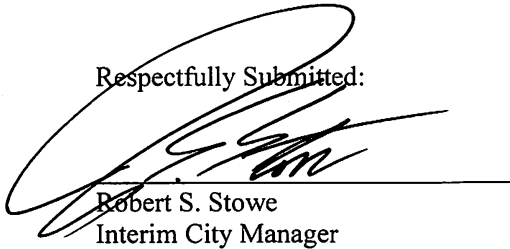
CITY MANAGER RECOMMENDATION:

Adopt the proposed ordinance creating a Law Enforcement Officers and Fire Firefighters Disability Board for the City of Mill Creek.

ATTACHMENTS:

- Attachment 1: Proposed Ordinance
- Attachment 2: RCW chapter 41.26 – Law Enforcement Officers and Fire Fighters Retirement System.

Respectfully Submitted:



Robert S. Stowe
Interim City Manager

ORDINANCE NO. 2019-_____

AN ORDINANCE OF THE CITY OF MILL CREEK, WASHINGTON, ADOPTING MILL CREEK MUNICIPAL CODE CHAPTER 4.08 ENTITLED LEOFF 1 DISABILITY BOARD; ESTABLISHING A LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS DISABILITY BOARD PURUSANT TO RCW 41.26.110; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, RCW 41.26.110 requires that each city having a population of twenty thousand or more shall establish its own Law Enforcement Officers and Fire Fighters Disability Board (hereinafter Disability Board) with jurisdiction over that City’s Law Enforcement Officers’ and Fire Fighters’ retirement system “Plan 1” members, who are defined by the Department of Retirement Systems as employees who became members of the plan prior to October 1, 1977 (hereafter LEOFF 1 members); and

WHEREAS, as of adoption of this Ordinance, the City has surpassed a population of 20,000; and

WHEREAS, the City has one retired LEOFF 1 member (and no active members) for which the Disability Board is required under state law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. A new Chapter 4.08, entitled LEOFF 1 Disability Board, is hereby adopted and added to the Mill Creek Municipal Code as follows:

CHAPTER 4.08

LEOFF 1 DISABILITY BOARD

Sections:

- 4.08.010 Board Established; Authority.
- 4.08.020 Membership; Assistance; Term; Vacancies.
- 4.08.030 Jurisdiction; Duties.
- 4.08.040 Meetings; Board Rules.
- 4.08.050 Compensation.
- 4.08.060 Cessation of Board.

4.08.010 Board Established; Authority .

A Law Enforcement Officers and Fire Fighters Plan 1 Disability Board, which may be referred to as the Disability Board, is established pursuant to and in accordance with the requirements of RCW Chapter 41.26 and RCW 41.26.110.

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4.08.020 Membership; Assistance; Term; Vacancies.

A. Membership. The Disability Board shall consist of five persons selected as follows:

1. Two members of the City Council, who shall be appointed by the Mayor.
2. Two active or retired City of Mill Creek law enforcement officers, who shall be elected to their position. The electors of such members shall be limited to commissioned law enforcement officers who are employed by or retired from the City and who are themselves subject to the jurisdiction of the Disability Board. The pool of electable candidates for membership on the Disability Board shall consist of all commissioned officers currently employed by or retired from the City.
3. One member of the public at-large, who shall be appointed by majority vote of the other four Disability Board members. The at-large member shall reside within the City at the time of and for the duration of his/her appointment.

B. Assistance. The City Manager shall appoint a current City employee to serve as Secretary of the Disability Board. The Secretary shall take minutes and maintain the records of the Disability Board, administer elections required by this section, and provide such other assistance as may be needed. The Office of the City Attorney shall provide legal counsel as may be needed.

C. Term; Vacancies. Each Disability Board member shall serve a two-year term commencing with their appointment or election, provided that one police officer member and one council member of the first slate of members to serve on the Disability Board shall serve a one-year term to establish a pattern of staggered terms thereafter. All terms shall expire on the thirty-first day of December of the last year for which the term is made, provided that members shall remain in office until their successors are selected and confirmed. Any member who ceases to have the qualifications provided in this section or required by law shall be deemed to have forfeited his or her office. Vacancies occurring other than through the expiration of terms shall be filled for the remainder of the term using the applicable selection method set forth above.

4.08.030 Jurisdiction; Duties.

A. Jurisdiction. The Disability Board shall have jurisdiction over active and retired City of Mill Creek law enforcement officers who became members of the Law Enforcement Officers and Fire Fighters retirement system prior to October 1, 1977 (hereafter LEOFF 1 Members).

B. Duties. The Disability Board shall perform and make all functions, powers, and determinations as required by RCW Chapter 41.26 and WAC Chapters 415-104 and 415-105, as now or hereafter amended. Duties shall include, but not be limited to, authorization of payment for LEOFF 1 Member health benefit claims.

4.08.040 Meetings; Board Rules.

At the first meeting of the Disability Board and at the first meeting of each year thereafter, the members shall select from among their members a chairperson and

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such other officers as may be necessary. Such officers shall serve in that capacity for a one-year term commencing with the first meeting of the year. The Disability Board shall adopt rules of procedure suited to their work and as may be specified by state law or the Department of Retirement Systems, and shall establish and publish a regular public meeting place and schedule. The presence of three members of the Disability Board shall be required to constitute a quorum for the transaction of business, provided that one other member may be allowed to attend by phone and electronic connection upon prior notice. Any scheduled meeting may be canceled upon lack of business or quorum.

4.08.050 Compensation.

The members of the Disability Board shall serve without compensation for their service, but may be reimbursed for travel and other reasonable expenses incidental to such service, in the amount and method established by the City or as otherwise authorized by law.

4.08.060. Cessation of Board.

At the commencement of the Disability Board, the City had one LEOFF 1 Member, and the State had closed participation in the State LEOFF I Plan since 1997. It is therefore expected that the business of the Disability Board will be limited in scope and duration. In the event the City no longer has any qualifying LEOFF 1 Members, the Disability Board may be terminated by action of the City Council.

Section 2. The City Clerk is directed to take steps as required to implement and effectuate this Ordinance. The Clerk is authorized to correct or have corrected scrivener's errors, internal references, and the like.

Section 3. This Ordinance shall be in full force and effect five days after publication of a summary hereof consisting of the title of this Ordinance, in accordance with RCW 35A.12.130 and 35A.13.150.

Adopted this _____ day of _____, 2018, by a vote of _____ for, _____ against, and _____ abstaining.

APPROVED:

MAYOR PAM PRUITT

ATTEST/AUTHENTICATED:

GINA PFISTER, CITY CLERK

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APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
SCOTT M. MISSALL, CITY ATTORNEY

FILED WITH THE CITY CLERK: _____

PASSED BY THE CITY COUNCIL: _____

PUBLISHED: _____

EFFECTIVE DATE: _____

ORDINANCE NO.: _____

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Chapter Listing | RCW Dispositions

Chapter 41.26 RCW

LAW ENFORCEMENT OFFICERS' AND FIREFIGHTERS' RETIREMENT SYSTEM

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<https://app.leg.wa.gov/rcw/default.aspx?cite=41.26&full=true>

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- 41.26.921** Effective date—1977 ex.s. c 294.
- 41.26.922** Construction—Chapter applicable to state registered domestic partnerships—2009 c

NOTES:

Reviser's note: Throughout chapter **41.26** RCW, the phrase "this act" has been changed to "this chapter." 1969 ex.s. c 209 consists of this chapter and RCW **41.16.145, 41.18.010, 41.18.040, 41.18.045, 41.18.060, 41.18.100, 41.18.102, 41.18.104, 41.18.130, 41.18.190, 41.20.005, 41.20.085, 41.20.170, 41.20.050,** and **41.20.060.**

Numerical designations—1998 c 341: "(1) The legislature declares that changing the numerical designation of the different retirement plans within the retirement systems from Roman numerals to Arabic numerals is of no substantive importance.

(2) The code reviser, under RCW **1.08.025**, is directed to change the numerical designation of the retirement plans as follows:

(a) Where "I" is used, replace with "1";

(b) Where "II" is used, replace with "2"; and

(c) Where "III" is used, replace with "3." [1998 c 341 § 709.] This section takes effect September 1, 2000.

*Emergency medical technician or first aid vehicle operator prohibited from joining system solely on basis of such service: RCW **41.24.050.***

41.26.005

Provisions applicable to "plan 1" and "plan 2."

RCW **41.26.010** through **41.26.062** shall apply to members of plan 1 and plan 2.

[**1992 c 72 § 2; 1991 c 35 § 12; 1989 c 273 § 10; 1985 c 102 § 5; 1979 ex.s. c 249 § 1; 1977 ex.s. c 294 § 18.**]

NOTES:

Recodification ratified—Correction of statutory references—1992 c 72: "(1) The recodification of retirement provisions adopted by the code reviser pursuant to the directives of chapter 35, Laws of 1991, is hereby ratified.

(2) The code reviser shall correct all statutory references to sections recodified pursuant to chapter 35, Laws of 1991." [**1992 c 72 § 1.**]

Intent—1991 c 35: "(1) The legislature intends to reorganize chapter **41.26** RCW. The goals of this reorganization are to: (a) Arrange provisions relating to the Washington law enforcement officers' and firefighters' retirement system plan 1, the Washington law enforcement officers' and firefighters' retirement system plan 2, and those provisions relating to both plan 1 and plan 2 into three separate subchapters within chapter **41.26** RCW; (b) decodify or repeal obsolete statutes; (c) update references to the retirement board to refer to either the department of retirement systems or the director of that department, as appropriate; (d) make all references gender neutral; and (e) recodify administrative provisions. The legislature does not intend to make substantive changes in the meaning, interpretation, court construction, or constitutionality of any provision of chapter **41.26** RCW or other statutory provisions or rules adopted under those provisions.

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(2) The legislature intends to reorganize chapter **41.32** RCW. The goals of this reorganization are to: (a) Arrange provisions relating to the Washington teachers' retirement system plan 1, the Washington teachers' retirement system plan 2, and both plan 1 and plan 2 into three separate subchapters within chapter **41.32** RCW; (b) decodify or repeal obsolete statutes; (c) update references to the retirement board to refer to either the department of retirement systems or the director of that department, as appropriate; (d) make all references gender neutral; and (e) recodify administrative provisions. The legislature does not intend to make substantive changes in the meaning, interpretation, court construction, or constitutionality of any provision of chapter **41.32** RCW or other statutory provisions or rules adopted under those provisions.

(3) The legislature intends to reorganize chapter **41.40** RCW. The goals of this reorganization are to: (a) Arrange provisions relating to the public employees' retirement system plan 1, the public employees' retirement system plan 2, and both plan 1 and plan 2 into three separate subchapters within chapter **41.40** RCW; (b) decodify obsolete statutes; (c) update references to the retirement board to refer to either the department of retirement systems or the director of that department, as appropriate; (d) make all references gender neutral; and (e) recodify administrative provisions. The legislature does not intend to make substantive changes in the meaning, interpretation, court construction, or constitutionality of any provision of chapter **41.40** RCW or other statutory provisions or rules adopted under those provisions.

(4) This act is technical in nature and shall not have the effect of terminating or in any way modifying any rights, proceedings, or liabilities, civil or criminal, which exist on July 28, 1991." [**1991 c 35 § 1.**]

Purpose—Retrospective application—1985 c 102: See notes following RCW **41.26.120.**

41.26.010

Short title.

This chapter shall be known and cited as the "Washington Law Enforcement Officers' and Firefighters' Retirement System Act".

[**1969 ex.s. c 209 § 1.**]

41.26.020

Purpose of chapter.

The purpose of this chapter is to provide for an actuarial reserve system for the payment of death, disability, and retirement benefits to law enforcement officers and firefighters, and to beneficiaries of such employees, thereby enabling such employees to provide for themselves and their dependents in case of disability or death, and effecting a system of retirement from active duty.

[**1969 ex.s. c 209 § 2.**]

41.26.030

Definitions.

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As used in this chapter, unless a different meaning is plainly required by the context:

- (1) "Accumulated contributions" means the employee's contributions made by a member, including any amount paid under RCW **41.50.165(2)**, plus accrued interest credited thereon.
- (2) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay the member's future benefits during the period of retirement.
- (3) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.
- (4)(a) "Basic salary" for plan 1 members, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.
- (b) "Basic salary" for plan 2 members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay. In any year in which a member serves in the legislature the member shall have the option of having such member's basic salary be the greater of:
 - (i) The basic salary the member would have received had such member not served in the legislature; or
 - (ii) Such member's actual basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because basic salary under (b)(i) of this subsection is greater than basic salary under (b)(ii) of this subsection shall be paid by the member for both member and employer contributions.
- (5)(a) "Beneficiary" for plan 1 members, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.
- (b) "Beneficiary" for plan 2 members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.
- (6)(a) "Child" or "children" means an unmarried person who is under the age of eighteen or mentally or physically disabled as determined by the department, except a person who is disabled and in the full time care of a state institution, who is:
 - (i) A natural born child;
 - (ii) A stepchild where that relationship was in existence prior to the date benefits are payable under this chapter;
 - (iii) A posthumous child;
 - (iv) A child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter; or
 - (v) An illegitimate child legitimized prior to the date any benefits are payable under this chapter.
- (b) A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.
- (7) "Department" means the department of retirement systems created in chapter **41.50** RCW.
- (8) "Director" means the director of the department.

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(9) "Disability board" for plan 1 members means either the county disability board or the city disability board established in RCW **41.26.110**.

(10) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to plan 1 members.

(11) "Disability retirement" for plan 1 members, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(12) "Domestic partners" means two adults who have registered as domestic partners under RCW **26.60.020**.

(13) "Employee" means any law enforcement officer or firefighter as defined in subsections (17) and (19) of this section.

(14)(a) "Employer" for plan 1 members, means the legislative authority of any city, town, county, or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or firefighter, any authorized association of such municipalities, and, except for the purposes of RCW **41.26.150**, any labor guild, association, or organization, which represents the firefighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or firefighters as defined in this chapter.

(b) "Employer" for plan 2 members, means the following entities to the extent that the entity employs any law enforcement officer and/or firefighter:

(i) The legislative authority of any city, town, county, district, or public corporation established under RCW **35.21.730** to provide emergency medical services as defined in RCW **18.73.030**;

(ii) The elected officials of any municipal corporation;

(iii) The governing body of any other general authority law enforcement agency;

(iv) A four-year institution of higher education having a fully operational fire department as of January 1, 1996; or

(v) The department of social and health services or the department of corrections when employing firefighters serving at a prison or civil commitment center on an island.

(c) Except as otherwise specifically provided in this chapter, "employer" does not include a government contractor. For purposes of this subsection, a "government contractor" is any entity, including a partnership, limited liability company, for-profit or nonprofit corporation, or person, that provides services pursuant to a contract with an "employer." The determination whether an employer-employee relationship has been established is not based on the relationship between a government contractor and an "employer," but is based solely on the relationship between a government contractor's employee and an "employer" under this chapter.

(15)(a) "Final average salary" for plan 1 members, means (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) in the case of a member who hereafter vests pursuant to RCW **41.26.090**, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for plan 2 members, means the monthly average of the member's basic salary for the highest consecutive sixty service credit months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

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(c) In calculating final average salary under (a) or (b) of this subsection, the department of retirement systems shall include:

(i) Any compensation forgone by a member employed by a state agency or institution during the 2009-2011 fiscal biennium as a result of reduced work hours, mandatory or voluntary leave without pay, temporary reduction in pay implemented prior to December 11, 2010, or temporary layoffs if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer; and

(ii) Any compensation forgone by a member employed by the state or a local government employer during the 2011-2013 fiscal biennium as a result of reduced work hours, mandatory leave without pay, temporary layoffs, or reductions to current pay if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer. Reductions to current pay shall not include elimination of previously agreed upon future salary increases.

(16) "Fire department" includes a fire station operated by the department of social and health services or the department of corrections when employing firefighters serving a prison or civil commitment center on an island.

(17) "Firefighter" means:

(a) Any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for firefighter, and who is actively employed as such;

(b) Anyone who is actively employed as a full time firefighter where the fire department does not have a civil service examination;

(c) Supervisory firefighter personnel;

(d) Any full time executive secretary of an association of fire protection districts authorized under RCW **52.12.031**. The provisions of this subsection (17)(d) shall not apply to plan 2 members;

(e) The executive secretary of a labor guild, association or organization (which is an employer under subsection (14) of this section), if such individual has five years previous membership in a retirement system established in chapter **41.16** or **41.18** RCW. The provisions of this subsection (17)(e) shall not apply to plan 2 members;

(f) Any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for firefighter;

(g) Any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971, was making retirement contributions under the provisions of chapter **41.16** or **41.18** RCW; and

(h) Any person who is employed on a full-time, fully compensated basis by an employer as an emergency medical technician that meets the requirements of RCW **18.71.200** or **18.73.030**(12), and whose duties include providing emergency medical services as defined in RCW **18.73.030**.

(18) "General authority law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, but not including the Washington state patrol. Such an agency, department, or division is distinguished from a limited authority law enforcement agency having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor and cannabis board, and the state department of corrections. A general authority law enforcement agency under this chapter does not include a government contractor.

(19) "Law enforcement officer" beginning January 1, 1994, means any person who is commissioned and employed by an employer on a full time, fully compensated basis to enforce the

criminal laws of the state of Washington generally, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW **41.14.070** except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers;

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under subsection (14) of this section) if that individual has five years previous membership in the retirement system established in chapter **41.20** RCW. The provisions of this subsection (19)(d) shall not apply to plan 2 members; and

(e) The term "law enforcement officer" also includes a person employed on or after January 1, 1993, as a public safety officer or director of public safety, so long as the job duties substantially involve only either police or fire duties, or both, and no other duties in a city or town with a population of less than ten thousand. The provisions of this subsection (19)(e) shall not apply to any public safety officer or director of public safety who is receiving a retirement allowance under this chapter as of May 12, 1993.

(20) "Medical services" for plan 1 members, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW **41.26.150**.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses," provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter **18.71** RCW;

(B) An osteopathic physician and surgeon licensed under the provisions of chapter **18.57** RCW;

(C) A chiropractor licensed under the provisions of chapter **18.25** RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic X-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes, and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his or her teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter **18.53** RCW.

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(21) "Member" means any firefighter, law enforcement officer, or other person as would apply under subsections (17) or (19) of this section whose membership is transferred to the Washington law enforcement officers' and firefighters' retirement system on or after March 1, 1970, and every law enforcement officer and firefighter who is employed in that capacity on or after such date.

(22) "Plan 1" means the law enforcement officers' and firefighters' retirement system, plan 1 providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(23) "Plan 2" means the law enforcement officers' and firefighters' retirement system, plan 2 providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

(24) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(25) "Regular interest" means such rate as the director may determine.

(26) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(27) "Retirement fund" means the "Washington law enforcement officers' and firefighters' retirement system fund" as provided for herein.

(28) "Retirement system" means the "Washington law enforcement officers' and firefighters' retirement system" provided herein.

(29)(a) "Service" for plan 1 members, means all periods of employment for an employer as a firefighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW **41.26.190**. Credit shall be allowed for all service credit months of service rendered by a member from and after the member's initial commencement of employment as a firefighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only service credit months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter.

(i) For members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall also include (A) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (B) such other periods of service as were then creditable to a particular member under the provisions of RCW **41.18.165**, **41.20.160**, or **41.20.170**. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act.

(ii) A member who is employed by two employers at the same time shall only be credited with service to one such employer for any month during which the member rendered such dual service.

(b) "Service" for plan 2 members, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month which shall constitute a service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for at least seventy hours but less than ninety hours per calendar month shall constitute one-half service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for less than seventy hours shall constitute a one-quarter service credit month.

Members of the retirement system who are elected or appointed to a state elective position may elect to continue to be members of this retirement system.

Service credit years of service shall be determined by dividing the total number of service credit months of service by twelve. Any fraction of a service credit year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

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If a member receives basic salary from two or more employers during any calendar month, the individual shall receive one service credit month's service credit during any calendar month in which multiple service for ninety or more hours is rendered; or one-half service credit month's service credit during any calendar month in which multiple service for at least seventy hours but less than ninety hours is rendered; or one-quarter service credit month during any calendar month in which multiple service for less than seventy hours is rendered.

(30) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

(31) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(32) "State actuary" or "actuary" means the person appointed pursuant to RCW **44.44.010**(2).

(33) "State elective position" means any position held by any person elected or appointed to statewide office or elected or appointed as a member of the legislature.

(34) "Surviving spouse" means the surviving widow or widower of a member. "Surviving spouse" shall not include the divorced spouse of a member except as provided in RCW **41.26.162**.

[**2018 c 230 § 1; 2017 c 309 § 1; 2012 c 236 § 2; 2011 1st sp.s. c 5 § 1; 2010 2nd sp.s. c 1 § 903; 2010 1st sp.s. c 32 § 6**. Prior: **2009 c 523 § 3; 2005 c 459 § 1; 2003 c 388 § 2; 2002 c 128 § 3**; prior: **1996 c 178 § 11; 1996 c 38 § 2**; prior: **1994 c 264 § 14; 1994 c 197 § 5**; prior: **1993 c 502 § 1; 1993 c 322 § 1; 1991 sp.s. c 12 § 1**; prior: (1991 sp.s. c 11 § 3 repealed by 1991 sp.s. c 12 § 3); **1991 c 365 § 35; 1991 c 343 § 14; 1991 c 35 § 13; 1987 c 418 § 1; 1985 c 13 § 5; 1984 c 230 § 83; 1981 c 256 § 4; 1979 ex.s. c 249 § 2; 1977 ex.s. c 294 § 17; 1974 ex.s. c 120 § 1; 1972 ex.s. c 131 § 1; 1971 ex.s. c 257 § 6; 1970 ex.s. c 6 § 1; 1969 ex.s. c 209 § 3.**]

NOTES:

Purpose—Application—2012 c 236: "(1) On August 18, 2011, the state supreme court entered an opinion in the matter of *Dolan v. King County*, Cause No. 82842-3. The court recognized that a public employees' retirement system eligible employee must work for a public employees' retirement system employer under RCW **41.40.010**. However, the court did not explain how such an employee can be an employee of a government contractor and also of a government employer. The legislature determines it necessary and appropriate to affirmatively state that a governmental contractor is not an employer for purposes of the state's public pension systems, including the public employees' retirement system, whether or not the contractor is providing mandatory or discretionary governmental services, and whether or not the contractor is a for-profit or not-for-profit entity.

(2) The legislature has not intended in its pension legislation to provide retirement system eligibility to employees of government contractors. Only in specific circumstances, such as employees of entities, including nonprofits, created by government under the interlocal cooperation act in chapter **39.34** RCW, has the legislature and department of retirement systems permitted retirement system eligibility for employees of government contractors. The department's rules in WAC 415-02-110 conform to the purpose and intent of the legislature regarding public pension eligibility.

(3) It is the purpose of this act to more clearly state and to confirm that employees of for-profit or not-for-profit corporations or other entities providing services under governmental contracts are not, as a result of providing such governmental service, eligible for membership in the various public retirement programs. The state and its local governments have not provided for such eligibility and such eligibility would create unfunded liability for state and local governments and potential impacts on the integrity of the public pension systems.

(4) This act provides cross-references to existing statutes that affect eligibility for pensions under the retirement systems authorized by chapters **41.26**, **41.32**, **41.35**, **41.37**, **41.40**, and **41.50** RCW and to the relevant definition sections of those chapters. Except as provided, this act is technical in

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nature and neither enhances nor diminishes existing pension rights. It is not the intent of the legislature to change the substance or effect of any statute previously enacted. Rather, this act provides cross-references to applicable statutes in order to aid with the administration of eligibility and benefits authorized in chapters **41.26**, **41.32**, **41.35**, **41.37**, **41.40**, and **41.50** RCW.

(5) This act shall apply solely to eligibility for state-sponsored public employee pension plans under chapters **41.26**, **41.32**, **41.35**, **41.37**, and **41.40** RCW and shall not affect any other statute or rule regarding employee benefits, status, or workplace protections.

(6) This act is curative and remedial, but does not affect the state supreme court decision in *Dolan v. King County*, Cause No. 82842-3, and the right established therein of King county public defenders and staff to public employees' retirement system enrollment and eligibility." [**2012 c 236 § 1.**]

Effective date—2011 1st sp.s. c 5: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2011." [**2011 1st sp.s. c 5 § 7.**]

Effective date—2010 2nd sp.s. c 1: See note following RCW **38.52.105**.

Intent—Conflict with federal requirements—Effective date—2010 1st sp.s. c 32: See notes following RCW **42.04.060**.

Effective date—1996 c 178: See note following RCW **18.35.110**.

Intent—Severability—Effective date—1994 c 197: See notes following RCW **41.50.165**.

Effective date—1993 c 502: "This act shall take effect January 1, 1994." [**1993 c 502 § 6.**]

Application—1993 c 322 § 1: "Section 1 of this act shall apply retroactively to January 1, 1993." [**1993 c 322 § 2.**]

Effective date—1993 c 322: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 12, 1993]." [**1993 c 322 § 3.**]

Severability—1991 c 365: See note following RCW **41.50.500**.

Findings—Effective dates—1991 c 343: See notes following RCW **41.50.005**.

Intent—1991 c 35: See note following RCW **41.26.005**.

Purpose—Application—Retrospective application—1985 c 13: See notes following RCW **41.04.445**.

Purpose—1981 c 256: "It is the primary purpose of this act to assure that the provisions of RCW **41.04.250** and **41.04.260** and of any deferred compensation plan established thereunder, are in conformity with the requirements of 26 U.S.C. Sec. 457 and any other requirements of federal law relating to such a deferred compensation plan. This act shall be construed in such a manner as to accomplish this purpose." [**1981 c 256 § 1.**]

Severability—1981 c 256: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [**1981 c 256 § 7.**]

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Severability—1974 ex.s. c 120: "If any provision of this 1974 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1974 ex.s. c 120 § 15.]

Severability—1972 ex.s. c 131: "If any provision of this 1972 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1972 ex.s. c 131 § 12.]

Purpose—1971 ex.s. c 257: "It is the purpose of this act to provide minimum medical and health standards for membership coverage into the Washington law enforcement officers' and firefighters' retirement system act, for the improvement of the public service, and to safeguard the integrity and actuarial soundness of their pension systems, and to improve their retirement and pension systems and related provisions." [1971 ex.s. c 257 § 1.]

Severability—1971 ex.s. c 257: "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1971 ex.s. c 257 § 22.]

41.26.035

"Minimum medical and health standards" defined.

The term "minimum medical and health standards" means minimum medical and health standards adopted by the department under this chapter.

[1991 c 35 § 14; 1971 ex.s. c 257 § 2.]

NOTES:

Intent—1991 c 35: See note following RCW 41.26.005.

Purpose—Severability—1971 ex.s. c 257: See notes following RCW 41.26.030.

41.26.040

System created—Membership—Funds.

The Washington law enforcement officers' and firefighters' retirement system is hereby created for firefighters and law enforcement officers.

(1) Notwithstanding *RCW 41.26.030(20), all firefighters and law enforcement officers employed as such on or after March 1, 1970, on a full time fully compensated basis in this state shall be members of the retirement system established by this chapter with respect to all periods of service as such, to the exclusion of any pension system existing under any prior act.

(2) Any employee serving as a law enforcement officer or firefighter on March 1, 1970, who is then making retirement contributions under any prior act shall have his or her membership transferred to the system established by this chapter as of such date. Upon retirement for service or for disability, or death, of any such employee, his or her retirement benefits earned under this chapter shall be computed

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and paid. In addition, his or her benefits under the prior retirement act to which he or she was making contributions at the time of this transfer shall be computed as if he or she had not transferred. For the purpose of such computations, the employee's creditability of service and eligibility for service or disability retirement and survivor and all other benefits shall continue to be as provided in such prior retirement act, as if transfer of membership had not occurred. The excess, if any, of the benefits so computed, giving full value to survivor benefits, over the benefits payable under this chapter shall be paid whether or not the employee has made application under the prior act. If the employee's prior retirement system was the Washington public employees' retirement system, payment of such excess shall be made by that system; if the employee's prior retirement system was the statewide city employees' retirement system, payment of such excess shall be made by the employer which was the member's employer when his or her transfer of membership occurred: PROVIDED, That any death in line of duty lump sum benefit payment shall continue to be the obligation of that system as provided in RCW **41.44.210**; in the case of all other prior retirement systems, payment of such excess shall be made by the employer which was the member's employer when his or her transfer of membership occurred.

(3) All funds held by any firefighters' or police officers' relief and pension fund shall remain in that fund for the purpose of paying the obligations of the fund. The municipality shall continue to levy the dollar rate as provided in RCW **41.16.060**, and this dollar rate shall be used for the purpose of paying the benefits provided in chapters **41.16** and **41.18** RCW. The obligations of chapter **41.20** RCW shall continue to be paid from whatever financial sources the city has been using for this purpose.

[**2012 c 117 § 39**; **1991 c 35 § 15**; **1989 c 273 § 11**; **1979 ex.s. c 45 § 1**; **1974 ex.s. c 120 § 7**; **1973 1st ex.s. c 195 § 44**; **1970 ex.s. c 6 § 2**; **1969 ex.s. c 209 § 4**.]

NOTES:

***Reviser's note:** RCW **41.26.030** was amended by 2018 c 230 § 1, changing subsection (20) to subsection (21).

Intent—1991 c 35: See note following RCW **41.26.005**.

Effective date—1979 ex.s. c 45: "This amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1979." [**1979 ex.s. c 45 § 8**.]

Severability—1974 ex.s. c 120: See note following RCW **41.26.030**.

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW **84.52.043**.

41.26.045**Minimum medical and health standards.**

(1) Notwithstanding any other provision of law after February 19, 1974 no law enforcement officer or firefighter, may become eligible for coverage in the pension system established by this chapter, until the individual has met and has been certified as having met minimum medical and health standards: PROVIDED, That an elected sheriff or an appointed chief of police or fire chief, shall not be required to meet the age standard: PROVIDED FURTHER, That in cities and towns having not more than two law enforcement officers and/or not more than two firefighters and if one or more of such persons do not

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meet the minimum medical and health standards as required by the provisions of this chapter, then such person or persons may join any other pension system that the city has available for its other employees: AND PROVIDED FURTHER, That for one year after February 19, 1974 any such medical or health standard now existing or hereinafter adopted, insofar as it establishes a maximum age beyond which an applicant is to be deemed ineligible for coverage, shall be waived as to any applicant for employment or reemployment who is otherwise eligible except for his or her age, who has been a member of any one or more of the retirement systems created by chapter 41.20 of the Revised Code of Washington and who has restored all contributions which he or she has previously withdrawn from any such system or systems.

(2) This section shall not apply to persons who initially establish membership in the retirement system on or after July 1, 1979.

[2012 c 117 § 40; 1979 ex.s. c 249 § 3; 1977 ex.s. c 294 § 20; 1974 ex.s. c 120 § 8; 1971 ex.s. c 257 § 3.]

NOTES:

Severability—1974 ex.s. c 120: See note following RCW 41.26.030.

Purpose—Severability—1971 ex.s. c 257: See notes following RCW 41.26.030.

41.26.046

Minimum medical and health standards—Board to adopt—Publication and distribution—Employer certification procedures.

By July 31, 1971, the *retirement board shall adopt minimum medical and health standards for membership coverage into the Washington law enforcement officers' and firefighters' retirement system act. In adopting such standards the *retirement board shall consider existing standards recommended by the international association of chiefs of police and the international association of firefighters, and shall adopt equal or higher standards, together with appropriate standards and procedures to insure uniform compliance with this chapter. The standards when adopted shall be published and distributed to each employer, and each employer shall adopt certification procedures and such other procedures as are required to insure that no law enforcement officer or firefighter receives membership coverage unless and until he or she has actually met minimum medical and health standards: PROVIDED, That an elected sheriff or an appointed chief of police, fire chief, or director of public safety shall not be required to meet the age standard. The *retirement board may amend the minimum medical and health standards as experience indicates, even if the standards as so amended are lower or less rigid than those recommended by the international associations mentioned above. The cost of the medical examination contemplated by this section is to be paid by the employer.

[2012 c 117 § 41; 1987 c 418 § 2; 1977 ex.s. c 294 § 21; 1974 ex.s. c 120 § 12; 1972 ex.s. c 131 § 2; 1971 ex.s. c 257 § 4.]

NOTES:

***Reviser's note:** Powers, duties, and functions of the Washington law enforcement officers' and firefighters' retirement board were transferred to the director of retirement systems by RCW

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41.26.051, which has been decodified. See Table of Disposition of Former RCW Sections.

Severability—1974 ex.s. c 120: See note following RCW **41.26.030**.

Severability—1972 ex.s. c 131: See note following RCW **41.26.030**.

Purpose—Severability—1971 ex.s. c 257: See notes following RCW **41.26.030**.

41.26.047

Minimum medical and health standards—Exemptions—Employer may adopt higher standards.

Nothing in RCW **41.26.035**, **41.26.045** and **41.26.046** shall apply to any firefighters or law enforcement officers who are employed as such on or before August 1, 1971, as long as they continue in such employment; nor to promotional appointments after becoming a member in the police or fire department of any employer nor to the reemployment of a law enforcement officer or firefighter by the same or a different employer within six months after the termination of his or her employment, nor to the reinstatement of a law enforcement officer or firefighter who has been on military or disability leave, disability retirement status, or leave of absence status. Nothing in this chapter shall be deemed to prevent any employer from adopting higher medical and health standards than those which are adopted by the *retirement board.

[**2012 c 117 § 42; 1972 ex.s. c 131 § 3; 1971 ex.s. c 257 § 5.**]

NOTES:

***Reviser's note:** Powers, duties, and functions of the Washington law enforcement officers' and firefighters' retirement board were transferred to the director of retirement systems by RCW **41.26.051**, which has been decodified. See Table of Disposition of Former RCW Sections.

Severability—1972 ex.s. c 131: See note following RCW **41.26.030**.

Purpose—Severability—1971 ex.s. c 257: See notes following RCW **41.26.030**.

41.26.048

Special death benefit—Death in the course of employment—Death from disease or infection arising from employment—Annual adjustment.

(1) A two hundred fourteen thousand dollar death benefit shall be paid to the member's estate, or such person or persons, trust or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's death benefit shall be paid to the member's surviving spouse or domestic partner as if in fact such spouse or domestic partner had been nominated by written designation, or if there be no such surviving spouse or domestic partner, then to such member's legal representatives.

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(2) The benefit under this section shall be paid only when death occurs: (a) As a result of injuries sustained in the course of employment; or (b) as a result of an occupational disease or infection that arises naturally and proximately out of employment covered under this chapter. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department of labor and industries. The department of labor and industries shall notify the department of retirement systems by order under RCW 51.52.050.

(3)(a) Beginning July 1, 2010, and every year thereafter, the department shall determine the following information:

- (i) The index for the 2008 calendar year, to be known as "index A;"
- (ii) The index for the calendar year prior to the date of determination, to be known as "index B;"

and

- (iii) The ratio obtained when index B is divided by index A.

(b) The value of the ratio obtained shall be the annual adjustment to the original death benefit and shall be applied beginning every July 1st. In no event, however, shall the annual adjustment:

- (i) Produce a benefit which is lower than two hundred fourteen thousand dollars;
- (ii) Exceed three percent in the initial annual adjustment; or
- (iii) Differ from the previous year's annual adjustment by more than three percent.

(c) For the purposes of this section, "index" means, for any calendar year, that year's average consumer price index — Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

[2010 c 261 § 2; 2009 c 523 § 4; 2007 c 487 § 2; 2006 c 351 § 1; 1996 c 226 § 1.]

NOTES:

Application—2010 c 261: "Sections 2 and 7 of this act apply to the benefits of all members killed in the course of employment since January 1, 2009." [2010 c 261 § 9.]

Effective date—1996 c 226: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 28, 1996]." [1996 c 226 § 4.]

41.26.053

Exemption from judicial process, taxes—Exceptions—Deduction for insurance upon request.

(1) Subject to subsections (2) and (3) of this section, the right of a person to a retirement allowance, disability allowance, or death benefit, to the return of accumulated contributions, the retirement, disability or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter, are hereby exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or any other process of law whatsoever, whether the same be in actual possession of the person or be deposited or loaned and shall be unassignable.

(2) On the written request of any person eligible to receive benefits under this section, the department may deduct from such payments the premiums for life, health, or other insurance. The request on behalf of any child or children shall be made by the legal guardian of such child or children.

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The department may provide for such persons one or more plans of group insurance, through contracts with regularly constituted insurance carriers or health care service contractors.

(3) Subsection (1) of this section shall not prohibit the department from complying with (a) a wage assignment order for child support issued pursuant to chapter **26.18** RCW, (b) an order to withhold and deliver issued pursuant to chapter **74.20A** RCW, (c) a notice of payroll deduction issued pursuant to RCW **26.23.060**, (d) a mandatory benefits assignment order issued by the department, (e) a court order directing the department of retirement systems to pay benefits directly to an obligee under a dissolution order as defined in RCW **41.50.500**(3) which fully complies with RCW **41.50.670** and **41.50.700**, or (f) any administrative or court order expressly authorized by federal law.

[**2012 c 159 § 21**. Prior: **1991 c 365 § 20**; **1991 c 35 § 25**; **1989 c 360 § 24**; **1987 c 326 § 22**; **1979 ex.s. c 205 § 4**; **1971 ex.s. c 257 § 12**; **1970 ex.s. c 6 § 15**; **1969 ex.s. c 209 § 23**. Formerly RCW **41.26.180**.]

NOTES:

Severability—1991 c 365: See note following RCW **41.50.500**.

Intent—1991 c 35: See note following RCW **41.26.005**.

Effective date—1987 c 326: See RCW **41.50.901**.

Purpose—Severability—1971 ex.s. c 257: See notes following RCW **41.26.030**.

41.26.056

No bond required on appeal to court.

No bond of any kind shall be required of a claimant appealing to the superior court, the court of appeals, or the supreme court from a decision of the director affecting such claimant's right to retirement or disability benefits.

[**1984 c 184 § 18**; **1971 c 81 § 103**; **1969 ex.s. c 209 § 21**. Formerly RCW **41.26.230**.]

NOTES:

Severability—1984 c 184: See note following RCW **41.50.150**.

41.26.057

Benefit calculation—Limitation.

(1) The annual compensation taken into account in calculating retiree benefits under this system shall not exceed the limits imposed by section 401(a)(17) of the federal internal revenue code for qualified trusts.

(2) The department shall adopt rules as necessary to implement this section.

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[1995 c 145 § 1.]

41.26.059

Establishing, restoring service credit.

Notwithstanding any provision to the contrary, persons who fail to:

- (1) Establish allowable membership service not previously credited;
- (2) Restore all or a part of that previously credited membership service represented by withdrawn contributions; or
- (3) Restore service credit represented by a lump sum payment in lieu of benefits, before the deadline established by statute, may do so under the conditions set forth in RCW **41.50.165**.

[1998 c 17 § 1.]

41.26.061

Disability retirement—Criminal conduct.

A member shall not receive a disability retirement benefit under RCW **41.26.120**, **41.26.125**, **41.26.130**, or **41.26.470** if the disability is the result of criminal conduct by the member committed after April 21, 1997.

[1997 c 103 § 1.]

NOTES:

Severability—1997 c 103: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1997 c 103 § 4.]

Effective date—1997 c 103: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 21, 1997]." [1997 c 103 § 5.]

41.26.062

Falsification—Penalty.

Any employer, member or beneficiary who shall knowingly make false statements or shall falsify or permit to be falsified any record or records of the retirement system in an attempt to defraud the retirement system, is guilty of a class B felony punishable according to chapter **9A.20** RCW.

[2003 c 53 § 217; 1972 ex.s. c 131 § 10. Formerly RCW **41.26.300**.]

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Intent—Effective date—2003 c 53: See notes following RCW **2.48.180**.

Severability—1972 ex.s. c 131: See note following RCW **41.26.030**.

41.26.075

Provisions applicable to plan 1.

RCW **41.26.080** through **41.26.3903** shall apply only to members of plan 1.

[**1992 c 72 § 3; 1991 c 35 § 101.**]

NOTES:

Intent—1991 c 35: See note following RCW **41.26.005**.

41.26.080

Funding total liability of plan 1 system.

(1) Except as set forth under subsection (2) of this section, the total liability of the plan 1 system shall be funded as follows:

(a) Every plan 1 member shall have deducted from each payroll a sum equal to six percent of his or her basic salary for each pay period.

(b) Every employer shall contribute monthly a sum equal to six percent of the basic salary of each plan 1 employee who is a member of this retirement system. The employer shall transmit the employee and employer contributions with a copy of the payroll to the retirement system monthly.

(c) The remaining liabilities of the plan 1 system shall be funded as provided in chapter **41.45** RCW.

(d) Every member shall be deemed to consent and agree to the contribution made and provided for herein, and shall receipt in full for his or her salary or compensation. Payment less said contributions shall be a complete discharge of all claims and demands whatsoever for the services rendered by such person during the period covered by such payments, except his or her claim to the benefits to which he or she may be entitled under the provisions of this chapter.

(2) No employer or member contribution is required after June 30, 2000, unless the most recent valuation study for law enforcement officers' and firefighters' retirement system plan 1 indicates the plan has unfunded liabilities. The legislature clarifies the enactment of section 907, chapter 1, Laws of 2000 2nd sp. sess. and affirms the suspension of employer and member contributions to plan 1 of the law enforcement officers' and firefighters' retirement system, effective June 30, 2000, as provided in this subsection. The legislature intends this 2007 amendment of this subsection to be curative, remedial, and retrospectively applicable to June 30, 2000.

[**2007 c 492 § 8; 2000 2nd sp.s. c 1 § 907; 1991 c 35 § 17; 1989 c 273 § 13; 1969 ex.s. c 209 § 8.**]

NOTES:

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Severability—Effective date—2000 2nd sp.s. c 1: See notes following RCW **41.05.143**.**Intent—1991 c 35:** See note following RCW **41.26.005**.**41.26.090****Retirement for service.**

Retirement of a member for service shall be made by the department as follows:

(1) Any member having five or more service credit years of service and having attained the age of fifty years shall be eligible for a service retirement allowance and shall be retired upon the member's written request effective the first day following the date upon which the member is separated from service.

(2) Any member having five or more service credit years of service, who terminates his or her employment with any employer, may leave his or her contributions in the fund. Any employee who so elects, upon attaining age fifty, shall be eligible to apply for and receive a service retirement allowance based on his or her years of service, commencing on the first day following his or her attainment of age fifty.

(3) Any member selecting optional vesting under subsection (2) of this section with less than twenty service credit years of service shall not be covered by the provisions of RCW **41.26.150**, and the member's survivors shall not be entitled to the benefits of RCW **41.26.160** unless his or her death occurs after he or she has attained the age of fifty years. Those members selecting this optional vesting with twenty or more years service shall not be covered by the provisions of RCW **41.26.150** until the attainment of the age of fifty years. A member selecting this optional vesting, with less than twenty service credit years of service credit, who dies prior to attaining the age of fifty years, shall have paid from the Washington law enforcement officers' and firefighters' retirement fund, to such member's surviving spouse, if any, otherwise to such beneficiary as the member shall have designated in writing, or if no such designation has been made, to the personal representative of his or her estate, a lump sum which is equal to the amount of such member's accumulated contributions plus accrued interest. If the vested member has twenty or more service credit years of service credit the surviving spouse or children shall then become eligible for the benefits of RCW **41.26.160** regardless of the member's age at the time of his or her death, to the exclusion of the lump sum amount provided by this subsection.

(4) Any member who has attained the age of sixty years shall be retired on the first day of the calendar month next succeeding that in which said member shall have attained the age of sixty and may not thereafter be employed as a law enforcement officer or firefighter: PROVIDED, That for any member who is elected or appointed to the office of sheriff, chief of police, or fire chief, his or her election or appointment shall be considered as a waiver of the age sixty provision for retirement and nonemployment for whatever number of years remain in his or her present term of office and any succeeding periods for which he or she may be so elected or appointed. The provisions of this subsection shall not apply to any member who is employed as a law enforcement officer or firefighter on March 1, 1970.

[1991 sp.s. c 11 § 4. Prior: 1991 c 343 § 15; 1991 c 35 § 18; 1977 ex.s. c 294 § 22; 1972 ex.s. c 131 § 6; 1971 ex.s. c 257 § 8; 1970 ex.s. c 6 § 4; 1969 ex.s. c 209 § 9.]

NOTES:

Purpose—1991 sp.s. c 11: "The purpose of this act is to correct certain double amendments created during the 1991 regular session that the code reviser's office is unable to merge under RCW

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1.12.025. The session laws repealed by section 2 of this act are strictly technical in nature and affect no policy. Sections *3 through 6 of this act are being reenacted to effectuate a legislative directive contained in **1991 c 35 s 2.** [**1991 sp.s. c 11 § 1.**]

***Reviser's note:** 1991 sp.s. c 11 § 3 was repealed by **1991 sp.s. c 12 § 3.**

Effective dates—1991 sp.s. c 11: "(1) Sections *3 through 5 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect September 1, 1991.

(2) Sections 1, 2, and 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately." [**1991 sp.s. c 11 § 7.**]

***Reviser's note:** 1991 sp.s. c 11 § 3 was repealed by **1991 sp.s. c 12 § 3.**

Findings—Effective dates—1991 c 343: See notes following RCW **41.50.005.**

Intent—1991 c 35: See note following RCW **41.26.005.**

Severability—1972 ex.s. c 131: See note following RCW **41.26.030.**

Purpose—Severability—1971 ex.s. c 257: See notes following RCW **41.26.030.**

41.26.100

Allowance on retirement for service.

A member upon retirement for service shall receive a monthly retirement allowance computed according to his or her completed creditable service credit years of service as follows: Five years but under ten years, one-twelfth of one percent of his or her final average salary for each month of service; ten years but under twenty years, one-twelfth of one and one-half percent of his or her final average salary for each month of service; and twenty years and over one-twelfth of two percent of his or her final average salary for each month of service: PROVIDED, That the recipient of a retirement allowance who shall return to service as a law enforcement officer or firefighter shall be considered to have terminated his or her retirement status and he or she shall immediately become a member of the retirement system with the status of membership he or she had as of the date of retirement. Retirement benefits shall be suspended during the period of his or her return to service and he or she shall make contributions and receive service credit. Such a member shall have the right to again retire at any time and his or her retirement allowance shall be recomputed, and paid, based upon additional service rendered and any change in final average salary.

[**2006 c 350 § 1; 1991 c 343 § 16; 1974 ex.s. c 120 § 3; 1972 ex.s. c 131 § 7; 1971 ex.s. c 257 § 9; 1970 ex.s. c 6 § 5; 1969 ex.s. c 209 § 10.**]

NOTES:

Effective date—2006 c 350 § 1: "Section 1 of this act takes effect July 1, 2006." [**2006 c 350 § 3.**]

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Findings—Effective dates—1991 c 343: See notes following RCW 41.50.005.

Severability—1974 ex.s. c 120: See note following RCW 41.26.030.

Severability—1972 ex.s. c 131: See note following RCW 41.26.030.

Purpose—Severability—1971 ex.s. c 257: See notes following RCW 41.26.030.

41.26.105

Purchase of actuarially equivalent life annuity benefit upon retirement—Purchase by past retirees.

(1) At the time of retirement, plan 1 members may purchase an optional actuarially equivalent life annuity benefit from the Washington law enforcement officers' and firefighters' retirement system plan 1 retirement fund established in RCW 41.50.075. A minimum payment of twenty-five thousand dollars is required.

(2) Subject to rules adopted by the department, a member purchasing an annuity under this section must pay all of the cost with an eligible rollover, direct rollover, or trustee-to-trustee transfer from an eligible retirement plan.

(a) The department shall adopt rules to ensure that all eligible rollovers and transfers comply with the requirements of the internal revenue code and regulations adopted by the internal revenue service. The rules adopted by the department may condition the acceptance of a rollover or transfer from another plan on the receipt of information necessary to enable the department to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

(b) "Eligible retirement plan" means a tax qualified plan offered by a governmental employer.

(3) Plan 1 members whose retirement was effective prior to June 9, 2016, may purchase an annuity under this section between January 1, 2017, and June 1, 2017.

[2016 c 222 § 2.]

41.26.110

City and county disability boards authorized—Composition—Terms—Reimbursement for travel expenses—Duties.

(1) All claims for disability shall be acted upon and either approved or disapproved by either type of disability board authorized to be created in this section.

(a) Each city having a population of twenty thousand or more shall establish a disability board having jurisdiction over all members employed by those cities and composed of the following five members: Two members of the city legislative body to be appointed by the mayor; one active or retired firefighter employed by or retired from the city to be elected by the firefighters employed by or retired from the city who are subject to the jurisdiction of the board; one active or retired law enforcement officer employed by or retired from the city to be elected by the law enforcement officers employed by or retired from the city who are subject to the jurisdiction of the board; and one member from the public at large who resides within the city to be appointed by the other four members designated in this subsection. Only those active or retired firefighters and law enforcement officers who are subject to the jurisdiction of the board have the right to elect under this section. All firefighters and law enforcement officers

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employed by or retired from the city are eligible for election. Each of the elected members shall serve a two year term. If there are either no firefighters or law enforcement officers under the jurisdiction of the board eligible to vote, a second eligible employee representative shall be elected by the law enforcement officers or firefighters eligible to vote. The members appointed pursuant to this subsection shall serve for two year terms: PROVIDED, That cities of the first class only, shall retain existing firefighters' pension boards established pursuant to RCW 41.16.020 and existing boards of trustees of the relief and pension fund of the police department as established pursuant to RCW 41.20.010 which such boards shall have authority to act upon and approve or disapprove claims for disability by firefighters or law enforcement officers as provided under the Washington law enforcement officers' and firefighters' retirement system act.

(b) Each county shall establish a disability board having jurisdiction over all members employed by or retired from an employer within the county and not employed by a city in which a disability board is established. The county disability board so created shall be composed of five members to be chosen as follows: One member of the legislative body of the county to be appointed by the county legislative body; one member of a city or town legislative body located within the county which does not contain a city disability board established pursuant to (a) of this subsection to be chosen by a majority of the mayors of such cities and towns within the county which does not contain a city disability board; one active firefighter or retired firefighter employed by or retired from an employer within the county to be elected by the firefighters employed or retired from an employer within the county who are not employed by or retired from a city in which a disability board is established and who are subject to the jurisdiction of that board; one law enforcement officer or retired law enforcement officer employed by or retired from an employer within the county to be elected by the law enforcement officers employed in or retired from an employer within the county who are not employed by or retired from a city in which a disability board is established and who are subject to the jurisdiction of that board; and one member from the public at large who resides within the county but does not reside within a city in which a city disability board is established, to be appointed by the other four members designated in this subsection. However, in counties with a population less than sixty thousand, the member of the disability board appointed by a majority of the mayors of the cities and towns within the county that do not contain a city disability board must be a resident of one of the cities and towns but need not be a member of a city or town legislative body. Only those active or retired firefighters and law enforcement officers who are subject to the jurisdiction of the board have the right to elect under this section. All firefighters and law enforcement officers employed by or retired from an employer within the county who are not employed by or retired from a city in which a disability board is established are eligible for election. All members appointed or elected pursuant to this subsection shall serve for two year terms. If there are no firefighters under the jurisdiction of the board eligible to vote, a second eligible employee representative shall be elected by the law enforcement officers eligible to vote. If there are no law enforcement officers under the jurisdiction of the board eligible to vote, a second eligible representative shall be elected by the firefighters eligible to vote.

(2) The members of both the county and city disability boards shall not receive compensation for their service upon the boards but the members shall be reimbursed by their respective county or city for all expenses incidental to such service as to the amount authorized by law.

(3) The disability boards authorized for establishment by this section shall perform all functions, exercise all powers, and make all such determinations as specified in this chapter.

[2013 c 213 § 1; 2013 c 23 § 69; 2005 c 66 § 1; 2003 c 30 § 3; 2000 c 234 § 1; 1988 c 164 § 1; 1982 c 12 § 1; 1974 ex.s. c 120 § 9; 1970 ex.s. c 6 § 6; 1969 ex.s. c 219 § 3; 1969 ex.s. c 209 § 11.]

NOTES:

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Reviser's note: This section was amended by 2013 c 23 § 69 and by 2013 c 213 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—2005 c 66: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 15, 2005]." [2005 c 66 § 2.]

Severability—1974 ex.s. c 120: See note following RCW 41.26.030.

41.26.115

Director of retirement systems to adopt rules governing disability boards— Remand of orders not in accordance with rules.

(1) The director of retirement systems shall adopt rules, in accordance with chapter 34.05 RCW, under which each disability board shall execute its disability retirement duties under this chapter. The rules shall include, but not be limited to, the following:

(a) Standards governing the type and manner of presentation of medical, employability, and other evidence before disability boards; and

(b) Standards governing the necessity and frequency of medical and employability reexaminations of persons receiving disability benefits.

(2) If the director determines that an order or determination of a disability board was not processed in accordance with the rules established under this section, the director may remand the order or determination for further proceedings consistent with the rules.

[1981 c 294 § 1.]

NOTES:

Severability—1981 c 294: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 294 § 16.]

41.26.120

Retirement for disability incurred in the line of duty.

Any member, regardless of age or years of service may be retired by the disability board, subject to approval by the director as hereinafter provided, for any disability incurred in the line of duty which has been continuous since his or her discontinuance of service and which renders the member unable to continue service. No disability retirement allowance shall be paid until the expiration of a period of six months after the discontinuance of service during which period the member, if found to be physically or mentally unfit for duty by the disability board following receipt of his or her application for disability retirement, shall be granted a disability leave by the disability board and shall receive an allowance equal to the full monthly salary and shall continue to receive all other benefits provided to active employees from the employer for such period. However, if, at any time during the initial six-month period, the

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disability board finds the beneficiary is no longer disabled, the disability leave allowance shall be canceled and the member shall be restored to duty in the same rank or position, if any, held by the beneficiary at the time the member became disabled. Applications for disability retirement shall be processed in accordance with the following procedures:

(1) Any member who believes he or she is or is believed to be physically or mentally disabled shall be examined by such medical authority as the disability board shall employ, upon application of said member, or a person acting in his or her behalf, stating that said member is disabled, either physically or mentally: PROVIDED, That no such application shall be considered unless said member or someone in his or her behalf, in case of the incapacity of a member, shall have filed the application within a period of one year from and after the discontinuance of service of said member.

(2) If the examination shows, to the satisfaction of the disability board, that the member is physically or mentally disabled from the further performance of duty, that such disability was incurred in the line of duty, and that such disability has been continuous from the discontinuance of service, the disability board shall enter its written decision and order, accompanied by appropriate findings of fact and by conclusions evidencing compliance with this chapter as now or hereafter amended, granting the member a disability retirement allowance; otherwise, if the member is not found by the disability board to be so disabled, the application shall be denied pursuant to a similar written decision and order, subject to appeal to the director in accordance with RCW 41.26.200: PROVIDED, That in any order granting a duty disability retirement allowance, the disability board shall make a finding that the disability was incurred in line of duty.

(3) Every order of a disability board granting a duty disability retirement allowance shall forthwith be reviewed by the director except the finding that the disability was incurred in the line of duty. The director may affirm the decision of the disability board or remand the case for further proceedings, or the director may reverse the decision of the disability board if the director finds the disability board's findings, inferences, conclusions, or decisions are:

- (a) In violation of constitutional provisions; or
- (b) In excess of the statutory authority or jurisdiction of the disability board; or
- (c) Made upon unlawful procedure; or
- (d) Affected by other error of law; or
- (e) Clearly erroneous in view of the entire record as submitted and the public policy contained in this chapter; or
- (f) Arbitrary or capricious.

(4) Every member who can establish, to the disability board, that he or she is physically or mentally disabled from the further performance of duty, that such disability was incurred in the line of duty, and that such disability will be in existence for a period of at least six months may waive the six-month period of disability leave and be immediately granted a duty disability retirement allowance, subject to the approval of the director as provided in subsection (3) of this section.

[1991 c 35 § 19; 1986 c 176 § 5; 1985 c 102 § 2; 1981 c 294 § 2; 1974 ex.s. c 120 § 10; 1972 ex.s. c 131 § 8; 1970 ex.s. c 6 § 7; 1969 ex.s. c 209 § 12.]

NOTES:

Intent—1991 c 35: See note following RCW 41.26.005.

Purpose—1985 c 102: "As expressed in RCW 41.26.270, the intent of the legislature in enacting the law enforcement officers' and firefighters' retirement system was to provide in RCW 41.26.120 a statute in the nature of a workers' compensation act which provides compensation to employees for personal injuries or sickness incurred in the course of employment. The sole purpose of this 1985 act is to clarify that intent." [1985 c 102 § 1.]

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Retrospective application—1985 c 102: "The provisions of this 1985 act apply retrospectively to all disability leave and disability retirement allowances granted under chapter 41.26 RCW on or after March 1, 1970." [1985 c 102 § 7.]

Severability—1981 c 294: See note following RCW 41.26.115.

Severability—1974 ex.s. c 120: See note following RCW 41.26.030.

Severability—1972 ex.s. c 131: See note following RCW 41.26.030.

Disability leave supplement for law enforcement officers and firefighters: RCW 41.04.500 through 41.04.550.

41.26.125

Retirement for disability not incurred in the line of duty.

Any member, regardless of age or years of service, may be retired by the disability board, subject to approval by the director as provided in this section, for any disability not incurred in the line of duty which has been continuous since discontinuance of service and which renders the member unable to continue service. No disability retirement allowance may be paid until the expiration of a period of six months after the discontinuance of service during which period the member, if found to be physically or mentally unfit for duty by the disability board following receipt of the member's application for disability retirement, shall be granted a disability leave by the disability board and shall receive an allowance equal to the member's full monthly salary and shall continue to receive all other benefits provided to active employees from the member's employer for the period. However, if, at any time during the initial six-month period, the disability board finds the beneficiary is no longer disabled, the disability leave allowance shall be canceled and the member shall be restored to duty in the same rank or position, if any, held by the member at the time the member became disabled. Applications for disability retirement shall be processed in accordance with the following procedures:

(1) Any member who believes he or she is, or is believed to be, physically or mentally disabled shall be examined by such medical authority as the disability board shall employ, upon application of the member, or a person acting in the member's behalf, stating that the member is disabled, either physically or mentally: PROVIDED, That no such application shall be considered unless the member or someone acting in the member's behalf, in case of the incapacity of a member, has filed the application within a period of one year from and after the discontinuance of service of the member.

(2) If the examination shows, to the satisfaction of the disability board, that the member is physically or mentally disabled from the further performance of duty, that such disability was not incurred in the line of duty, and that such disability had been continuous from the discontinuance of service, the disability board shall enter its written decision and order, accompanied by appropriate findings of fact and by conclusions evidencing compliance with this chapter, granting the member a disability retirement allowance. Otherwise, if the member is not found by the disability board to be so disabled, the application shall be denied pursuant to a similar written decision and order, subject to appeal to the director in accordance with RCW 41.26.200: PROVIDED, That in any order granting a nonduty disability retirement allowance, the disability board shall make a finding that the disability was not incurred in the line of duty.

(3) Every order of a disability board granting a nonduty disability retirement allowance shall forthwith be reviewed by the director except the finding that the disability was not incurred in the line of duty. The director may affirm the decision of the disability board or remand the case for further

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proceedings, or the director may reverse the decision of the disability board if the director finds the disability board's findings, inferences, conclusions, or decisions are:

- (a) In violation of constitutional provisions; or
- (b) In excess of the statutory authority or jurisdiction of the disability board; or
- (c) Made upon unlawful procedure; or
- (d) Affected by other error of law; or
- (e) Clearly erroneous in view of the entire record as submitted and the public policy contained in this chapter; or
- (f) Arbitrary or capricious.

(4) Every member who can establish to the disability board that the member is physically or mentally disabled from the further performance of duty, that such disability was not incurred in the line of duty, and that such disability will be in existence for a period of at least six months, may waive the six-month period of disability leave and be immediately granted a nonduty disability retirement allowance, subject to the approval of the director as provided in subsection (3) of this section.

[1986 c 176 § 6; 1985 c 102 § 3.]

NOTES:

Purpose—Retrospective application—1985 c 102: See notes following RCW 41.26.120.

41.26.130

Allowance on retirement for disability.

(1) Upon retirement for disability a member shall be entitled to receive a monthly retirement allowance computed as follows: (a) A basic amount of fifty percent of final average salary at time of disability retirement, and (b) an additional five percent of final average salary for each child as defined in *RCW 41.26.030(7), (c) the combined total of (a) and (b) of this subsection shall not exceed a maximum of sixty percent of final average salary.

(2) A disabled member shall begin receiving the disability retirement allowance as of the expiration of his or her six month period of disability leave or, if his or her application was filed after the sixth month of discontinuance of service but prior to the one year time limit, the member's disability retirement allowance shall be retroactive to the end of the sixth month.

(3) Benefits under this section will be payable until the member recovers from the disability or dies. If at the time that the disability ceases the member is over the age of fifty, he or she shall then receive either disability retirement allowance or retirement for service allowance, whichever is greater.

(4) Benefits under this section for a disability that is incurred while in other employment will be reduced by any amount the member receives or is entitled to receive from workers' compensation, social security, group insurance, other pension plan, or any other similar source provided by another employer on account of the same disability.

(5) A member retired for disability shall be subject to periodic examinations by a physician approved by the disability board prior to attainment of age fifty, pursuant to rules adopted by the director under RCW 41.26.115. Examinations of members who retired for disability prior to July 26, 1981, shall not exceed two medical examinations per year.

[1991 c 35 § 20; 1987 c 185 § 11; 1981 c 294 § 3; 1970 ex.s. c 6 § 8; 1969 ex.s. c 209 § 13.]

NOTES:

***Reviser's note:** RCW **41.26.030** was alphabetized pursuant to RCW **1.08.015(2)(k)**, changing subsection (7) to subsection (6).

Intent—1991 c 35: See note following RCW **41.26.005**.

Intent—Severability—1987 c 185: See notes following RCW **51.12.130**.

Severability—1981 c 294: See note following RCW **41.26.115**.

41.26.135

Cessation of disability—Determination.

(1) A disabled member who believes that his or her disability has ceased in accordance with RCW **41.26.130(3)** may make application to the disability board which originally found the member to be disabled, for a determination that the disability has ceased.

(2) Every order of a disability board determining that a member's disability has ceased pursuant to RCW **41.26.130(3)** shall forthwith be reviewed by the director. The director may affirm the decision of the disability board or remand the case for further proceedings if the director finds the disability board's findings, inferences, conclusions, or decisions are:

- (a) In violation of constitutional provisions; or
- (b) In excess of the statutory authority or jurisdiction of the disability board; or
- (c) Made upon unlawful procedure; or
- (d) Affected by other error of law; or
- (e) Clearly erroneous in view of the entire record as submitted and the public policy contained in this chapter; or
- (f) Arbitrary or capricious.

(3) Determinations of whether a disability has ceased under RCW **41.26.130(3)** and this section shall be made in accordance with the same procedures and standards governing other cancellations of disability retirement.

[1985 c 103 § 1.]

41.26.140

Reexaminations of disability beneficiaries—Reentry—Appeal.

(1) Upon the basis of reexaminations of members on disability retirement as provided in RCW **41.26.130**, the disability board shall determine whether such disability beneficiary is still unable to perform his or her duties either physically or mentally for service in the department where he or she was employed.

(2) If the disability board shall determine that the beneficiary is not so incapacitated the retirement allowance shall be canceled and the member shall be restored to duty in the same civil service rank, if any, held by the beneficiary at the time of his or her retirement or if unable to perform the duties of said rank, then, at his or her request, in such other like or lesser rank as may be or become open and available, the duties of which he or she is then able to perform. In no event, shall a beneficiary previously

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drawing a disability allowance be returned or be restored to duty at a salary or rate of pay less than the current salary attached to the rank or position held by the said beneficiary at the date of retirement for disability. If the disability board determines that the beneficiary is able to return to service he or she shall be entitled to notice and a hearing, both the notice and the hearing shall comply with the requirements of chapter **34.05** RCW, as now or hereafter amended.

(3) Should a disability beneficiary reenter service and be eligible for membership in the retirement system, the retirement allowance shall be canceled and he or she shall immediately become a member of the retirement system.

(4) Should any disability beneficiary under age fifty refuse to submit to examination, the retirement allowance shall be discontinued until withdrawal of such refusal, and should such refusal continue for one year or more, the retirement allowance shall be canceled.

(5) Should the disability retirement allowance of any disability beneficiary be canceled for any cause other than reentrance into service or retirement for service, he or she shall be paid the excess, if any, of the accumulated contributions at the time of retirement over all payments made on his or her behalf under this chapter.

(6) Any person feeling aggrieved by an order of a disability board determining that a beneficiary's disability has not ceased, pursuant to RCW **41.26.130**(3) has the right to appeal the order or determination to the director. The director shall have no jurisdiction to entertain the appeal unless a notice of appeal is filed with the director within thirty days following the rendition of the order by the disability board. A copy of the notice of appeal shall be served upon the director and the applicable disability board and, within ninety days thereof, the disability board shall certify its decision and order which shall include findings of fact and conclusions of law, together with a transcript of all proceedings in connection therewith, to the director for review. Upon review of the record, the director may affirm the order of the disability board or may remand the case for further proceedings if the director finds that the disability board's findings, inferences, conclusions, or decisions are:

- (a) In violation of constitutional provisions; or
- (b) In excess of the statutory authority or jurisdiction of the disability board; or
- (c) Made upon unlawful procedure; or
- (d) Affected by other error of law; or
- (e) Clearly erroneous in view of the entire record as submitted and the public policy contained in this chapter; or
- (f) Arbitrary or capricious.

[1991 c 35 § 21; 1985 c 103 § 2; 1981 c 294 § 4; 1974 ex.s. c 120 § 4; 1970 ex.s. c 6 § 9; 1969 ex.s. c 209 § 14.]

NOTES:

Intent—1991 c 35: See note following RCW **41.26.005**.

Severability—1981 c 294: See note following RCW **41.26.115**.

Severability—1974 ex.s. c 120: See note following RCW **41.26.030**.

41.26.150

Sickness or disability benefits—Medical services.

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(1) Whenever any active member, or any member hereafter retired, on account of service, sickness, or disability, not caused or brought on by dissipation or abuse, of which the disability board shall be judge, is confined in any hospital or in home, and whether or not so confined, requires medical services, the employer shall pay for the active or retired member the necessary medical services not payable from some other source as provided for in subsection (2) of this section. In the case of active or retired firefighters the employer may make the payments provided for in this section from the firefighters' pension fund established pursuant to RCW **41.16.050** where the fund had been established prior to March 1, 1970. If this pension fund is depleted, the employer shall have the obligation to pay all benefits payable under chapters **41.16** and **41.18** RCW.

(a) The disability board in all cases may have the active or retired member suffering from such sickness or disability examined at any time by a licensed physician or physicians, to be appointed by the disability board, for the purpose of ascertaining the nature and extent of the sickness or disability, the physician or physicians to report to the disability board the result of the examination within three days thereafter. Any active or retired member who refuses to submit to such examination or examinations shall forfeit all rights to benefits under this section for the period of the refusal.

(b) The disability board shall designate the medical services available to any sick or disabled member.

(2) The medical services payable under this section will be reduced by any amount received or eligible to be received by the member under workers' compensation, social security including the changes incorporated under Public Law 89-97, insurance provided by another employer, other pension plan, or any other similar source. Failure to apply for coverage if otherwise eligible under the provisions of Public Law 89-97 shall not be deemed a refusal of payment of benefits thereby enabling collection of charges under the provisions of this chapter.

(3) Upon making the payments provided for in subsection (1) of this section, the employer shall be subrogated to all rights of the member against any third party who may be held liable for the member's injuries or for payment of the cost of medical services in connection with a member's sickness or disability to the extent necessary to recover the amount of payments made by the employer.

(4) Any employer under this chapter, either singly, or jointly with any other such employer or employers through an association thereof as provided for in chapter **48.21** RCW, may provide for all or part of one or more plans of group hospitalization and medical aid insurance to cover any of its employees who are members of the Washington law enforcement officers' and firefighters' retirement system, and/or retired former employees who were, before retirement, members of the retirement system, through contracts with regularly constituted insurance carriers, with health maintenance organizations as defined in chapter **48.46** RCW, or with health care service contractors as defined in chapter **48.44** RCW. Benefits payable under the plan or plans shall be deemed to be amounts received or eligible to be received by the active or retired member under subsection (2) of this section.

(5) Any employer under this chapter may, at its discretion, elect to reimburse a retired former employee under this chapter for premiums the retired former employee has paid for medical insurance that supplements medicare, including premiums the retired former employee has paid for medicare part B coverage.

[2013 c 23 § 70; 1992 c 22 § 3; 1991 c 35 § 22; 1987 c 185 § 12; 1983 c 106 § 23; 1974 ex.s. c 120 § 11; 1971 ex.s. c 257 § 10; 1970 ex.s. c 6 § 10; 1969 ex.s. c 219 § 4; 1969 ex.s. c 209 § 15.]

NOTES:

Intent—1991 c 35: See note following RCW **41.26.005**.

Intent—Severability—1987 c 185: See notes following RCW **51.12.130**.

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Severability—1974 ex.s. c 120: See note following RCW **41.26.030**.

Purpose—Severability—1971 ex.s. c 257: See notes following RCW **41.26.030**.

41.26.160

Death benefits—Duty or military service connected.

(1) In the event of the duty connected death of any member who is in active service, or who has vested under the provisions of RCW **41.26.090** with twenty or more service credit years of service, or who is on duty connected disability leave or retired for duty connected disability, or upon the death of a member who has left the employ of an employer due to service in the national guard or military reserves and dies while honorably serving in the national guard or military reserves during a period of war as defined in RCW **41.04.005**, the surviving spouse shall become entitled, subject to RCW **41.26.162**, to receive a monthly allowance equal to fifty percent of the final average salary at the date of death if active, or the amount of retirement allowance the vested member would have received at age fifty, or the amount of the retirement allowance such retired member was receiving at the time of death if retired for duty connected disability. The amount of this allowance will be increased five percent of final average salary for each child as defined in *RCW **41.26.030(7)**, subject to a maximum combined allowance of sixty percent of final average salary: PROVIDED, That if the child or children is or are in the care of a legal guardian, payment of the increase attributable to each child will be made to the child's legal guardian or, in the absence of a legal guardian and if the member has created a trust for the benefit of the child or children, payment of the increase attributable to each child will be made to the trust.

(2) If at the time of the duty connected death of a vested member with twenty or more service credit years of service as provided in subsection (1) of this section or a member retired for duty connected disability, or at the time of the death of a member who has left the employ of an employer due to service in the national guard or military reserves and dies while honorably serving in the national guard or military reserves during a period of war as defined in RCW **41.04.005**, the surviving spouse has not been lawfully married to such member for one year prior to retirement or separation from service if a vested member, the surviving spouse shall not be eligible to receive the benefits under this section: PROVIDED, That if a member dies as a result of a disability incurred in the line of duty or while honorably serving in the national guard or military reserves during a period of war as defined in RCW **41.04.005**, then if he or she was married at the time he or she was disabled or left the employ of an employer due to service in the national guard or military reserves during a period of war as defined in RCW **41.04.005**, the surviving spouse shall be eligible to receive the benefits under this section.

(3) If there be no surviving spouse eligible to receive benefits at the time of such member's duty connected death, then the child or children of such member shall receive a monthly allowance equal to thirty percent of final average salary for one child and an additional ten percent for each additional child subject to a maximum combined payment, under this subsection, of sixty percent of final average salary. When there cease to be any eligible children as defined in *RCW **41.26.030(7)**, there shall be paid to the legal heirs of the member the excess, if any, of accumulated contributions of the member at the time of death over all payments made to survivors on his or her behalf under this chapter: PROVIDED, That payments under this subsection to children shall be prorated equally among the children, if more than one. If the member has created a trust for the benefit of the child or children, the payment shall be made to the trust.

(4) In the event that there is no surviving spouse eligible to receive benefits under this section, and that there be no child or children eligible to receive benefits under this section, then the accumulated contributions shall be paid to the estate of the member.

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(5) If a surviving spouse receiving benefits under this section remarries after June 13, 2002, the surviving spouse shall continue to receive the benefits under this section.

(6) If a surviving spouse receiving benefits under the provisions of this section thereafter dies and there are children as defined in *RCW 41.26.030(7), payment to the spouse shall cease and the child or children shall receive the benefits as provided in subsection (3) of this section.

(7) The payment provided by this section shall become due the day following the date of death and payments shall be retroactive to that date.

[2009 c 226 § 1; 2005 c 62 § 1; 2002 c 158 § 1; 1999 c 134 § 2; 1991 sp.s. c 11 § 5. Prior: 1991 c 343 § 17; 1991 c 35 § 23; 1986 c 176 § 7; 1977 ex.s. c 294 § 23; 1974 ex.s. c 120 § 5; 1972 ex.s. c 131 § 9; 1971 ex.s. c 257 § 11; 1970 ex.s. c 6 § 12; 1969 ex.s. c 209 § 17.]

NOTES:

***Reviser's note:** RCW 41.26.030 was alphabetized pursuant to RCW 1.08.015(2)(k), changing subsection (7) to subsection (6).

Purpose—1999 c 134: "The purpose of sections 1 through 4 of this act is to clarify that the intent of the legislature in enacting RCW 41.26.160, insofar as that section provides benefits to members or surviving spouses for deaths incurred in the line of duty, was to provide a statute in the nature of a workers' compensation act that provides compensation to employees or surviving spouses for personal injuries or deaths incurred in the course of employment. Accordingly, this act amends and divides RCW 41.26.160 into two separate sections. Section 2 of this act clarifies and emphasizes the legislature's intent that the death benefits granted by RCW 41.26.160, as amended, are granted only to those members who die or become disabled by any injury or incapacity that is incurred in the line of duty. Section 3 of this act continues to provide death retirement benefits to members or surviving spouses for deaths not incurred in the line of duty." [1999 c 134 § 1.]

Retroactive application—1999 c 134 § 2: "The provisions of section 2 of this act apply retrospectively to all line of duty death retirement allowances granted under chapter 41.26 RCW prior to April 28, 1999." [1999 c 134 § 4.]

Effective date—1999 c 134: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 28, 1999]." [1999 c 134 § 5.]

Purpose—Effective dates—1991 sp.s. c 11: See notes following RCW 41.26.090.

Findings—Effective dates—1991 c 343: See notes following RCW 41.50.005.

Intent—1991 c 35: See note following RCW 41.26.005.

Severability—1974 ex.s. c 120: See note following RCW 41.26.030.

Severability—1972 ex.s. c 131: See note following RCW 41.26.030.

Purpose—Severability—1971 ex.s. c 257: See notes following RCW 41.26.030.

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41.26.161**Death benefits—Nonduty connected.**

(1) In the event of the nonduty connected death of any member who is in active service, or who has vested under the provisions of RCW **41.26.090** with twenty or more service credit years of service, or who is on disability leave or retired, whether for nonduty connected disability or service, the surviving spouse shall become entitled, subject to RCW **41.26.162**, to receive a monthly allowance equal to fifty percent of the final average salary at the date of death if active, or the amount of retirement allowance the vested member would have received at age fifty, or the amount of the retirement allowance such retired member was receiving at the time of death if retired for service or nonduty connected disability. The amount of this allowance will be increased five percent of final average salary for each child as defined in *RCW **41.26.030(7)**, subject to a maximum combined allowance of sixty percent of final average salary: PROVIDED, That if the child or children is or are in the care of a legal guardian, payment of the increase attributable to each child will be made to the child's legal guardian or, in the absence of a legal guardian and if the member has created a trust for the benefit of the child or children, payment of the increase attributable to each child will be made to the trust.

(2) If at the time of the death of a vested member with twenty or more service credit years of service as provided in subsection (1) of this section or a member retired for service or disability, the surviving spouse has not been lawfully married to such member for one year prior to retirement or separation from service if a vested member, the surviving spouse shall not be eligible to receive the benefits under this section.

(3) If there be no surviving spouse eligible to receive benefits at the time of such member's death, then the child or children of such member shall receive a monthly allowance equal to thirty percent of final average salary for one child and an additional ten percent for each additional child subject to a maximum combined payment, under this subsection, of sixty percent of final average salary. When there cease to be any eligible children as defined in *RCW **41.26.030(7)**, there shall be paid to the legal heirs of the member the excess, if any, of accumulated contributions of the member at the time of death over all payments made to survivors on his or her behalf under this chapter: PROVIDED, That payments under this subsection to children shall be prorated equally among the children, if more than one. If the member has created a trust for the benefit of the child or children, the payment shall be made to the trust.

(4) In the event that there is no surviving spouse eligible to receive benefits under this section, and that there be no child or children eligible to receive benefits under this section, then the accumulated contributions shall be paid to the estate of said member.

(5) If a surviving spouse receiving benefits under this section remarries after June 13, 2002, the surviving spouse shall continue to receive the benefits under this section.

(6) If a surviving spouse receiving benefits under the provisions of this section thereafter dies and there are children as defined in *RCW **41.26.030(7)**, payment to the spouse shall cease and the child or children shall receive the benefits as provided in subsection (3) of this section.

(7) The payment provided by this section shall become due the day following the date of death and payments shall be retroactive to that date.

[2005 c 62 § 2; 2002 c 158 § 2; 1999 c 134 § 3.]

NOTES:

*Reviser's note: RCW **41.26.030** was alphabetized pursuant to RCW **1.08.015(2)(k)**, changing subsection (7) to subsection (6).

Purpose—Effective date—1999 c 134: See notes following RCW **41.26.160**.

41.26.162**Ex spouse qualifying as surviving spouse.**

(1) An ex spouse of a law enforcement officers' and firefighters' retirement system retiree shall qualify as surviving spouse under RCW **41.26.160** or **41.26.161** if the ex spouse has been provided benefits under any currently effective court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation. Such an ex spouse shall continue to receive the court-awarded portion of the member's benefit after the member's death as if the member was still alive.

(2) An ex spouse whose benefit resumes as a result of chapter 62, Laws of 2005 shall receive an initial payment equivalent to that portion of the member's benefit received prior to its suspension. The benefit will not be adjusted under RCW **41.26.240** for the period the allowance was suspended.

(3) Chapter 62, Laws of 2005 shall not result in the payment of benefits for the period during which benefits were suspended.

(4) This section shall apply retroactively.

[2005 c 62 § 3; 2002 c 158 § 3; 1991 sp.s. c 12 § 2.]

41.26.164**Optional reduced retirement allowance—Continues for spouse otherwise ineligible for survivor benefits.**

(1) No later than July 1, 2005, the department shall adopt rules to allow a member who meets the criteria set forth in subsection (2) of this section to choose an actuarially equivalent benefit that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of a spouse ineligible for survivor benefits under RCW **41.26.160** or **41.26.161**.

(2) To choose an actuarially equivalent benefit according to subsection (1) of this section, a member shall:

(a) Have a portion of the retirement allowance payable to the retiree that is not subject to periodic payments pursuant to a property division obligation as provided for in RCW **41.50.670**; and

(b) Choose an actuarially reduced benefit equivalent to that portion not subject to periodic payments under (a) of this subsection during a one-year period beginning one year after the date of marriage to the survivor benefit-ineligible spouse.

(3)(a) A member who married a spouse ineligible for survivor benefits under RCW **41.26.160** or **41.26.161** prior to the effective date of the rules adopted under this section and satisfies subsection (2) (a) of this section has one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A member who married a spouse ineligible for survivor benefits under RCW **41.26.160** or **41.26.161**, has been married to that spouse for at least two years prior to September 1, 2015, and satisfies subsection (2)(a) of this section has one year from September 1, 2015, to designate their spouse as a survivor beneficiary. The office of the state actuary must provide the department with administrative factors to ensure that the benefits provided under this section are actuarially equivalent.

(c) A deceased member's spouse who was eligible to be provided a survivor benefit under RCW **41.26.164**(1) [subsection (1) of this section] but the member did not select a survivor benefit, and who prior to March 1, 2015, exhausted all administrative remedies with the department for establishing

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eligibility for a benefit under RCW **41.26.164** [this section], is eligible beginning August 1, 2015, for a retirement allowance equal to two-thirds of the gross monthly retirement allowance the retired member received at the time of death.

(4) No benefit provided to a child survivor beneficiary under RCW **41.26.160** or **41.26.161** is affected or reduced by the member's selection of the actuarially reduced spousal survivor benefit provided by this section.

(5)(a) Any member who chose to receive a reduced retirement allowance under subsection (1) of this section is entitled to receive a retirement allowance adjusted in accordance with (b) of this subsection if:

(i) The retiree's survivor spouse designated in subsection (1) of this section predeceases the retiree; and

(ii) The retiree provides to the department proper proof of the designated beneficiary's death.

(b) The retirement allowance payable to the retiree from the beginning of the month following the date of the beneficiary's death shall be increased by the following:

(i) One hundred percent multiplied by the result of (b)(ii) of this subsection converted to a percent;

(ii) Subtract one from the reciprocal of the appropriate joint and survivor option factor.

[2016 c 120 § 1; 2005 c 67 § 1; 2002 c 158 § 4.]

NOTES:

Effective date—2005 c 67: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 15, 2005]." [2005 c 67 § 2.]

41.26.170

Refund of contributions on discontinuance of service—Reentry.

(1) Should service of a member be discontinued except by death, disability, or retirement, the member shall, upon application therefor, be paid the accumulated contributions within sixty days after the day of application and the rights to all benefits as a member shall cease: PROVIDED, That any member with at least five years' service may elect the provisions of RCW **41.26.090**(2).

(2) Any member whose contributions have been paid in accordance with subsection (1) of this section and who reenters the service of an employer shall upon the restoration of withdrawn contributions, which restoration must be completed within a total period of five years of service following resumption of employment, then receive credit toward retirement for the period of previous service which these contributions are to cover.

(3) If the member fails to meet the time limitations of subsection (2) of this section, the member may make the payment required under RCW **41.50.165**(2) prior to retirement. The member shall then receive credit toward retirement for the period of previous service that the withdrawn contributions cover.

[1994 c 197 § 6; 1991 c 35 § 24; 1970 ex.s. c 6 § 14; 1969 ex.s. c 209 § 22.]

NOTES:

Intent—Severability—Effective date—1994 c 197: See notes following RCW **41.50.165**.

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Intent—1991 c 35: See note following RCW **41.26.005**.

41.26.190

Credit for military service.

Each person affected by this chapter who at the time of entering the armed services was a member of this system, and has honorably served in the armed services of the United States, shall have added to the period of service as computed under this chapter, the period of service in the armed forces: PROVIDED, That such credited service shall not exceed five years.

[1991 c 35 § 26; 1970 ex.s. c 6 § 13; 1969 ex.s. c 209 § 18.]

NOTES:

Intent—1991 c 35: See note following RCW **41.26.005**.

41.26.192

Credit for service under prior pension system—Restoration of withdrawn contributions.

If a member of plan 1 served as a law enforcement officer or firefighter under a prior pension system and that service is not creditable to plan 1 because the member withdrew his or her contributions plus accrued interest from the prior pension system, the member's prior service as a law enforcement officer shall be credited to plan 1 if the member pays to the retirement system the amount under RCW **41.50.165(2)** prior to retirement.

[1994 c 197 § 7; 1992 c 157 § 1.]

NOTES:

Intent—Severability—Effective date—1994 c 197: See notes following RCW **41.50.165**.

41.26.194

Credit for service under prior pension system—Service not covered under prior system.

If a plan 1 member's prior service as a law enforcement officer or firefighter under a prior pension system is not creditable because, although employed in a position covered by a prior pension act, the member had not yet become a member of the pension system governed by the act, the member's prior service as a law enforcement officer or firefighter shall be creditable under plan 1, if the member pays to the plan the amount set forth under RCW **41.50.165(2)** prior to retirement.

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[1994 c 197 § 8; 1992 c 157 § 2.]

NOTES:

Intent—Severability—Effective date—1994 c 197: See notes following RCW 41.50.165.

41.26.195

Transfer of service credit from other retirement system—Irrevocable election allowed.

Any member of the teachers' retirement system plans 1, 2, or 3, the public employees' retirement system plans 1, 2, or 3, the public safety employees' retirement system plan 2, the school employees' retirement system plans 2 or 3, or the Washington state patrol retirement system plans 1 or 2 who has previously established service credit in the law enforcement officers' and firefighters' retirement system plan 1 may make an irrevocable election to have such service transferred to their current retirement system and plan subject to the following conditions:

(1) If the individual is employed by an employer in an eligible position, as of July 1, 1997, the election to transfer service must be filed in writing with the department no later than July 1, 1998. If the individual is not employed by an employer in an eligible position, as of July 1, 1997, the election to transfer service must be filed in writing with the department no later than one year from the date they are employed by an employer in an eligible position.

(2) An individual transferring service under this section forfeits the rights to all benefits as a member of the law enforcement officers' and firefighters' retirement system plan 1 and will be permanently excluded from membership.

(3) Any individual choosing to transfer service under this section will have transferred to their current retirement system and plan: (a) All the individual's accumulated contributions; (b) an amount sufficient to ensure that the employer contribution rate in the individual's current system and plan will not increase due to the transfer; and (c) all applicable months of service, as defined in *RCW 41.26.030(14) (a).

(4) If an individual has withdrawn contributions from the law enforcement officers' and firefighters' retirement system plan 1, the individual may restore the contributions, together with interest as determined by the director, and recover the service represented by the contributions for the sole purpose of transferring service under this section. The contributions must be restored before the transfer can occur and the restoration must be completed within the time limitations specified in subsection (1) of this section.

(5) Service transferred under this section is applicable for meeting the total service required for military service credit as defined in RCW 41.40.170(3) but is not applicable for meeting the total service credit required for military service credit under RCW 43.43.260(3). This subsection applies to members who retired on or after January 1, 1998.

(6) If an individual does not meet the time limitations of subsection (1) of this section, the individual may elect to restore any withdrawn contributions and transfer service under this section by paying the amount required under subsection (3)(b) of this section less any employee contributions transferred.

[2010 c 260 § 1; 2007 c 492 § 9; 2003 c 294 § 2; 1997 c 122 § 1.]

NOTES:

<https://app.leg.wa.gov/rcw/default.aspx?cite=41.26&full=true>

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***Reviser's note:** RCW **41.26.030** was alphabetized pursuant to RCW **1.08.015(2)(k)**, changing subsection (14)(a) to subsection (28)(a).

41.26.197

Service credit for paid leave of absence—Application to elected officials of labor organizations.

(1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided under the provisions of RCW **41.26.080** through **41.26.3903**.

(2) A member who receives compensation from an employer while on an authorized leave of absence to serve as an elected official of a labor organization, and whose employer is reimbursed by the labor organization for the compensation paid to the member during the period of absence, may also be considered to be on a paid leave of absence. This subsection shall only apply if the member's leave of absence is authorized by a collective bargaining agreement that provides that the member retains seniority rights with the employer during the period of leave. The basic salary reported for a member who establishes service credit under this subsection may not be greater than the salary paid to the highest paid job class covered by the collective bargaining agreement.

[1993 c 95 § 3.]

NOTES:

Retroactive application—Effective date—1993 c 95: See notes following RCW **41.40.175**.

41.26.199

Purchase of additional service credit—Costs—Rules.

(1) A member eligible to retire under RCW **41.26.090** may, at the time of filing a written application for retirement with the department, apply to the department to make a one-time purchase of up to five years of additional service credit.

(2) To purchase additional service credit under this section, a member shall pay the actuarial equivalent value of the resulting increase in the member's benefit.

(3) Subject to rules adopted by the department, a member purchasing additional service credit under this section may pay all or part of the cost with a lump sum payment, eligible rollover, direct rollover, or trustee-to-trustee transfer from an eligible retirement plan. The department shall adopt rules to ensure that all lump sum payments, rollovers, and transfers comply with the requirements of the internal revenue code and regulations adopted by the internal revenue service. The rules adopted by the department may condition the acceptance of a rollover or transfer from another plan on the receipt of information necessary to enable the department to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

(4) Additional service credit purchased under this section is not membership service and shall be used exclusively to provide the member with a monthly annuity that is paid in addition to the member's retirement allowance.

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[2006 c 214 § 5.]

NOTES:

Effective date—2006 c 214: See note following RCW 41.40.034.

41.26.200

Appeal to director of retirement systems.

Any person feeling aggrieved by any order or determination of a disability board denying disability leave or disability retirement, or canceling a previously granted disability retirement allowance, shall have the right to appeal the order or determination to the director. The director shall have no jurisdiction to entertain the appeal unless a notice of appeal is filed with the director within thirty days following the rendition of the order by the applicable disability board. A copy of the notice of appeal shall be served upon the director and the applicable disability board and, within ninety days thereof, the disability board shall certify its decision and order which shall include findings of fact and conclusions of law, together with a transcript of all proceedings in connection therewith, to the director for review. Upon review of the record, the director may affirm the order of the disability board or may remand the case for such further proceedings as he or she may direct, in accordance with such rules of procedure as the director shall promulgate.

[1981 c 294 § 5; 1974 ex.s. c 120 § 6; 1971 ex.s. c 257 § 13; 1970 ex.s. c 6 § 11; 1969 ex.s. c 209 § 16.]

NOTES:

Severability—1981 c 294: See note following RCW 41.26.115.

Severability—1974 ex.s. c 120: See note following RCW 41.26.030.

Purpose—Severability—1971 ex.s. c 257: See notes following RCW 41.26.030.

41.26.211

Notice for hearing required prior to petitioning for judicial review.

Any person aggrieved by any final decision of the director must, before petitioning for judicial review, file with the director of the retirement system by mail or personally within sixty days from the day such decision was communicated to such person, a notice for a hearing. The notice of hearing shall set forth in full detail the grounds upon which such person considers such decision unjust or unlawful and shall include every issue to be considered, and it must contain a detailed statement of facts upon which such person relies in support thereof. Such persons shall be deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken other than those specifically set forth in the notice of hearing or appearing in the records of the retirement system.

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[1984 c 184 § 16; 1981 c 294 § 6; 1969 ex.s. c 209 § 19. Formerly RCW 41.26.052, 41.26.210.]

NOTES:

Severability—1984 c 184: See note following RCW 41.50.150.

Severability—1981 c 294: See note following RCW 41.26.115.

41.26.221

Hearing—Conduct.

A hearing shall be held by the director, or the director's duly authorized representative, in the county of the residence of the claimant at a time and place designated by the director. Such hearing shall be de novo and shall conform to the provisions of chapter 34.05 RCW, as now or hereafter amended. The disability board and the department shall be entitled to appear in all such proceedings and introduce testimony in support of the decision. Judicial review of any final decision by the director shall be governed by the provisions of chapter 34.05 RCW as now law or hereafter amended.

[1984 c 184 § 17; 1981 c 294 § 7; 1969 ex.s. c 209 § 20. Formerly RCW 41.26.054, 41.26.220.]

NOTES:

Severability—1984 c 184: See note following RCW 41.50.150.

Severability—1981 c 294: See note following RCW 41.26.115.

41.26.240

Increases or decreases in retirement allowances to be determined by department in accordance with consumer price index.

For purposes of this section:

(1) "Index" shall mean, for any calendar year, that year's average Consumer Price Index—Seattle, Washington area for urban wage earners and clerical workers, all items (1957-1959=100), compiled by the Bureau of Labor Statistics, United States Department of Labor;

(2) "Retirement allowance" shall mean the retirement allowance provided for in RCW 41.26.100 and 41.26.130, and the monthly allowance provided for in RCW 41.26.160.

Effective April 1 of 1971, and of each succeeding year, every retirement allowance which has been in effect for more than one year shall be adjusted to that dollar amount which exceeds its original dollar amount by the percentage difference which the department finds to exist between the index for the previous calendar year and the index for the calendar year prior to the effective retirement date of the person to whom, or on behalf of whom, such retirement allowance is being paid.

For the purposes of this section, basic allowance shall mean that portion of a total retirement allowance, and any cost of living adjustment thereon, attributable to a member (individually) and shall not include the increased amounts attributable to the existence of a child or children. In those cases where a

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child ceases to be qualified as an eligible child, so as to lessen the total allowance, the allowance shall, at that time, be reduced to the basic allowance plus the amount attributable for the appropriate number of eligible children. In those cases where a child qualifies as an eligible child subsequent to the retirement of a member so as to increase the total allowance payable, such increased allowance shall at the time of the next and appropriate subsequent cost of living adjustments, be considered the original dollar amount of the allowance.

[1991 c 35 § 27; 1974 ex.s. c 120 § 13; 1970 ex.s. c 6 § 16; 1969 ex.s. c 209 § 24.]

NOTES:

Intent—1991 c 35: See note following RCW 41.26.005.

Severability—1974 ex.s. c 120: See note following RCW 41.26.030.

41.26.250

Increase in presently payable benefits for service or disability authorized.

All benefits presently payable pursuant to the provisions of RCW 41.20.050, 41.20.060 and 41.20.080 as such RCW sections existed prior to the effective date of the amendment of such RCW sections by sections 1, 2, 3, chapter 191, Laws of 1961 to persons who retired prior to the effective date of the said 1961 amendatory act, shall be increased annually as hereafter in this section provided. The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purpose of adjusting benefit allowances payable pursuant to the aforementioned sections. The local board shall determine the increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: PROVIDED, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.

Each year effective with the July payment all benefits specified herein, shall be increased as authorized by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative.

For the purpose of this section the term "Consumer price index" shall mean, for any calendar year, the consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor.

[1975 1st ex.s. c 178 § 3; 1974 ex.s. c 190 § 3; 1970 ex.s. c 37 § 2; 1969 ex.s. c 209 § 34.]

NOTES:

Construction—1975 1st ex.s. c 178: See RCW 41.16.921.

Construction—1970 ex.s. c 37: See note following RCW 41.18.104.

41.26.260**Increase in certain presently payable death benefits authorized.**

All benefits presently payable pursuant to the provisions of RCW **41.20.085** which are not related to the amount of current salary attached to the position held by the deceased member, shall be increased annually in the same manner and to the same extent as provided for pursuant to RCW **41.26.250**.

[1974 ex.s. c 190 § 4; 1969 ex.s. c 209 § 35.]

41.26.270**Declaration of policy respecting benefits for injury or death—Civil actions abolished.**

The legislature of the state of Washington hereby declares that the relationship between members of the law enforcement officers' and firefighters' retirement system and their governmental employers is similar to that of workers to their employers and that the sure and certain relief granted by this chapter is desirable, and as beneficial to such law enforcement officers and firefighters as workers' compensation coverage is to persons covered by Title **51** RCW. The legislature further declares that removal of law enforcement officers and firefighters from workers' compensation coverage under Title **51** RCW necessitates the (1) continuance of sure and certain relief for personal injuries incurred in the course of employment or occupational disease, which the legislature finds to be accomplished by the provisions of this chapter and (2) protection for the governmental employer from actions at law; and to this end the legislature further declares that the benefits and remedies conferred by this chapter upon law enforcement officers and firefighters covered hereunder, shall be to the exclusion of any other remedy, proceeding, or compensation for personal injuries or sickness, caused by the governmental employer except as otherwise provided by this chapter; and to that end all civil actions and civil causes of actions by such law enforcement officers and firefighters against their governmental employers for personal injuries or sickness are hereby abolished, except as otherwise provided in this chapter.

[1989 c 12 § 13; 1987 c 185 § 13; 1985 c 102 § 4; 1971 ex.s. c 257 § 14.]

NOTES:

Intent—Severability—1987 c 185: See notes following RCW **51.12.130**.

Purpose—Retrospective application—1985 c 102: See notes following RCW **41.26.120**.

Purpose—Severability—1971 ex.s. c 257: See notes following RCW **41.26.030**.

41.26.281**Cause of action for injury or death, when.**

If injury or death results to a member from the intentional or negligent act or omission of a member's governmental employer, the member, the widow, widower, child, or dependent of the member

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shall have the privilege to benefit under this chapter and also have cause of action against the governmental employer as otherwise provided by law, for any excess of damages over the amount received or receivable under this chapter.

[1991 c 35 § 28; 1971 ex.s. c 257 § 15. Formerly RCW 41.26.058, 41.26.280.]

NOTES:

Intent—1991 c 35: See note following RCW 41.26.005.

Purpose—Severability—1971 ex.s. c 257: See notes following RCW 41.26.030.

41.26.3901

Severability—1969 ex.s. c 209.

If any provision of *this 1969 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1969 ex.s. c 209 § 42. Formerly RCW 41.26.900.]

NOTES:

***Reviser's note:** "this 1969 amendatory act," see note following chapter digest.

41.26.3902

Act to control inconsistencies.

To the extent that the provisions of *this 1969 amendatory act are inconsistent with the provisions of any other law, the provisions of *this 1969 amendatory act shall be controlling.

[1969 ex.s. c 209 § 43. Formerly RCW 41.26.910.]

NOTES:

***Reviser's note:** "this 1969 amendatory act," see note following chapter digest.

41.26.3903

Effective date—1969 ex.s. c 209.

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*This 1969 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect on July 1, 1969.

[1969 ex.s. c 209 § 45. Formerly RCW 41.26.920.]

NOTES:

*Reviser's note: "This 1969 amendatory act," see note following chapter digest.

41.26.410

Provisions applicable to plan 2.

RCW 41.26.420 through 41.26.550 shall apply only to plan 2 members.

[1991 c 35 § 29; 1977 ex.s. c 294 § 2.]

NOTES:

Intent—1991 c 35: See note following RCW 41.26.005.

Legislative direction and placement—1977 ex.s. c 294: "Sections 1 through 16 of this 1977 amendatory act shall be added to chapter 41.26 RCW and shall be codified as consecutive sections of the Revised Code of Washington within such chapter." [1977 ex.s. c 294 § 25.]

Section headings—1977 ex.s. c 294: "Section headings used in this 1977 amendatory act shall not constitute any part of the law." [1977 ex.s. c 294 § 24.]

41.26.420

Computation of the retirement allowance.

Except as provided in RCW 41.26.530, a member of the retirement system shall receive a retirement allowance equal to two percent of such member's final average salary for each year of service.

[1993 c 517 § 2; 1979 ex.s. c 249 § 4; 1977 ex.s. c 294 § 3.]

NOTES:

Purpose—1993 c 517: "The legislature recognizes the demanding, physical nature of law enforcement and firefighting, and the resulting need to allow law enforcement officers and firefighters to make transitions into other careers when these employees feel they can no longer pursue law enforcement or firefighting. The legislature also recognizes the challenge and cost of maintaining the

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viability of a retired employee's benefit over longer periods of retirement as longevity increases, and that this problem is compounded for employees who leave a career before they retire from the workforce.

Therefore, the purpose of this act is to: (1) Provide full retirement benefits to law enforcement officers and firefighters at an appropriate age that reflects the unique and physically demanding nature of their work; (2) provide a fair and reasonable value from the retirement system for those who leave the law enforcement or firefighting profession before retirement; (3) increase flexibility for law enforcement officers and firefighters to make transitions into other public or private sector employment; (4) increase employee options for addressing retirement needs, personal financial planning, and career transitions; and (5) continue the legislature's established policy of having employees pay a fifty percent share of the contributions toward their retirement benefits and any enhancements." [1993 c 517 § 1.]

Legislative direction and placement—Section headings—1977 ex.s. c 294: See notes following RCW **41.26.410**.

41.26.425

Lump sum retirement allowance—Reentry—Conditions for reinstatement of service.

(1) On or after June 10, 1982, the director may pay a beneficiary, subject to the provisions of subsection (5) of this section, a lump sum payment in lieu of a monthly benefit if the initial monthly benefit computed in accordance with RCW **41.26.420** would be less than fifty dollars. The lump sum payment shall be the greater of the actuarial equivalent of such monthly benefits or an amount equal to the individual's accumulated contributions plus accrued interest.

(2) A beneficiary, subject to the provisions of subsection (5) of this section, who is receiving a regular monthly benefit of less than fifty dollars may request, in writing, to convert from a monthly benefit to a lump sum payment. If the director approves the conversion, the calculation of the actuarial equivalent of the total estimated regular benefit will be computed based on the beneficiary's age at the time the benefit initially accrued. The lump sum payment will be reduced to reflect any payments received on or after the initial benefit accrual date.

(3) Persons covered under the provisions of subsection (1) of this section may upon returning to member status reinstate all previous service by depositing the lump sum payment received, with interest as computed by the director, within two years of returning to service or prior to re-retiring, whichever comes first. In computing the amount due, the director shall exclude the accumulated value of the normal payments the member would have received while in beneficiary status if the lump sum payment had not occurred.

(4) If a member fails to meet the time limitations set forth under subsection (3) of this section, the member may reinstate all previous service under RCW **41.50.165(2)** prior to retirement. The sum deposited shall exclude the accumulated value of the normal payments the member would have received while in beneficiary status if the lump sum payment had not occurred.

(5) Only persons entitled to or receiving a service retirement allowance under RCW **41.26.420** or an earned disability allowance under RCW **41.26.470** qualify for participation under this section.

(6) It is the intent of the legislature that any member who receives a settlement under this section shall be deemed to be retired from this system.

[1994 c 197 § 9; 1982 c 144 § 1.]

NOTES:

<https://app.leg.wa.gov/rcw/default.aspx?cite=41.26&full=true>

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Intent—Severability—Effective date—1994 c 197: See notes following RCW **41.50.165**.

41.26.430

Retirement for service.

(1) NORMAL RETIREMENT. Any member with at least five service credit years of service who has attained at least age fifty-three shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW **41.26.420**.

(2) EARLY RETIREMENT. Any member who has completed at least twenty service credit years of service and has attained age fifty shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW **41.26.420**, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age fifty-three.

(3) ALTERNATE EARLY RETIREMENT. Any member who has completed at least twenty service credit years and has attained age fifty shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW **41.26.420**, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age fifty-three.

[2000 c 247 § 904; 1993 c 517 § 3; 1991 c 343 § 18; 1977 ex.s. c 294 § 4.]

NOTES:

Effective dates—Subchapter headings not law—2000 c 247: See RCW **41.40.931** and **41.40.932**.

Purpose—1993 c 517: See note following RCW **41.26.420**.

Findings—Effective dates—1991 c 343: See notes following RCW **41.50.005**.

Legislative direction and placement—Section headings—1977 ex.s. c 294: See notes following RCW **41.26.410**.

41.26.432

Additional service credit purchase—Rules.

(1) A member eligible to retire under RCW **41.26.430** may, at the time of filing a written application for retirement with the department, apply to the department to make a one-time purchase of up to five years of additional service credit.

(2) To purchase additional service credit under this section, a member shall pay the actuarial equivalent value of the resulting increase in the member's benefit.

(3) Subject to rules adopted by the department, a member purchasing additional service credit under this section may pay all or part of the cost with a lump sum payment, eligible rollover, direct rollover, or trustee-to-trustee transfer from an eligible retirement plan. The department shall adopt rules to ensure that all lump sum payments, rollovers, and transfers comply with the requirements of the

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internal revenue code and regulations adopted by the internal revenue service. The rules adopted by the department may condition the acceptance of a rollover or transfer from another plan on the receipt of information necessary to enable the department to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

[2005 c 21 § 1.]

NOTES:

Effective date—2005 c 21: "This act takes effect July 1, 2006." [2005 c 21 § 2.]

41.26.435

Transfer of service credit from other retirement system—Enforcement officer for department of fish and wildlife.

(1) A member of plan 2 who was a member of the public employees' retirement system plan 2 or plan 3 while employed as an enforcement officer for the department of fish and wildlife has the option to make an election no later than December 31, 2009, filed in writing with the department of retirement systems, to transfer all service credit previously earned as an enforcement officer in the public employees' retirement system plan 2 or plan 3 to the law enforcement officers' and firefighters' retirement system plan 2. Service credit that a member elects to transfer from the public employees' retirement system to the law enforcement officers' and firefighters' retirement system under this section shall be transferred no earlier than June 30, 2012, and only after the member completes payment as provided in subsection (2) of this section.

(2)(a) A member who elects to transfer service credit under subsection (1) of this section shall make the payments required by this subsection prior to having service credit earned as an enforcement officer with the department of fish and wildlife under the public employees' retirement system plan 2 or plan 3 transferred to the law enforcement officers' and firefighters' retirement system plan 2.

(b) A member who elects to transfer service credit from the public employees' retirement system plan 2 under this subsection shall pay, for the applicable period of service, the difference between the contributions the employee paid to the public employees' retirement system plan 2 and the contributions that would have been paid by the employee had the employee been a member of the law enforcement officers' and firefighters' retirement system plan 2, plus interest on this difference as determined by the director. This payment must be made no later than June 30, 2014, and must be made prior to retirement.

(c) A member who elects to transfer service credit from the public employees' retirement system plan 3 under this subsection shall transfer to the law enforcement officers' and firefighters' retirement system plan 2, for the applicable period of service, the full balance of the member's defined contribution account within plan 3 as of the effective date of the transfer. At no time will the member pay, for the applicable period of service, a sum less than the contributions that would have been paid by the employee had the employee been a member of the law enforcement officers' and firefighters' retirement system plan 2, plus interest as determined by the director. This transfer and any additional payment, if necessary, must be made no later than June 30, 2014, and must be made prior to retirement.

(d) Upon completion of the payment required in (b) of this subsection, the department shall transfer from the public employees' retirement system to the law enforcement officers' and firefighters' retirement system plan 2: (i) All of the employee's applicable accumulated contributions plus interest and all of the applicable employer contributions plus interest; and (ii) all applicable months of service, as defined in *RCW 41.26.030(28)(b), credited to the employee under this chapter for service as an

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enforcement officer with the department of fish and wildlife as though that service was rendered as a member of the law enforcement officers' and firefighters' retirement system plan 2.

(e) Upon completion of the payment required in (c) of this subsection, the department shall transfer from the public employees' retirement system to the law enforcement officers' and firefighters' retirement system plan 2: (i) All of the employee's applicable accumulated contributions plus interest and all of the applicable employer contributions plus interest; and (ii) all applicable months of service, as defined in *RCW 41.26.030(28)(b), credited to the employee under this chapter for service as an enforcement officer with the department of fish and wildlife as though that service was rendered as a member of the law enforcement officers' and firefighters' retirement system plan 2.

(f) If a member who elected to transfer pursuant to this section dies or retires for disability prior to June 30, 2012, the member's benefit is calculated as follows:

(i) All of the applicable service credit, accumulated contributions, and interest is transferred to the law enforcement officers' and firefighters' retirement system plan 2 and used in the calculation of a benefit.

(ii) If a member's obligation under (b) or (c) of this subsection has not been paid in full at the time of death or disability retirement, the member, or in the case of death the surviving spouse or eligible minor children, have the following options:

(A) Pay the bill in full;

(B) If a continuing monthly benefit is chosen, have the benefit actuarially reduced to reflect the amount of the unpaid obligation under (b) or (c) of this subsection; or

(C) Continue to make payment against the obligation under (b) or (c) of this subsection, provided that payment in full is made no later than June 30, 2014.

(g) Upon transfer of service credit, contributions, and interest under this subsection, the employee is permanently excluded from membership in the public employees' retirement system for all service related to time served as an enforcement officer with the department of fish and wildlife under the public employees' retirement system plan 2 or plan 3.

[2012 c 248 § 1; 2009 c 157 § 1.]

NOTES:

*Reviser's note: RCW 41.26.030 was amended by 2018 c 230 § 1, changing subsection (28) (b) to subsection (29)(b).

41.26.436

Transfer of service credit from other retirement system—Firefighter serving at a prison or civil commitment center on an island.

(1) A member of plan 2 or plan 3 who was a member of the public employees' retirement system while employed by the department of social and health services or the department of corrections as a firefighter serving at a prison or civil commitment center on an island has the following options:

(a) Remain a member of the public employees' retirement system;

(b) Leave any service credit earned as a member of the public employees' retirement system in the public employees' retirement system, and have all future service earned in the law enforcement officers' and firefighters' retirement system plan 2, becoming a dual member under the provisions of chapter 41.54 RCW; or

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(c) Make an election no later than one year from June 7, 2018, filed in writing with the department of retirement systems, to transfer service credit previously earned as a firefighter for the department of corrections or the department of social and health services in the public employees' retirement system plan 2 or plan 3 to the law enforcement officers' and firefighters' retirement system plan 2 as defined in **RCW 41.26.030**.

(2)(a) A member who elects to transfer service credit under subsection (1)(c) of this section shall make the payments required by this subsection prior to having service credit earned as a firefighter for the department of corrections or the department of social and health service[s] under the public employees' retirement system plan 2 or plan 3 transferred to the law enforcement officers' and firefighters' retirement system plan 2.

(b)(i) A member of plan 2 who elects to transfer service credit under this subsection shall pay, for the applicable period of service, the difference between the contributions the employee paid to the public employees' retirement system plan 2 and the contributions that would have been paid by the employee had the employee been a member of the law enforcement officers' and firefighters' retirement system plan 2.

(ii) A member of plan 3 who elects to transfer service credit under this subsection shall pay, for the applicable period of service, the amount of the contributions that would have been paid by the employee had the employee been a member of the law enforcement officers' and firefighters' [retirement system] plan 2. That payment may be made in whole or in part as a rollover from the plan 3 member's individual member account.

(iii) The payments in (b)(i) and (ii) of this subsection must be made no later than five years from the effective date of the election made under subsection (1)(c) of this section and must be made prior to retirement, except under (d) of this subsection.

(c) Upon completion of the payment required in (b) of this subsection, the department shall transfer from the public employees' retirement system plan 2 or plan 3 to the law enforcement officers' and firefighters' retirement system plan 2:

(i) All of the employee's applicable accumulated contributions plus interest and an equal amount of employer contributions; and

(ii) All service credit earned as a firefighter for the department of corrections or the department of social and health services as a firefighter serving at a prison or civil commitment center on an island as though that service was rendered as a member of the law enforcement officers' and firefighters' retirement system plan 2.

(d) If a member who elected to transfer pursuant to this section dies or retires for disability prior to five years from their election date, the member's benefit is calculated as follows:

(i) All of the applicable service credit, accumulated contributions, and interest is transferred to the law enforcement officers' and firefighters' retirement system plan 2 and used in the calculation of a benefit.

(ii) If a member's obligation under (b) of this subsection has not been paid in full at the time of death or disability retirement, the member, or in the case of death the surviving spouse or eligible minor children, have the following options:

(A) Pay the bill in full;

(B) If a continuing monthly benefit is chosen, have the benefit actuarially reduced to reflect the amount of the unpaid obligation under (b) of this subsection; or

(C) Continue to make payment against the obligation under (b) of this subsection, provided that payment in full is made no later than five years from the member's original election date.

(e) Upon transfer of service credit, contributions, and interest under this subsection, the employee is permanently excluded from membership in the public employees' retirement system for all service transfers related to their time served as a firefighter for the department of corrections or the department of social and health services serving at a prison or civil commitment center located on an island under the public employees' retirement system.

[2018 c 230 § 2.]

41.26.440

Post-retirement cost-of-living.

Beginning July 1, 1979, and every year thereafter, the department shall determine the following information for each retired member or beneficiary whose retirement allowance has been in effect for at least one year:

- (1) The original dollar amount of the retirement allowance;
 - (2) The index for the calendar year prior to the effective date of the retirement allowance, to be known as "index A";
 - (3) The index for the calendar year prior to the date of determination, to be known as "index B";
- and
- (4) The ratio obtained when index B is divided by index A.

The value of the ratio obtained shall be the annual adjustment to the original retirement allowance and shall be applied beginning with the July payment. In no event, however, shall the annual adjustment:

- (a) Produce a retirement allowance which is lower than the original retirement allowance;
- (b) Exceed three percent in the initial annual adjustment; or
- (c) Differ from the previous year's annual adjustment by more than three percent.

For the purposes of this section, "index" means, for any calendar year, that year's average consumer price index—Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

[1977 ex.s. c 294 § 5.]

NOTES:

Legislative direction and placement—Section headings—1977 ex.s. c 294: See notes following RCW **41.26.410**.

41.26.450

Port districts and institutions of higher education—Employer and state contributions—Recovery of contributions.

(1) Port districts established under Title **53** RCW and institutions of higher education as defined in RCW **28B.10.016** shall contribute both the employer and state shares of the cost of the retirement system for any of their employees who are law enforcement officers.

(2) Institutions of higher education shall contribute both the employer and the state shares of the cost of the retirement system for any of their employees who are firefighters.

(3) During fiscal years 2018 and 2019:

When an employer charges a fee or recovers costs for work performed by a plan member where:

(a) The member receives compensation that is includable as basic salary under RCW

41.26.030(4)(b); and

(b) The service is provided, whether directly or indirectly, to an entity that is not an "employer" under RCW **41.26.030(14)(b)**;

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the employer shall contribute both the employer and state shares of the cost of the retirement system contributions for that compensation. Nothing in this subsection prevents an employer from recovering the cost of the contribution from the entity receiving services from the member.

[2017 3rd sp.s. c 1 § 963; 2000 c 247 § 801; 1996 c 38 § 3; 1993 c 502 § 2; 1989 c 273 § 14; 1986 c 268 § 1; 1984 c 184 § 10; 1977 ex.s. c 294 § 6.]

NOTES:

Effective date—2017 3rd sp.s. c 1: See note following RCW **43.41.455**.

Effective dates—Subchapter headings not law—2000 c 247: See RCW **41.40.931** and **41.40.932**.

Effective date—1993 c 502: See note following RCW **41.26.030**.

Severability—1984 c 184: See note following RCW **41.50.150**.

Legislative direction and placement—Section headings—1977 ex.s. c 294: See notes following RCW **41.26.410**.

41.26.460

Options for payment of retirement allowances—Retirement allowance adjustment—Court-approved property settlement.

(1) Upon retirement for service as prescribed in RCW **41.26.430** or disability retirement under RCW **41.26.470**, a member shall elect to have the retirement allowance paid pursuant to the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse or domestic partner; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse or domestic partner, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a designated person. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married or a domestic partner, must provide the written consent of his or her spouse or domestic partner to the option selected under this section, except as provided in (b) of this subsection. If a member is married or a domestic partner and both the member and member's spouse or

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domestic partner do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse or domestic partner as the beneficiary. Such benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal or domestic partner consent is not required as provided in (b) of this subsection.

(b) If a copy of a dissolution order designating a survivor beneficiary under RCW **41.50.790** has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal or domestic partner consent provisions of (a) of this subsection do not apply.

(3)(a) Any member who retired before January 1, 1996, and who elected to receive a reduced retirement allowance under subsection (1)(b) or (2) of this section is entitled to receive a retirement allowance adjusted in accordance with (b) of this subsection, if they meet the following conditions:

(i) The retiree's designated beneficiary predeceases or has predeceased the retiree; and

(ii) The retiree provides to the department proper proof of the designated beneficiary's death.

(b) The retirement allowance payable to the retiree, as of July 1, 1998, or the date of the designated beneficiary's death, whichever comes last, shall be increased by the percentage derived in (c) of this subsection.

(c) The percentage increase shall be derived by the following:

(i) One hundred percent multiplied by the result of (c)(ii) of this subsection converted to a percent;

(ii) Subtract one from the reciprocal of the appropriate joint and survivor option factor;

(iii) The joint and survivor option factor shall be from the table in effect as of July 1, 1998.

(d) The adjustment under (b) of this subsection shall accrue from the beginning of the month following the date of the designated beneficiary's death or from July 1, 1998, whichever comes last.

(4) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse or domestic partner from a postretirement marriage or domestic partnership as a survivor during a one-year period beginning one year after the date of the postretirement marriage or domestic partnership provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW **41.50.670**.

(ii) A member who entered into a postretirement marriage or domestic partnership prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse or domestic partner as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse or a person not their domestic partner as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(5) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who meets the length of service requirements of RCW **41.26.530**(1) and the member's divorcing spouse or domestic partner be divided into two separate benefits payable over the life of each spouse or domestic partner.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried or in a domestic partnership at the time of retirement remains subject to the spousal or domestic partner consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

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The nonmember ex spouse or former domestic partner shall be eligible to commence receiving their separate benefit upon reaching the ages provided in RCW **41.26.430**(1) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse or domestic partner if the nonmember ex spouse or former domestic partner was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (4) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse or domestic partner shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW **41.50.670**.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

[**2009 c 523 § 5; 2003 c 294 § 3; 2002 c 158 § 7; 2000 c 186 § 1; 1998 c 340 § 5; 1996 c 175 § 3; 1995 c 144 § 17; 1990 c 249 § 3; 1977 ex.s. c 294 § 7.**]

NOTES:

Effective date—1998 c 340: See note following RCW **2.10.146**.

Findings—1990 c 249: See note following RCW **2.10.146**.

Legislative direction and placement—Section headings—1977 ex.s. c 294: See notes following RCW **41.26.410**.

41.26.463

Optional actuarially equivalent life annuity benefit—Rules—Definition.

(1) At the time of retirement, plan 2 members may purchase an optional actuarially equivalent life annuity benefit from the [Washington] law enforcement officers' and firefighters' retirement system plan 2 retirement fund established in RCW **41.50.075**. A minimum payment of twenty-five thousand dollars is required.

(2) Subject to rules adopted by the department, a member purchasing an annuity under this section must pay all of the cost with an eligible rollover, direct rollover, or trustee-to-trustee transfer from an eligible retirement plan.

(a) The department shall adopt rules to ensure that all eligible rollovers and transfers comply with the requirements of the internal revenue code and regulations adopted by the internal revenue service. The rules adopted by the department may condition the acceptance of a rollover or transfer from another plan on the receipt of information necessary to enable the department to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

(b) "Eligible retirement plan" means a tax qualified plan offered by a governmental employer.

[**2014 c 91 § 1.**]

41.26.470**Earned disability allowance—Cancellation of allowance—Reentry—Receipt of service credit while disabled—Conditions—Disposition upon death of recipient—Disabled in the line of duty—Total disability—Reimbursement for certain payments—Disabled while providing emergency management services.**

(1) A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the director shall be eligible to receive an allowance under the provisions of RCW **41.26.410** through **41.26.550**. Such member shall receive a monthly disability allowance computed as provided for in RCW **41.26.420** and shall have such allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age fifty-three, except under subsection (7) of this section.

(2) Any member who receives an allowance under the provisions of this section shall be subject to such comprehensive medical examinations as required by the department. If such medical examinations reveal that such a member has recovered from the incapacitating disability and the member is no longer entitled to benefits under Title **51** RCW, the retirement allowance shall be canceled and the member shall be restored to duty in the same civil service rank, if any, held by the member at the time of retirement or, if unable to perform the duties of the rank, then, at the member's request, in such other like or lesser rank as may be or become open and available, the duties of which the member is then able to perform. In no event shall a member previously drawing a disability allowance be returned or be restored to duty at a salary or rate of pay less than the current salary attached to the rank or position held by the member at the date of the retirement for disability. If the department determines that the member is able to return to service, the member is entitled to notice and a hearing. Both the notice and the hearing shall comply with the requirements of chapter **34.05** RCW, the administrative procedure act.

(3) Those members subject to this chapter who became disabled in the line of duty on or after July 23, 1989, and who receive benefits under RCW **41.04.500** through **41.04.530** or similar benefits under RCW **41.04.535** shall receive or continue to receive service credit subject to the following:

- (a) No member may receive more than one month's service credit in a calendar month.
- (b) No service credit under this section may be allowed after a member separates or is separated without leave of absence.
- (c) Employer contributions shall be paid by the employer at the rate in effect for the period of the service credited.
- (d) Employee contributions shall be collected by the employer and paid to the department at the rate in effect for the period of service credited.
- (e) State contributions shall be as provided in RCW **41.45.060** and **41.45.067**.
- (f) Contributions shall be based on the regular compensation which the member would have received had the disability not occurred.
- (g) The service and compensation credit under this section shall be granted for a period not to exceed six consecutive months.

(h) Should the legislature revoke the service credit authorized under this section or repeal this section, no affected employee is entitled to receive the credit as a matter of contractual right.

(4)(a) If the recipient of a monthly retirement allowance under this section dies before the total of the retirement allowance paid to the recipient equals the amount of the accumulated contributions at the date of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the recipient has nominated by written designation duly executed and filed with the director, or, if there is no such designated person or persons still living at the time of the recipient's death, then to the surviving spouse or domestic partner, or, if there is neither such designated person or

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persons still living at the time of his or her death nor a surviving spouse or domestic partner, then to his or her legal representative.

(b) If a recipient of a monthly retirement allowance under this section died before April 27, 1989, and before the total of the retirement allowance paid to the recipient equaled the amount of his or her accumulated contributions at the date of retirement, then the department shall pay the balance of the accumulated contributions to the member's surviving spouse or, if there is no surviving spouse, then in equal shares to the member's children. If there is no surviving spouse or children, the department shall retain the contributions.

(5) Should the disability retirement allowance of any disability beneficiary be canceled for any cause other than reentrance into service or retirement for service, he or she shall be paid the excess, if any, of the accumulated contributions at the time of retirement over all payments made on his or her behalf under this chapter.

(6) A member who becomes disabled in the line of duty, and who ceases to be an employee of an employer except by service or disability retirement, may request a refund of one hundred fifty percent of the member's accumulated contributions. Any accumulated contributions attributable to restorations made under RCW **41.50.165**(2) shall be refunded at one hundred percent. A person in receipt of this benefit is a retiree.

(7) A member who becomes disabled in the line of duty shall be entitled to receive a minimum retirement allowance equal to ten percent of such member's final average salary. The member shall additionally receive a retirement allowance equal to two percent of such member's average final salary for each year of service beyond five.

(8) A member who became disabled in the line of duty before January 1, 2001, and is receiving an allowance under RCW **41.26.430** or subsection (1) of this section shall be entitled to receive a minimum retirement allowance equal to ten percent of such member's final average salary. The member shall additionally receive a retirement allowance equal to two percent of such member's average final salary for each year of service beyond five, and shall have the allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age fifty-three. An additional benefit shall not result in a total monthly benefit greater than that provided in subsection (1) of this section.

(9) A member who is totally disabled in the line of duty is entitled to receive a retirement allowance equal to seventy percent of the member's final average salary. The allowance provided under this subsection shall be offset by:

(a) Temporary disability wage-replacement benefits or permanent total disability benefits provided to the member under Title **51** RCW; and

(b) Federal social security disability benefits, if any;

so that such an allowance does not result in the member receiving combined benefits that exceed one hundred percent of the member's final average salary. However, the offsets shall not in any case reduce the allowance provided under this subsection below the member's accrued retirement allowance.

A member is considered totally disabled if he or she is unable to perform any substantial gainful activity due to a physical or mental condition that may be expected to result in death or that has lasted or is expected to last at least twelve months. Substantial gainful activity is defined as average earnings in excess of eight hundred sixty dollars a month in 2006 adjusted annually as determined by the director based on federal social security disability standards. The department may require a person in receipt of an allowance under this subsection to provide any financial records that are necessary to determine continued eligibility for such an allowance. A person in receipt of an allowance under this subsection whose earnings exceed the threshold for substantial gainful activity shall have their benefit converted to a line-of-duty disability retirement allowance as provided in subsection (7) of this section.

Any person in receipt of an allowance under the provisions of this section is subject to comprehensive medical examinations as may be required by the department under subsection (2) of this section in order to determine continued eligibility for such an allowance.

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(10)(a) In addition to the retirement allowance provided in subsection (9) of this section, the retirement allowance of a member who is totally disabled in the line of duty shall include reimbursement for any payments made by the member after June 10, 2010, for premiums on employer-provided medical insurance, insurance authorized by the consolidated omnibus budget reconciliation act of 1985 (COBRA), medicare part A (hospital insurance), and medicare part B (medical insurance). A member who is entitled to medicare must enroll and maintain enrollment in both medicare part A and medicare part B in order to remain eligible for the reimbursement provided in this subsection. The legislature reserves the right to amend or repeal the benefits provided in this subsection in the future and no member or beneficiary has a contractual right to receive any distribution not granted prior to that time.

(b) The retirement allowance of a member who is not eligible for reimbursement provided in (a) of this subsection shall include reimbursement for any payments made after June 30, 2013, for premiums on other medical insurance. However, in no instance shall the reimbursement exceed the amount reimbursed for premiums authorized by the consolidated omnibus budget reconciliation act of 1985 (COBRA).

(11) A member who has left the employ of an employer due to service in the national guard, military reserves, federal emergency management agency, or national disaster medical system of the United States department of health and human services and who becomes totally incapacitated for continued employment by an employer as determined by the director while performing service in response to a disaster, major emergency, special event, federal exercise, or official training on or after March 22, 2014, shall be eligible to receive an allowance under the provisions of RCW **41.26.410** through **41.26.550**. Such member shall receive a monthly disability allowance computed as provided for in RCW **41.26.420** except such allowance is not subject to an actuarial reduction for early retirement as provided in RCW **41.26.430**. The member's retirement allowance is computed under RCW **41.26.420**, except that the member shall be entitled to a minimum retirement allowance equal to ten percent of such member's final average salary. The member shall additionally receive a retirement allowance equal to two percent of such member's average final salary for each year of service beyond five.

[**2016 c 115 § 3**; **2013 c 287 § 2**; **2010 c 259 § 2**. Prior: **2009 c 523 § 6**; **2009 c 95 § 1**; **2006 c 39 § 1**; **2005 c 451 § 1**; **2004 c 4 § 1**; **2001 c 261 § 2**; **2000 c 247 § 1104**; **1999 c 135 § 1**; **1995 c 144 § 18**; **1993 c 517 § 4**; **1990 c 249 § 19**; prior: **1989 c 191 § 1**; **1989 c 88 § 1**; **1982 c 12 § 2**; **1981 c 294 § 9**; **1977 ex.s. c 294 § 8**.]

NOTES:

Short title—2013 c 287: "This act may be known as the Wynn Loiland act." [**2013 c 287 § 1**.]

Short title—2010 c 259: "This act may be known as the Jason McKissack act." [**2010 c 259 § 1**.]

Effective date—2006 c 39: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 14, 2006]." [**2006 c 39 § 3**.]

Effective date—2005 c 451: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 13, 2005]." [**2005 c 451 § 2**.]

Application—2004 c 4 § 1: "This act applies to all members, subject to section 1 of this act, who become or became disabled in the line of duty on or after January 1, 2001." [**2004 c 4 § 2**.]

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Effective date—2001 c 261 § 2: "Section 2 of this act takes effect March 1, 2002." [**2001 c 261 § 5.**]

Effective dates—Subchapter headings not law—2000 c 247: See RCW **41.40.931** and **41.40.932.**

Application—1999 c 135 § 1: "Section 1 of this act applies to any member who received a disability retirement allowance on or after February 1, 1990." [**1999 c 135 § 2.**]

Purpose—1993 c 517: See note following RCW **41.26.420.**

Findings—1990 c 249: See note following RCW **2.10.146.**

Severability—1981 c 294: See note following RCW **41.26.115.**

Legislative direction and placement—Section headings—1977 ex.s. c 294: See notes following RCW **41.26.410.**

*Disability leave supplement for law enforcement officers and firefighters: RCW **41.04.500** through **41.04.550.***

41.26.473

Disabled in the line of duty—Continuation of service credit—Conditions.

Those members subject to this chapter who became disabled in the line of duty on or after July 1, 2002, and who received or are receiving benefits under Title **51** RCW or a similar federal workers' compensation program shall receive or continue to receive service credit subject to the following:

- (1) No member may receive more than one month's service credit in a calendar month.
- (2) No service credit under this section may be allowed after a member separates or is separated without leave of absence.
- (3) Employer contributions shall be paid by the employer at the rate in effect for the period of the service credited.
- (4) Employee contributions shall be collected by the employer and paid to the department at the rate in effect for the period of service credited.
- (5) State contribution shall be as provided in RCW **41.45.060** and **41.45.067.**
- (6) Contributions shall be based on the regular compensation which the member would have received had the disability not occurred. If contribution payments are made retroactively, interest shall be charged at the rate set by the director on both employee and employer contributions. Service credit shall not be granted until the employee contribution has been paid.
- (7) The service and compensation credit shall not be granted for a period to exceed twenty-four consecutive months.
- (8) This section does not abridge service credit rights granted in RCW **41.26.470(3)**. However, members receiving service credit under RCW **41.26.470(3)** may not receive service credit under this section.
- (9) Should the legislature revoke the service credit authorized under this section or repeal this section, no affected employee is entitled to receive the credit as a matter of contractual right.

[**2007 c 49 § 1.**]

41.26.476

Use of shared leave—Impact on calculation of service credit and final average salary.

(1) A member in receipt of employer-authorized shared leave after June 10, 2010, shall receive the same treatment in respect to service credit and final average salary that the member would normally receive if using accrued annual leave or sick leave.

(2) For purposes of this section shared leave includes, but is not limited to:

(a) Direct transfers of annual leave, sick leave, or other leave from one employee to another;

(b) Indirect transfers of annual leave, sick leave, or other leave via leave banks or a similar pool of donated leave; or

(c) Shift trades or employees working shifts on behalf of a member.

(3) Shared leave that has been reported to the department prior to June 10, 2010, and for which contributions have been made, remains creditable for service credit and final average salary.

[2010 c 50 § 1. Formerly RCW 41.26.033.]

41.26.480

Industrial insurance.

Notwithstanding any other provision of law, members shall be eligible for industrial insurance as provided by Title 51 RCW, as now or hereafter amended, and shall be included in the payroll of the employer for such purpose.

[1977 ex.s. c 294 § 9.]

NOTES:

Legislative direction and placement—Section headings—1977 ex.s. c 294: See notes following RCW 41.26.410.

41.26.490

Application for and effective date of retirement allowances.

Any member or beneficiary eligible to receive a retirement allowance under the provisions of RCW 41.26.430, 41.26.470, or 41.26.510 shall be eligible to commence receiving a retirement allowance after having filed written application with the department.

(1) Retirement allowances paid to members under the provisions of RCW 41.26.430 shall accrue from the first day of the calendar month immediately following such member's separation from service.

(2) Retirement allowances paid to vested members no longer in service, but qualifying for such an allowance pursuant to RCW 41.26.430, shall accrue from the first day of the calendar month immediately following such qualification.

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(3) Disability allowances paid to disabled members under the provisions of RCW **41.26.470** shall accrue from the first day of the calendar month immediately following such member's separation from service for disability.

(4) Retirement allowances paid as death benefits under the provisions of RCW **41.26.510** shall accrue from the first day of the calendar month immediately following the member's death.

(5) A person is separated from service on the date a person has terminated all employment with an employer.

[**1997 c 254 § 2; 1977 ex.s. c 294 § 10.**]

NOTES:

Intent—Construction—1997 c 254: "(1) This act, which defines separation from service and restrictions concerning postretirement employment, is intended to clarify existing statutory provisions regarding these issues. As a result of this act, the legal standard for determining separation from service and the impact to a retiree's benefit should they return to work following retirement, are either the same as under the prior law, or less restrictive. Accordingly, this act does not constitute a diminution of benefits and applies to all members of the affected retirement systems.

(2) This act, which addresses the determination of employee status, is intended to clarify existing law. The clarifications are consistent with long-standing common law of the state of Washington and long-standing department of retirement systems' interpretations of the appropriate standard to be used in determining employee status. Accordingly, sections 3(49) and 10(22) of this act do not constitute a diminution of benefits and apply to all members of the teachers' retirement system and the public employees' retirement system." [**1997 c 254 § 1.**]

Application—1997 c 254: "This act applies to all overpayments discovered by the department of retirement systems on or after June 1, 1996, except that sections 10, 12, 14, 15, and 16 of this act apply retroactively to any person who retired under chapter 234, Laws of 1992 or part III of chapter 519, Laws of 1993." [**1997 c 254 § 17.**]

Legislative direction and placement—Section headings—1977 ex.s. c 294: See notes following RCW **41.26.410**.

41.26.500

Suspension of retirement allowance upon reemployment—Reinstatement—Option to enter into membership.

(1) Except under subsection (3) of this section, a retiree under the provisions of plan 2 shall not be eligible to receive such retiree's monthly retirement allowance if he or she is employed in an eligible position as defined in RCW **41.40.010**, **41.32.010**, **41.37.010**, or **41.35.010**, or as a law enforcement officer or firefighter as defined in RCW **41.26.030**. If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

(2) The department shall adopt rules implementing this section.

(3) A member or retiree who becomes employed in an eligible position as defined in RCW **41.40.010**, **41.32.010**, **41.35.010**, or **41.37.010** shall have the option to enter into membership in the

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corresponding retirement system for that position notwithstanding any provision of RCW **41.04.270**. A retiree who elects to enter into plan membership shall have his or her benefits suspended as provided in subsection (1) of this section. A retiree who does not elect to enter into plan membership shall continue to receive his or her benefits without interruption.

[**2005 c 372 § 2**; (2005 c 372 § 1 expired July 1, 2006); **2004 c 242 § 54**; **1998 c 341 § 604**; **1990 c 274 § 12**; **1977 ex.s. c 294 § 11**.]

NOTES:

Effective date—2005 c 372 § 2: "Section 2 of this act takes effect July 1, 2006." [**2005 c 372 § 5**.]

Expiration date—2005 c 372 § 1: "Section 1 of this act expires July 1, 2006." [**2005 c 372 § 3**.]

Effective date—2004 c 242: See RCW **41.37.901**.

Effective date—1998 c 341: See RCW **41.35.901**.

Findings—Construction—1990 c 274: See notes following RCW **41.32.010**.

Application—Reservation—1990 c 274 §§ 11, 12, 14, and 15: See note following RCW **41.40.690**.

Legislative direction and placement—Section headings—1977 ex.s. c 294: See notes following RCW **41.26.410**.

41.26.510

Death benefits.

(1) Except as provided in RCW **11.07.010**, if a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW **41.50.670**, shall be paid to the member's estate, or such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW **41.50.670**, shall be paid to the member's surviving spouse or domestic partner as if in fact such spouse or domestic partner had been nominated by written designation, or if there be no such surviving spouse or domestic partner, then to such member's legal representatives.

(2) Except as provided in subsection (4) of this section, if a member who is killed in the course of employment or a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse, domestic partner, or eligible child or children shall elect to receive either:

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(a) A retirement allowance computed as provided for in RCW **41.26.430**, actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW **41.50.670** and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW **41.26.460** and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW **41.26.430**; if a surviving spouse or domestic partner who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse or domestic partner, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse or domestic partner eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse or domestic partner and member were equal at the time of the member's death; or

(b)(i) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW **41.50.670**; or

(ii) If the member dies on or after July 25, 1993, one hundred fifty percent of the member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW **41.50.670**. Any accumulated contributions attributable to restorations made under RCW **41.50.165(2)** shall be refunded at one hundred percent.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies after October 1, 1977, and is not survived by a spouse, domestic partner, or an eligible child, then the accumulated contributions standing to the member's credit, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW **41.50.670**, shall be paid:

(a) To an estate, a person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

(4) The retirement allowance of a member:

(a) Who is killed in the course of employment, as determined by the director of the department of labor and industries,

(b) Who has left the employ of an employer due to service in the national guard or military reserves and dies while honorably serving in the national guard or military reserves during a period of war as defined in RCW **41.04.005**, or

(c) Who has left the employ of an employer due to service in the national guard, military reserves, federal emergency management agency, or national disaster medical system of the United States department of health and human services and dies while performing service in response to a disaster, major emergency, special event, federal exercise, or official training on or after March 22, 2014, is not subject to an actuarial reduction for early retirement as provided in RCW **41.26.430** or an actuarial reduction to reflect a joint and one hundred percent survivor option under RCW **41.26.460**. The member's retirement allowance is computed under RCW **41.26.420**, except that the member shall be entitled to a minimum retirement allowance equal to ten percent of such member's final average salary. The member shall additionally receive a retirement allowance equal to two percent of such member's average final salary for each year of service beyond five.

(5) The retirement allowance paid to the spouse or domestic partner and dependent children of a member who is killed in the course of employment, as set forth in RCW **41.05.011(5)**, shall include reimbursement for any payments of premium rates to the Washington state health care authority pursuant to RCW **41.05.080**.

(6) In addition to the benefits provided in subsection (4) of this section, if the surviving spouse or domestic partner of a member who is killed in the course of employment is not eligible to receive

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industrial insurance payments pursuant to RCW **51.32.050** due to remarriage, the surviving spouse or domestic partner shall receive an amount equal to the benefit they would receive pursuant to RCW **51.32.050** but for the remarriage. This subsection applies to surviving spouses and domestic partners whose benefits pursuant to RCW **51.32.050** were suspended or terminated due to remarriage prior to July 24, 2015. The monthly payments to any surviving spouse or domestic partner who received a lump sum payment pursuant to RCW **51.32.050** shall be actuarially reduced to reflect the amount of the lump sum payment.

[**2016 c 115 § 1**; **2015 c 78 § 1**; **2010 c 261 § 1**. Prior: **2009 c 523 § 7**; **2009 c 226 § 2**; **2006 c 345 § 1**; **2004 c 5 § 1**; **2000 c 247 § 1001**; prior: **1995 c 245 § 1**; **1995 c 144 § 19**; **1993 c 236 § 3**; **1991 c 365 § 31**; **1990 c 249 § 14**; **1977 ex.s. c 294 § 12**.]

NOTES:

Application—2010 c 261 § 1: "Section 1 of this act applies prospectively to the benefits of all members killed in the course of employment since October 1, 1977." [**2010 c 261 § 8**.]

Contractual right not granted—2006 c 345: "The legislature reserves the right to amend or repeal this act in the future and no member or beneficiary has a contractual right to receive any distribution not granted prior to that time." [**2006 c 345 § 3**.]

Effective dates—Subchapter headings not law—2000 c 247: See RCW **41.40.931** and **41.40.932**.

Effective date—1995 c 245: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 5, 1995]." [**1995 c 245 § 3**.]

Severability—1991 c 365: See note following RCW **41.50.500**.

Findings—1990 c 249: See note following RCW **2.10.146**.

Legislative direction and placement—Section headings—1977 ex.s. c 294: See notes following RCW **41.26.410**.

41.26.520

Service credit for paid leave of absence, officers of labor organizations, unpaid leave of absence, military service, death or disability while providing emergency management services.

(1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided for under the provisions of RCW **41.26.410** through **41.26.550**.

(2) A member who receives compensation from an employer while on an authorized leave of absence to serve as an elected official of a labor organization, and whose employer is reimbursed by the labor organization for the compensation paid to the member during the period of absence, may also be considered to be on a paid leave of absence. This subsection shall only apply if the member's leave of

absence is authorized by a collective bargaining agreement that provides that the member retains seniority rights with the employer during the period of leave. The basic salary reported for a member who establishes service credit under this subsection may not be greater than the salary paid to the highest paid job class covered by the collective bargaining agreement.

(3) Except as specified in subsection (7) of this section, a member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if the member makes the employer, member, and state contributions plus interest as determined by the department for the period of the authorized leave of absence within five years of resumption of service or prior to retirement whichever comes sooner.

(4) A law enforcement member may be authorized by an employer to work part time and to go on a part-time leave of absence. During a part-time leave of absence a member is prohibited from any other employment with their employer. A member is eligible to receive credit for any portion of service credit not earned during a month of part-time leave of absence if the member makes the employer, member, and state contributions, plus interest, as determined by the department for the period of the authorized leave within five years of resumption of full-time service or prior to retirement whichever comes sooner. Any service credit purchased for a part-time leave of absence is included in the two-year maximum provided in subsection (3) of this section.

(5) If a member fails to meet the time limitations of subsection (3) or (4) of this section, the member may receive a maximum of two years of service credit during a member's working career for those periods when a member is on unpaid leave of absence authorized by an employer. This may be done by paying the amount required under RCW **41.50.165(2)** prior to retirement.

(6) For the purpose of subsection (3) or (4) of this section the contribution shall not include the contribution for the unfunded supplemental present value as required by RCW **41.45.060**, **41.45.061**, and **41.45.067**. The contributions required shall be based on the average of the member's basic salary at both the time the authorized leave of absence was granted and the time the member resumed employment.

(7) A member who leaves the employ of an employer to enter the uniformed services of the United States shall be entitled to retirement system service credit for up to five years of military service. This subsection shall be administered in a manner consistent with the requirements of the federal uniformed services employment and reemployment rights act.

(a) The member qualifies for service credit under this subsection if:

(i) Within ninety days of the member's honorable discharge from the uniformed services of the United States, the member applies for reemployment with the employer who employed the member immediately prior to the member entering the uniformed services; and

(ii) The member makes the employee contributions required under RCW **41.45.060**, **41.45.061**, and **41.45.067** within five years of resumption of service or prior to retirement, whichever comes sooner; or

(iii) Prior to retirement and not within ninety days of the member's honorable discharge or five years of resumption of service the member pays the amount required under RCW **41.50.165(2)**; or

(iv) Prior to retirement the member provides to the director proof that the member's interruptive military service was during a period of war as defined in RCW **41.04.005**. Any member who made payments for service credit for interruptive military service during a period of war as defined in RCW **41.04.005** may, prior to retirement and on a form provided by the department, request a refund of the funds standing to his or her credit for up to five years of such service, and this amount shall be paid to him or her. Members with one or more periods of interruptive military service credit during a period of war may receive no more than five years of free retirement system service credit under this subsection.

(b) Upon receipt of member contributions under (a)(ii), (d)(iii), or (e)(iii) of this subsection, or adequate proof under (a)(iv), (d)(iv), or (e)(iv) of this subsection, the department shall establish the member's service credit and shall bill the employer and the state for their respective contributions

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required under RCW **41.26.450** for the period of military service, plus interest as determined by the department.

(c) The contributions required under (a)(ii), (d)(iii), or (e)(iii) of this subsection shall be based on the compensation the member would have earned if not on leave, or if that cannot be estimated with reasonable certainty, the compensation reported for the member in the year prior to when the member went on military leave.

(d) The surviving spouse, domestic partner, or eligible child or children of a member who left the employ of an employer to enter the uniformed services of the United States and died while serving in the uniformed services may, on behalf of the deceased member, apply for retirement system service credit under this subsection up to the date of the member's death in the uniformed services. The department shall establish the deceased member's service credit if the surviving spouse or eligible child or children:

(i) Provides to the director proof of the member's death while serving in the uniformed services;

(ii) Provides to the director proof of the member's honorable service in the uniformed services prior to the date of death; and

(iii) Pays the employee contributions required under chapter **41.45** RCW within five years of the date of death or prior to the distribution of any benefit, whichever comes first; or

(iv) Prior to the distribution of any benefit, provides to the director proof that the member's interruptive military service was during a period of war as defined in RCW **41.04.005**. If the deceased member made payments for service credit for interruptive military service during a period of war as defined in RCW **41.04.005**, the surviving spouse or eligible child or children may, prior to the distribution of any benefit and on a form provided by the department, request a refund of the funds standing to the deceased member's credit for up to five years of such service, and this amount shall be paid to the surviving spouse or children. Members with one or more periods of interruptive military service during a period of war may receive no more than five years of free retirement system service credit under this subsection.

(e) A member who leaves the employ of an employer to enter the uniformed services of the United States and becomes totally incapacitated for continued employment by an employer while serving in the uniformed services is entitled to retirement system service credit under this subsection up to the date of discharge from the uniformed services if:

(i) The member obtains a determination from the director that he or she is totally incapacitated for continued employment due to conditions or events that occurred while serving in the uniformed services;

(ii) The member provides to the director proof of honorable discharge from the uniformed services; and

(iii) The member pays the employee contributions required under chapter **41.45** RCW within five years of the director's determination of total disability or prior to the distribution of any benefit, whichever comes first; or

(iv) Prior to retirement the member provides to the director proof that the member's interruptive military service was during a period of war as defined in RCW **41.04.005**. Any member who made payments for service credit for interruptive military service during a period of war as defined in RCW **41.04.005** may, prior to retirement and on a form provided by the department, request a refund of the funds standing to his or her credit for up to five years of such service, and this amount shall be paid to him or her. Members with one or more periods of interruptive military service credit during a period of war may receive no more than five years of free retirement system service credit under this subsection.

(f) The surviving spouse, domestic partner, or eligible child or children of a member who left the employ of an employer to enter the uniformed services of the United States, federal emergency management agency, or national disaster medical system of the United States department of health and human services and died while performing service in response to a disaster, major emergency, special event, federal exercise, or official training on or after March 22, 2014, may, on behalf of the deceased member, apply for retirement system service credit under this subsection up to the date of the member's death in such service. The department shall establish the deceased member's service credit if the

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surviving spouse or eligible child or children provides to the director proof of the member's death while in such service.

(g) A member who leaves the employ of an employer to enter the uniformed services of the United States, federal emergency management agency, or national disaster medical system of the United States department of health and human services and becomes totally incapacitated for continued employment by an employer while providing such service is entitled to retirement system service credit under this subsection up to the date of separation from such service if the member obtains a determination from the director that he or she is totally incapacitated for continued employment due to conditions or events that occurred while performing such service.

(8) A member receiving benefits under Title 51 RCW who is not receiving benefits under this chapter shall be deemed to be on unpaid, authorized leave of absence.

[2016 c 115 § 2. Prior: 2009 c 523 § 8; 2009 c 205 § 8; 2005 c 64 § 9; 2002 c 28 § 1; 2000 c 247 § 1105; 1996 c 61 § 1; 1994 c 197 § 10; 1993 c 95 § 4; 1992 c 119 § 1; 1989 c 88 § 2; 1977 ex.s. c 294 § 13.]

NOTES:

Effective dates—Subchapter headings not law—2000 c 247: See RCW 41.40.931 and 41.40.932.

Intent—Severability—Effective date—1994 c 197: See notes following RCW 41.50.165.

Retroactive application—Effective date—1993 c 95: See notes following RCW 41.40.175.

Retroactive application—1992 c 119: "This act applies retroactively for retirement system service credit for military service which began on or after January 1, 1990." [1992 c 119 § 4.]

Legislative direction and placement—Section headings—1977 ex.s. c 294: See notes following RCW 41.26.410.

41.26.530

Vested membership.

(1) A member who separates or has separated after having completed at least five years of service may remain a member during the period of such member's absence from service for the exclusive purpose only of receiving a retirement allowance under the provisions of RCW 41.26.430 if such member maintains the member's accumulated contributions intact.

(2) The retirement allowance payable under the provisions of RCW 41.26.430 to a member who separates after having completed at least twenty years of service, and remains a member during the period of his or her absence from service by maintaining his or her accumulated contributions intact, shall be increased by twenty-five one-hundredths of one percent, compounded for each month from the date of separation to the date the retirement allowance commences as provided in RCW 41.26.490.

[1993 c 517 § 5; 1977 ex.s. c 294 § 14.]

NOTES:

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Purpose—1993 c 517: See note following RCW 41.26.420.

Legislative direction and placement—Section headings—1977 ex.s. c 294: See notes following RCW 41.26.410.

41.26.540

Refund of contributions on termination.

(1)(a) A member who has completed less than ten years of service, who ceases to be an employee of an employer except by service or disability retirement, may request a refund of the member's accumulated contributions.

(b) A member who has completed ten or more years of service, who ceases to be an employee of an employer except by service or disability retirement, may request a refund of one hundred fifty percent of the member's accumulated contributions. Any accumulated contributions attributable to restorations made under RCW 41.50.165(2) shall be refunded at one hundred percent.

(2) The refund shall be made within ninety days following the receipt of the request and notification of termination through the contribution reporting system by the employer; except that in the case of death, an initial payment shall be made within thirty days of receipt of request for such payment and notification of termination through the contribution reporting system by the employer. A member who files a request for refund and subsequently enters into employment with another employer prior to the refund being made shall not be eligible for a refund. The refund of accumulated contributions shall terminate all rights to benefits under RCW 41.26.410 through 41.26.550.

[1995 c 245 § 2; 1993 c 517 § 6; 1982 1st ex.s. c 52 § 5; 1977 ex.s. c 294 § 15.]

NOTES:

Effective date—1995 c 245: See note following RCW 41.26.510.

Purpose—1993 c 517: See note following RCW 41.26.420.

Effective dates—1982 1st ex.s. c 52: See note following RCW 2.10.180.

Legislative direction and placement—Section headings—1977 ex.s. c 294: See notes following RCW 41.26.410.

41.26.545

Emergency medical technicians—Establishing service credit—Dates—Process—Contributions.

(1) A member who provided service as an emergency medical technician to an employer may establish credit for such service rendered on or after July 24, 2005, and prior to July 23, 2017, unless that service is already credited. Upon receipt of a written request, the department of retirement systems must notify the member of the cost to establish credit for all or part of such service.

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(a) Before July 1, 2018, a member not enrolled in the public employees' retirement system for service between July 24, 2005, and July 23, 2017, may elect to establish credit in plan 2 under this section. Such election must be filed in writing with the department of retirement systems by June 30, 2018. The elected period must be in contiguous monthly increments beginning with the oldest service.

(i) To establish service under this section, except as provided in RCW **41.26.546**, the member must pay the employee contributions he or she would have paid if he or she had been participating in the retirement system at the time of the service:

- (A) No later than five years from the effective date of the election made under this section; and
- (B) Prior to retirement.

(ii) Upon full payment of employee contributions for the elected period of service the department of retirement systems must:

(A) Credit the member with the service; and

(B) Bill the employer for the employer contributions it would have paid if such member had been participating in the retirement system at the time of such service. The amount billed to the employer by the department of retirement systems must be reduced by the amount of any employer contributions to an employee's retirement account prior to January 1, 2016, not to exceed three percent of the member's basic salary from July 1, 2005, through December 31, 2015.

(iii) The employer shall pay the required amount prior to July 1, 2028.

(b)(i) A member of the public employees' retirement system who is eligible for membership in the law enforcement officers' and firefighters' retirement system plan 2 under this section may:

(A) Make an election in writing to the department of retirement systems by January 1, 2018, to remain a member of the public employees' retirement system and not participate in the law enforcement officers' and firefighters' retirement system plan 2;

(B) Leave any service credit earned as a member of the public employees' retirement system in the public employees' retirement system, and have service rendered on or after January 1, 2018, as an emergency medical technician in the law enforcement officers' and firefighters' retirement system plan 2, becoming a dual member under the provisions of chapter **41.54** RCW; or

(C) Before July 1, 2018, elect to transfer service credit previously earned as an emergency medical technician to the law enforcement officers' and firefighters' retirement system plan 2 as defined in RCW **41.26.030**. Such election must be filed in writing with the department of retirement systems by June 30, 2018.

(I) A member who elects to transfer service credit under this subsection (1)(b) shall pay, for the applicable period of service, the difference between the contributions the employee paid to the public employees' retirement system plan and the contributions that would have been paid by the employee had the employee been a member of the law enforcement officers' and firefighters' retirement system plan 2, plus interest on this difference as determined by the director.

(II) The payment under (a) of this subsection must be made no later than five years from the effective date of the election and must be made prior to retirement, except as provided under RCW **41.26.546**.

(2) Upon transfer or establishment of service credit, contributions, and interest under this section, the employee is permanently excluded from membership in the public employees' retirement system for all service transfers related to their time served as an emergency medical technician under the public employees' retirement system.

(3) Employers shall provide the department of retirement systems with a list of former employees who were employed as emergency medical technicians on or after July 24, 2005, and who are eligible to establish credit for service under this section. The list must include a former employee's name, last known address, and period of employment. The department of retirement systems must notify former employees of the process and cost to establish credit for service under this section.

[2017 c 309 § 2.]

41.26.546**Emergency medical technicians—Member elects to transfer under RCW 41.26.545—Death—Retirement for disability.**

If a member who elected to transfer pursuant to RCW **41.26.545** dies or retires for disability prior to five years from their election date, the member's benefit is calculated as follows:

(1) All of the applicable service credit, accumulated contributions, and interest is transferred to or established in the law enforcement officers' and firefighters' retirement system plan 2 and used in the calculation of a benefit.

(2) If a member's obligation under RCW **41.26.545** has not been paid in full at the time of death or disability retirement, the member, or in the case of death the surviving spouse or eligible minor children, have the following options:

(a) Pay the bill in full;

(b) If a continuing monthly benefit is chosen, have the benefit actuarially reduced to reflect the amount of the unpaid obligation under RCW **41.26.545**; or

(c) Continue to make payment against the obligation under RCW **41.26.545**, provided that payment in full is made no later than five years from the member's original election date.

[2017 c 309 § 3.]

41.26.547**Emergency medical technicians—Job relocation—Retirement options. (Expires July 1, 2023.)**

(1) A member of plan 2 who was a member of the public employees' retirement system while employed providing emergency medical services for a city, town, county, or district and whose job was relocated from another department of a city, town, county, or district to a fire department, or a member of the public employees' retirement system who is eligible for membership in plan 2 under *RCW **41.26.030(4)(h)**, has the following options:

(a) Remain a member of the public employees' retirement system; or

(b) Leave any service credit earned as a member of the public employees' retirement system in the public employees' retirement system, and have all future service earned in the law enforcement officers' and firefighters' retirement system plan 2, becoming a dual member under the provisions of chapter **41.54** RCW; or

(c) Make an election no later than June 30, 2013, filed in writing with the department of retirement systems, to transfer service credit previously earned as an emergency medical technician for a city, town, county, or district in the public employees' retirement system plan 1 or plan 2 to the law enforcement officers' and firefighters' retirement system plan 2 as defined in RCW **41.26.030**. Service credit that a member elects to transfer from the public employees' retirement system to the law enforcement officers' and firefighters' retirement system under this section shall be transferred no earlier than five years after the effective date the member elects to transfer except under subsection (3) of this section, and only after the member earns five years of service credit as a firefighter following the effective date the member elects to transfer except under subsection (3) of this section.

(2) A member of plan 1 who was a member of the public employees' retirement system while employed providing emergency medical services for a city, town, county, or district and whose job was

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relocated from another department of a city, town, county, or district to a fire department has the following options:

(a) Remain a member of the public employees' retirement system; or

(b) Leave any service credit earned as a member of the public employees' retirement system in the public employees' retirement system, and have all future service earned in the law enforcement officers' and firefighters' retirement system plan 1.

(3)(a) A member who elects to transfer service credit under subsection (1)(c) of this section shall make the payments required by this subsection prior to having service credit earned as an emergency medical technician for a city, town, county, or district under the public employees' retirement system plan 1 or plan 2 transferred to the law enforcement officers' and firefighters' retirement system plan 2. However, in no event shall service credit be transferred earlier than five years after the effective date the member elects to transfer, or prior to the member earning five years of service credit as a firefighter following the effective date the member elects to transfer, except under (e) of this subsection.

(b) A member who elects to transfer service credit under this subsection shall pay, for the applicable period of service, the difference between the contributions the employee paid to the public employees' retirement system plan 1 or plan 2 and the contributions that would have been paid by the employee had the employee been a member of the law enforcement officers' and firefighters' retirement system plan 2, plus interest on this difference as determined by the director. This payment must be made no later than five years from the effective date of the election made under subsection (1)(c) of this section and must be made prior to retirement, except under (e) of this subsection.

(c) For a period of service transferred by a member eligible for membership in plan 2 under *RCW 41.26.030(4)(h), the employer shall pay an amount sufficient to ensure that the contribution level to the law enforcement officers' and firefighters' retirement system will not increase due to this transfer. This payment must be made within five years of the completion of the employee payment in (b) of this subsection.

(d) No earlier than five years after the effective date the member elects to transfer service credit under this section and upon completion of the payment required in (b) of this subsection except under (e) of this subsection, the department shall transfer from the public employees' retirement system plan 1 or plan 2 to the law enforcement officers' and firefighters' retirement system plan 2: (i) All of the employee's applicable accumulated contributions plus interest and an equal amount of employer contributions; and (ii) all applicable months of service, as defined in *RCW 41.26.030(14)(b), credited to the employee under this chapter for service as an emergency services provider for a city, town, county, or district as though that service was rendered as a member of the law enforcement officers' and firefighters' retirement system plan 2.

(e) If a member who elected to transfer pursuant to this section dies or retires for disability prior to five years from their election date, the member's benefit is calculated as follows:

(i) All of the applicable service credit, accumulated contributions, and interest is transferred to the law enforcement officers' and firefighters' retirement system plan 2 and used in the calculation of a benefit.

(ii) If a member's obligation under (b) of this subsection has not been paid in full at the time of death or disability retirement, the member, or in the case of death the surviving spouse or eligible minor children, have the following options:

(A) Pay the bill in full;

(B) If a continuing monthly benefit is chosen, have the benefit actuarially reduced to reflect the amount of the unpaid obligation under (b) of this subsection; or

(C) Continue to make payment against the obligation under (b) of this subsection, provided that payment in full is made no later than five years from the member's original election date.

(f) Upon transfer of service credit, contributions, and interest under this subsection, the employee is permanently excluded from membership in the public employees' retirement system for all service transfers related to their time served as an emergency medical technician for a city, town, county, or district under the public employees' retirement system plan 1 or plan 2.

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[2007 c 304 § 1; 2005 c 459 § 2; 2003 c 293 § 1.]

NOTES:

***Reviser's note:** RCW 41.26.030 was alphabetized pursuant to RCW 1.08.015(2)(k), changing subsections (4)(h) and (14)(b) to subsections (16)(h) and (28)(b) respectively.

Expiration date—2014 c 145; 2007 c 304: "Sections 1 and 3 of this act expire July 1, 2023." [2014 c 145 § 1; 2007 c 304 § 4.]

Expiration date—2005 c 459 § 2: "Section 2 of this act expires July 1, 2023." [2007 c 304 § 2; 2005 c 459 § 3.]

Expiration date—2003 c 293: "This act expires July 1, 2023." [2007 c 304 § 3; 2003 c 293 § 2.]

41.26.550

Reentry.

(1) A member, who had left service and withdrawn the member's funds pursuant to RCW 41.26.540, shall receive service credit for such prior service if the member restores all withdrawn funds together with interest since the time of withdrawal as determined by the department.

The restoration of such funds must be completed within five years of the resumption of service or prior to retirement, whichever occurs first.

(2) If a member fails to meet the time limitations of subsection (1) of this section, the member may receive service credit destroyed by the withdrawn contributions if the amount required under RCW 41.50.165(2) is paid.

[1994 c 197 § 11; 1993 c 517 § 7; 1977 ex.s. c 294 § 16.]

NOTES:

Intent—Severability—Effective date—1994 c 197: See notes following RCW 41.50.165.

Purpose—1993 c 517: See note following RCW 41.26.420.

Legislative direction and placement—Section headings—1977 ex.s. c 294: See notes following RCW 41.26.410.

41.26.700

Overview—Intent.

The law enforcement officers' and firefighters' retirement system plan 2 is currently subject to policymaking by the legislature's joint committee on pension policy with ratification by the members of

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the legislature and is administered by the department of retirement systems.

Members of the plan have no direct input into the management of their retirement program. Forty-six other states currently have member representation in their pension management. Chapter 2, Laws of 2003 is intended to give management of the retirement program to the people whose lives are directly affected by it and who provide loyal and valiant service to ensure the health, safety, and welfare of the citizens of the state of Washington.

[2003 c 2 § 1 (Initiative Measure No. 790, approved November 5, 2002).]

41.26.705

Intent—2003 c 2.

It is the intent of chapter 2, Laws of 2003 to:

- (1) Establish a board of trustees responsible for the adoption of actuarial standards to be applied to the plan;
- (2) Provide for additional benefits for firefighters and law enforcement officers subject to the cost limitations provided for in chapter 2, Laws of 2003;
- (3) Exercise fiduciary responsibility in the oversight of those pension management functions assigned to the board;
- (4) Provide effective monitoring of the plan by providing an annual report to the legislature, to the members and beneficiaries of the plan, and to the public;
- (5) Establish contribution rates for employees, employers, and the state of Washington that will guaranty viability of the plan, subject to the limitations provided for in chapter 2, Laws of 2003;
- (6) Provide for an annual budget and to pay costs from the trust, as part of the normal cost of the plan; and
- (7) Enable the board of trustees to retain professional and technical advisors as necessary for the fulfillment of their statutory responsibilities.

[2003 c 2 § 2 (Initiative Measure No. 790, approved November 5, 2002).]

41.26.710

Definitions.

The definitions in this section apply throughout this subchapter unless the context clearly requires otherwise.

- (1) "Member" or "beneficiary" means:
 - (a) Current and future law enforcement officers and firefighters who are contributing to the plan;
 - (b) Retired employees or their named beneficiaries who receive benefits from the plan; and
 - (c) Separated vested members of the plan who are not currently receiving benefits.
- (2) "Plan" means the law enforcement officers' and firefighters' retirement system plan 2.
- (3) "Actuary" means the actuary employed by the board of trustees.
- (4) "State actuary" means the actuary employed by the department.
- (5) "Board" means the board of trustees.
- (6) "Board member" means a member of the board of trustees.
- (7) "Department" means the department of retirement systems.
- (8) "Minimum benefits" means those benefits provided for in chapter **41.26** RCW as of July 1, 2003.
- (9) "Employer" means the same as under *RCW **41.26.030(2)(b)**.

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(10) "Enrolled actuary" means an actuary who is enrolled under the employee retirement income security act of 1974 (Subtitle C of Title III) and who is a member of the society of actuaries or the American academy of actuaries.

(11) "Increased benefit" means a benefit in addition to the minimum benefits.

(12) "Trust" means the assets of the plan.

(13) "Benefits" means the age or service or combination thereof required for retirement, the level of service and disability retirement benefits, survivorship benefits, payment options including a deferred retirement option plan, average final compensation, postretirement cost-of-living adjustments, including health care and the elements of compensation. Benefits shall not include the classifications of employment eligible to participate in the plan.

(14) "Actuarially sound" means the plan is sufficiently funded to meet its projected liabilities and to defray the reasonable expenses of its operation based upon commonly accepted, sound actuarial principles.

[2003 c 2 § 3 (Initiative Measure No. 790, approved November 5, 2002).]

NOTES:

*Reviser's note: RCW 41.26.030 was alphabetized pursuant to RCW 1.08.015(2)(k), changing subsection (2)(b) to subsection (14)(b).

41.26.715

Board of trustees—Created—Selection of trustees—Terms of office—Vacancies.

(1) An eleven member board of trustees is hereby created.

(a) Before January 1, 2007, three of the board members shall be active law enforcement officers who are participants in the plan. Beginning with the first vacancy on or after January 1, 2007, two board members shall be active law enforcement officers who are participants in the plan and one board member shall be either an active or a retired law enforcement officer who is a participant of the plan. The law enforcement officer board members shall be appointed by the governor from a list provided by a recognized statewide council whose membership consists exclusively of guilds, associations, and unions representing state and local government police officers, deputies, and sheriffs and excludes federal law enforcement officers.

(b) Before January 1, 2007, three of the board members shall be active firefighters who are participants in the plan. Beginning with the first vacancy on or after January 1, 2007, two board members shall be active firefighters who are participants in the plan and one board member shall be either an active or a retired firefighter who is a participant of the plan. The firefighter board members shall be appointed by the governor from a list provided by a recognized statewide council, affiliated with an international association representing the interests of firefighters.

(c) Three of the board members shall be representatives of employers and shall be appointed by the governor.

(d) One board member shall be a member of the house of representatives who is appointed by the governor based on the recommendation of the speaker of the house of representatives.

(e) One board member shall be a member of the senate who is appointed by the governor based on the recommendation of the majority leader of the senate.

(f) After January 1, 2008, at least one board member must be a retired participant of the law enforcement officers' and firefighters' retirement system plan 2. This member may be appointed under (a) through (e) of this subsection.

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(2) The initial law enforcement officer and firefighter board members shall serve terms of six, four, and two years, respectively. Thereafter, law enforcement officer and firefighter board members serve terms of six years. The initial employer representative board members shall serve terms of four, five, and six years, respectively. Thereafter, employer representative board members serve terms of four years. The initial legislative board members shall serve terms of five years and six months. Thereafter, legislative board members serve terms of two years, which begin on January 1st of odd-numbered years. Board members may be reappointed to succeeding terms without limitation. Board members shall serve until their successors are appointed and seated.

(3) In the event of a vacancy on the board, the vacancy shall be filled in the same manner as prescribed for an initial appointment.

[2007 c 303 § 1; 2003 c 2 § 4 (Initiative Measure No. 790, approved November 5, 2002).]

41.26.7151

Board of trustees—Political party representation.

The legislative board members appointed under RCW **41.26.715** must include one member from the two largest political parties. The speaker of the house of representatives shall request a recommendation from the minority leader of the house of representatives if a member from the opposite party must be recommended for appointment. The majority leader of the senate shall request a recommendation from the minority leader of the senate if a member from the opposite party must be recommended for appointment.

[2007 c 303 § 2.]

41.26.717

Additional duties and powers of board.

The law enforcement officers' and firefighters' plan 2 retirement board established in section 4, chapter 2, Laws of 2003 has the following duties and powers in addition to any other duties or powers authorized or required by law. The board:

(1) Shall hire an executive director, and shall fix the salary of the executive director subject to periodic review by the board and in consultation with the director of the office of financial management and shall provide notice to the chairs of the house of representatives and senate fiscal committees of changes;

(2) Shall employ other staff as necessary to implement the purposes of chapter 2, Laws of 2003. Staff must be state employees under Title **41** RCW;

(3) Shall adopt an annual budget as provided in section 5, chapter 2, Laws of 2003. Expenses of the board are paid from the expense fund created in RCW **41.26.732**;

(4) May make, execute, and deliver contracts, conveyances, and other instruments necessary to exercise and discharge its powers and duties;

(5) May contract for all or part of the services necessary for the management and operation of the board with other state or nonstate entities authorized to do business in the state; and

(6) May contract with actuaries, auditors, and other consultants as necessary to carry out its responsibilities.

[2018 c 272 § 2; 2003 c 92 § 1.]

41.26.720**Board of trustees—Powers—Meeting procedures—Quorum—Judicial review—Budget.**

(1) The board of trustees have the following powers and duties and shall:

(a) Adopt actuarial tables, assumptions, and cost methodologies in consultation with an enrolled actuary retained by the board. The state actuary shall provide assistance when the board requests. The actuary retained by the board shall utilize the aggregate actuarial cost method, or other recognized actuarial cost method based on a level percentage of payroll, as that term is employed by the American academy of actuaries. The actuary retained by the board shall adjust the actuarial cost method to recognize the actuarial present value of future revenue that will be included in the calculation of the market value of assets pursuant to RCW **41.26.805(2)**, using the methods and assumptions employed by the state actuary in RCW **41.26.805(9)**. In determining the reasonableness of actuarial valuations, assumptions, and cost methodologies, the actuary retained by the board shall provide a copy of all such calculations to the state actuary. If the two actuaries concur on the calculations, contributions shall be made as set forth in the report of the board's actuary. If the two actuaries cannot agree, they shall appoint a third, independent, enrolled actuary who shall review the calculations of the actuary retained by the board and the state actuary. Thereafter, contributions shall be based on the methodology most closely following that of the third actuary;

(b)(i) Provide for the design and implementation of increased benefits for members and beneficiaries of the plan, subject to the contribution limitations under RCW **41.26.725**. An increased benefit may not be approved by the board until an actuarial cost of the benefit has been determined by the actuary and contribution rates adjusted as may be required to maintain the plan on a sound actuarial basis. Increased benefits as approved by the board shall be presented to the legislature on January 1st of each year. The increased benefits as approved by the board shall become effective within ninety days unless a bill is enacted in the next ensuing session of the legislature, by majority vote of each house of the legislature, repealing the action of the board;

(ii) As an alternative to the procedure in (b)(i) of this subsection, recommend to the legislature changes in the benefits for members and beneficiaries, without regard to the cost limitations in RCW **41.26.725(3)**. Benefits adopted in this manner shall have the same contractual protections as the minimum benefits in the plan. The recommendations of the board shall be presented to the legislature on January 1st of each year. These measures shall take precedence over all other measures in the legislature, except appropriations bills, and shall be either enacted or rejected without change or amendment by the legislature before the end of such regular session;

(c) Retain professional and technical advisors necessary for the accomplishment of its duties. The cost of these services may be withdrawn from the trust;

(d) Consult with the department for the purpose of improving benefit administration and member services;

(e) Provide an annual report to the governor and the legislature setting forth the actuarial funding status of the plan and making recommendations for improvements in those aspects of retirement administration directed by the legislature or administered by the department;

(f) Establish uniform administrative rules and operating policies in the manner prescribed by law;

(g) Engage administrative staff and acquire office space independent of, or in conjunction with, the department. The department shall provide funding from its budget for these purposes;

(h) Publish on an annual basis a schedule of increased benefits together with a summary of the minimum benefits as established by the legislature which shall constitute the official plan document; and

(i) Be the fiduciary of the plan and discharge the board's duties solely in the interest of the members and beneficiaries of the plan.

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(2) Meetings of the board of trustees shall be conducted as follows:

(a) All board meetings are open to the public, preceded by timely public notice;

(b) All actions of the board shall be taken in open public session, except for those matters which may be considered in executive session as provided by law;

(c) The board shall retain minutes of each meeting setting forth the names of those board members present and absent, and their voting record on any voted issue; and

(d) The board may establish, with the assistance of the appropriate office of state government, an internet web site providing for interactive communication with state government, members and beneficiaries of the plan, and the public.

(3) A quorum of the board is six board members. All board actions require six concurring votes.

(4) The decisions of the board shall be made in good faith and are final, binding, and conclusive on all parties. The decisions of the board shall be subject to judicial review as provided by law.

(5) A law enforcement officers' and firefighters' retirement system plan 2 expense fund is established for the purpose of defraying the expenses of the board. The board shall cause an annual budget to be prepared consistent with the requirements of chapter **43.88** RCW and shall draw the funding for the budget from the investment income of the trust. Board members shall be reimbursed for travel and education expenses as provided in RCW **43.03.050** and **43.03.060**. The board shall make an annual report to the governor, legislature, and state auditor setting forth a summary of the costs and expenditures of the plan for the preceding year. The board shall also retain the services of an independent, certified public accountant who shall annually audit the expenses of the fund and whose report shall be included in the board's annual report.

[**2008 c 99 § 5**; 2003 c 2 § 5 (Initiative Measure No. 790, approved November 5, 2002).]

NOTES:

Findings—Purpose—2008 c 99: See note following RCW **41.26.800**.

41.26.725

Board of trustees—Contributions—Minimum and increased benefits.

(1) The board of trustees shall establish contributions as set forth in this section. The cost of the minimum benefits as defined in this plan shall be funded on the following ratio:

Employee contributions	50%
Employer contributions	30%
State contributions	20%

(2) The minimum benefits shall constitute a contractual obligation of the state and the contributing employers and may not be reduced below the levels in effect on July 1, 2003. The state and the contributing employers shall maintain the minimum benefits on a sound actuarial basis in accordance with the actuarial standards adopted by the board.

(3) Increased benefits created as provided for in RCW **41.26.720** are granted on a basis not to exceed the contributions provided for in this section. In addition to the contributions necessary to maintain the minimum benefits, for any increased benefits provided for by the board, the employee contribution shall not exceed fifty percent of the actuarial cost of the benefit. In no instance shall the employee cost exceed ten percent of covered payroll without the consent of a majority of the affected employees. Employer contributions shall not exceed thirty percent of the cost, but in no instance shall the employer contribution exceed six percent of covered payroll. State contributions shall not exceed

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twenty percent of the cost, but in no instance shall the state contribution exceed four percent of covered payroll. Employer contributions may not be increased above the maximum under this section without the consent of the governing body of the employer. State contributions may not be increased above the maximum provided for in this section without the consent of the legislature. In the event that the cost of maintaining the increased benefits on a sound actuarial basis exceeds the aggregate contributions provided for in this section, the board shall submit to the affected members of the plan the option of paying the increased costs or of having the increased benefits reduced to a level sufficient to be maintained by the aggregate contributions. The reduction of benefits in accordance with this section shall not be deemed a violation of the contractual rights of the members, provided that no reduction may result in benefits being lower than the level of the minimum benefits.

(4) The board shall manage the trust in a manner that maintains reasonable contributions and administrative costs. Providing additional benefits to members and beneficiaries is the board's priority.

[2003 c 93 § 1; 2003 c 2 § 6 (Initiative Measure No. 790, approved November 5, 2002).]

NOTES:

Effective date—2003 c 93: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 23, 2003]." [2003 c 93 § 2.]

41.26.730

Joint committee on pension policy—Pension funding council.

The joint committee on pension policy established in *RCW 44.44.050, and the pension funding council created in RCW 41.45.100, shall have no applicability or authority over matters relating to this plan.

[2003 c 2 § 7 (Initiative Measure No. 790, approved November 5, 2002).]

NOTES:

*Reviser's note: RCW 44.44.050 was repealed by 2003 c 295 § 15.

41.26.732

Plan 2 expense fund—Board oversight and administration—State investment board.

(1) A law enforcement officers' and firefighters' retirement system plan 2 expense fund is created within the law enforcement officers' and firefighters' retirement system plan 2 fund.

(2) The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the expense fund. The state investment board is authorized to adopt investment policies for the money in the expense fund. All investment and operating costs associated with the investment of money shall be paid pursuant to RCW 43.33A.160 and 43.84.160. With the

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exception of these expenses, the earnings from the investment of the money shall be retained by the law enforcement officers' and firefighters' retirement system plan 2 fund.

(3) All investments made by the investment board shall be made with the exercise of that degree of judgment and care pursuant to RCW **43.33A.140** and the investment policy established by the state investment board.

(4) When appropriate for investment purposes, the state investment board may commingle money in the expense fund with other funds.

(5) The authority to establish all policies relating to the expense fund, other than the investment policies as set forth in subsections (2) through (4) of this section, resides with the law enforcement officers' and firefighters' plan 2 retirement board. With the exception of investments by, and expenses of, the state investment board set forth in subsection (2) of this section, disbursements from this expense fund may be made only on the authorization of the law enforcement officers' and firefighters' plan 2 retirement board, and money in the expense fund may be spent only for the purposes of defraying the expenses of the law enforcement officers' and firefighters' plan 2 retirement board as provided in section 5, chapter 2, Laws of 2003.

(6) The state investment board shall routinely consult and communicate with the law enforcement officers' and firefighters' plan 2 retirement board on the investment policy, earnings of the trust, and related needs of the expense fund.

(7) The law enforcement officers' and firefighters' plan 2 retirement board shall administer the expense fund in a manner reasonably designed to be actuarially sound. The assets of the expense fund must be sufficient to defray the obligations of the account including the costs of administration. Money used for administrative expenses is subject to the allotment of all expenditures pursuant to chapter **43.88** RCW. However, an appropriation is not required for expenditures. Administrative expenses include, but are not limited to, the salaries and expenses of law enforcement officers' and firefighters' plan 2 retirement board personnel including lease payments, travel, and goods and services necessary for operation of the board, audits, and other general costs of conducting the business of the board.

(8) The state investment board shall allocate from the law enforcement officers' and firefighters' retirement system plan 2 fund to the expense fund the amount necessary to cover the expenses of the law enforcement officers' and firefighters' plan 2 retirement board.

[2003 c 92 § 6.]

41.26.735

Asset management.

Assets of the plan shall be managed by the state investment board as provided by law.

[2003 c 2 § 8 (Initiative Measure No. 790, approved November 5, 2002).]

41.26.740

Reimbursement for expenses.

All expenses of the department and the office of the state actuary related to the implementation of chapter 2, Laws of 2003 shall be reimbursed from the law enforcement officers' and firefighters' retirement system expense fund under RCW **39.34.130**.

[2003 c 92 § 7.]

41.26.800**Local public safety enhancement account—Creation—Distribution—Uses.**

The local public safety enhancement account is created in the state treasury. Moneys in the account may be spent only after appropriation. All receipts from RCW **41.26.802** must be deposited into the account. Expenditures from the account may be used as follows:

(1) Following appropriation, fifty percent of the money in the account shall be transferred to the law enforcement officers' and firefighters' retirement system benefits improvement account established in RCW **41.26.805**.

(2) Following appropriation, the balance shall be distributed by the state treasurer to all jurisdictions with law enforcement officers' and firefighters' plan 2 members. Each year, the department of retirement systems will determine each jurisdiction's proportionate share of funds based on the number of plan 2 members each jurisdiction has on June 1st of the prior year divided by the total number of plan 2 members in the system. The department of retirement systems shall provide the distribution allocation to the state treasurer. Distributions by the state treasurer shall be made annually each January 1st with one-half of the appropriation being distributed in the first year of the appropriation and any remainder the following year. If an appropriation is made for a single fiscal year, the entire appropriation shall be distributed the following January 1st. Jurisdictions that contract with other eligible jurisdictions for law enforcement services or fire protection services must agree on the distribution of funds between the contracting parties and must inform the department of retirement systems as to how the distribution is to be made. Distributions will continue to be made under the terms of the agreement until the department of retirement systems is notified by the eligible jurisdiction of any agreement revisions. If there is no agreement within six months of the distribution date, the moneys lapse to the state treasury. Moneys distributed from the balance of the public safety enhancement account may be used for the following purposes: (a) Criminal justice, including those where an ancillary benefit to the civil justice occurs, and includes domestic violence programs; (b) information and assistance to parents and families dealing with at-risk or runaway youth; or (c) public safety. Money distributed from the account shall not supplant existing funds used for these purposes. For purposes of this subsection, "existing funds" means the actual operating expenditures for the calendar year prior to the first distribution from the account. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, change in contract provisions beyond the control of the jurisdiction receiving the services, and major capital expenditures.

[2008 c 99 § 2.]

NOTES:

Findings—Purpose—2008 c 99: "The legislature finds that local governments need additional revenues to provide public safety resources in order to protect the citizens of Washington from fire and crime. The legislature finds that the current benefit formula and contributions for the law enforcement officers' and firefighters' plan 2 are inadequate to modify that formula in recognition of the shorter working careers for firefighters and police officers. The legislature recognizes that although some officers and firefighters are able to work comfortably beyond twenty-five years, the combat nature of fire suppression and law enforcement generally require earlier retirement ages. In recognition of the physical demands of the professions and the inherent risks faced by law enforcement officers and firefighters, eligibility for retirement in the law enforcement officers' and firefighters' plan 2 system has been set at age fifty-three. However, the benefit formula is designed for careers of thirty-five to forty years, making retirement at age fifty-three an unrealistic option for many.

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Therefore, the legislature declares that it is the purpose of this act to provide local government public safety employers and the law enforcement officers' and firefighters' plan 2 pension plan with additional shared revenues when general state revenues exceed by more than five percent the previous fiscal biennium's revenue." [2008 c 99 § 1.]

41.26.802

Local public safety enhancement account—Transfers into account.

(1) By September 30, 2011, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer five million dollars to the local public safety enhancement account.

(2) By September 30, 2019, and by September 30 of each odd-numbered year thereafter, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer the lesser of one-third of the increase, or fifty million dollars, to the local public safety enhancement account.

[2017 3rd sp.s. c 1 § 964; 2015 3rd sp.s. c 4 § 950; 2013 2nd sp.s. c 4 § 969; 2008 c 99 § 4.]

NOTES:

Effective date—2017 3rd sp.s. c 1: See note following RCW **43.41.455**.

Effective dates—2015 3rd sp.s. c 4: See note following RCW **28B.15.069**.

Effective dates—2013 2nd sp.s. c 4: See note following RCW **2.68.020**.

Findings—Purpose—2008 c 99: See note following RCW **41.26.800**.

41.26.805

Local law enforcement officers' and firefighters' retirement system benefits improvement account—Creation—Use—Administration—Investments.

(1) The local law enforcement officers' and firefighters' retirement system benefits improvement account (benefits account) is created within the law enforcement officers' and firefighters' retirement system plan 2 fund. All receipts from RCW **41.26.800**(1) must be deposited into the account.

(2) The funds in the benefits account shall not be included by the actuary retained by the board in the calculation of the market value of assets of the law enforcement officers' and firefighters' retirement system plan 2 fund until the board directs the actuary retained by the board in writing to do so for purposes of financing benefits enacted by the legislature. The board shall, in consultation with the state investment board and within ninety days of the transfer of funds into the benefits account, provide the actuary retained by the board, in writing, the market value of the amount directed from the benefits account for inclusion in the calculation of the market value of assets of the law enforcement officers' and firefighters' retirement system plan 2 fund. The market value of the amount directed from the benefits account shall be an amount determined by the state actuary to sufficiently offset the unfunded actuarial accrued liabilities of benefit improvements financed from this account. The market value of the amount

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directed from the benefits account shall be determined as of the date of the direction from the board to include this amount for purposes of financing benefits enacted by the legislature.

(3) The law enforcement officers' and firefighters' plan 2 retirement board shall administer the fund in an actuarially sound manner.

(4) The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the benefits account. The state investment board is authorized to adopt investment policies for the money in the benefits account. All investment and operating costs associated with the investment of money within the benefits account shall be paid pursuant to RCW **43.33A.160** and **43.84.160**. With the exception of these expenses, the earnings from the investment of the money shall be retained by the benefits account.

(5) All investments made by the state investment board shall be made with the exercise of that degree of judgment and care pursuant to RCW **43.33A.140** and the investment policy established by the state investment board.

(6) When appropriate for investment purposes, the state investment board may commingle money in the fund with other funds.

(7) The authority to establish all policies relating to the benefits account, other than the investment policies set forth in this section, resides with the law enforcement officers' and firefighters' plan 2 retirement board. Other than investments by and expenses of the state investment board, disbursements from this fund may be made only on the authorization of the law enforcement officers' and firefighters' plan 2 retirement board for purposes of funding the member, employer, and state cost of financing benefits enacted by the legislature.

(8) The state investment board shall routinely consult with and communicate with the law enforcement officers' and firefighters' plan 2 retirement board on the investment policy, earnings of the trust, and related needs of the benefits account.

(9) Funds in the benefits account cannot be used to finance future benefit improvements if the state actuary determines that the actuarial present value of fully projected benefits for current and future members for all benefits being financed from this account exceeds the actuarial present value of the revenue provided under RCW **41.26.802** and the accrued earnings of the benefits account. When making the determination under this subsection, the state actuary shall select assumptions and methods to reduce the risk that the actual revenue received is less than the assumed revenue.

[2008 c 99 § 3.]

NOTES:

Findings—Purpose—2008 c 99: See note following RCW **41.26.800**.

41.26.904

Effective date—2003 c 2 (Initiative Measure No. 790).

Except for section 11 of this act, the remainder of this act takes effect July 1, 2003.

[2003 c 2 § 13 (Initiative Measure No. 790, approved November 5, 2002).]

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41.26.906

Effective date—2003 c 92.

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 23, 2003].

[2003 c 92 § 12.]

41.26.921

Effective date—1977 ex.s. c 294.

This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect October 1, 1977.

[1977 ex.s. c 294 § 27.]

41.26.922

Construction—Chapter applicable to state registered domestic partnerships—2009 c 521.

For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships.

[2009 c 521 § 93.]

NOTES:

Effective dates—2009 c 521 §§ 5-8, 79, 87-103, 107, 151, 165, 166, 173-175, and 190-192:
See note following RCW 2.10.900.



Agenda Item # F
Meeting Date: January 8, 2019

CITY COUNCIL AGENDA SUMMARY
City of Mill Creek, Washington

AGENDA ITEM: UPDATES TO PERSONNEL POLICIES

PROPOSED MOTION:

Adoption of Resolution 2019-___ to update the City's Personnel Polices.

KEY FACTS AND INFORMATION SUMMARY:

An analysis and update of the City's Personnel Policies and procedures has been completed. Many of the administrative policies and procedures had not been formally updated since 1997, and were found to be inconsistent with current practice.

The amount of change necessary to bring policies and procedures in line with current practices and current state and federal law provided an opportunity to completely re-work the current policies and procedures to: 1) align them within the respective legislative and executive roles consistent with state law; and 2) create a format that is easy to understand and readily available for employees to view and acknowledge.

The proposed Personnel Policies (Policy #400-01) provides specific direction from City Council to the City Manager on items such as Pay and Classification Plan, Benefits, and other items that have historically been adopted by the City Council. It also encompasses items that have not formally been adopted by the Council, but were determined to have an impact on the City's budget, such as Holidays and Tuition Reimbursement.

The proposed Personnel Policies update also authorizes the City Manager to approve administrative procedures and guidelines through the Personnel Administration Manual that are necessary and appropriate for good governance, human resource management and required by state or federal laws.

City Council discussed the proposed policies during the December 4 and December 11 meetings last year. During the December 4 meeting, there was some interest expressed to have staff provide literature and information regarding various performance management systems, including the advantages and disadvantages to linking pay to performance. Staff will collect the requested information for Council review and discussion in 2019. A new section (Section 8.1) was added to the policies initially proposed that describe and promote the City's performance management program. Council further requested additional time to review the proposed polices during the December 11 meeting and identified some desired changes in the policy document to clarify Council's direction. The redline version of Policy 400-01 includes the Council's direction from both the December 4 and December 11 meetings.

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Below is a summary of key policy changes:

- CCP 97-005 (Exhibit B) is superseded by section 9.0 Safety. New to this policy is a budget amount to be used for the City's safety program (including projects, activities, awards, prizes, etc.). This is a requirement to be considered for AWC's WorkSafe Employer Award.
- CCP 08-002 (Exhibit B) reflects a merit based pay system, which was replaced in 2013 by a step and grade system. This policy is replaced by section 4.0 Pay and Classification Plan to align with the City's current practice, since 2013, for salary adjustments and annual increases. Nothing new is being added aside from the update to current practice.
- CCP 09-001 (Exhibit B) is replaced by section 5.0 Incentives and Premiums. This policy has also been updated to reflect current practice in place since 2013. The City previously calculated percentage of longevity premiums on a matrix which factored in years of service and overall performance score. The current practice gives all employees the same longevity premium percentage based on years of service alone, provided that the employee's performance is satisfactory. This policy also includes aspects of the City's Pay and Classification Plan now found in section 4.0. As previously stated, this updates the policy following the change from merit based pay to a step and grade system. Nothing new is being added aside from the update to current practice.
- CCP 12-002 (Exhibit B) is superseded by section 7.0 Benefits, which includes a more updated and comprehensive summary of the City's benefits offerings. In 2015, the City began offering a High Deductible Health Plan and accompanying Health Savings Account, which is now outlined in this updated policy. Also updated is the language on "Flexible Benefit Dollars." Beginning in 2017, only employees who have been grandfathered in to this program (hired on or before August 1, 2017) are eligible for this benefit. Nothing new is being added aside from the update to current practice, though this policy is more comprehensive of the City's total benefits offerings than the prior policy (CCP 12-002).
- Resolution 2003-325 (Exhibit C) is replaced by section 8.1 Wellness Program with no substantive policy changes.
- Resolution 91-135 (Exhibit C) is replaced by 6.4 Donation of Annual Leave. More complete procedures for this policy reside in the Personnel Administration Manual. Procedures have been updated related to Annual Leave donation to include the availability of Paid Family Leave in 2020, as well as fewer criteria for employees donating leave (Attachment B, 5.2 Annual Leave).
- Other policy sections include the following:
 - Section 6.0 Leave and Paid Time Off - This includes our Sick Leave policy which reflects current state law that took effect 01/01/2018, new language for WA Paid Family Leave which is effective 01/01/2019, and the re-titling of "Administrative Leave" to "Exempt Leave" to reduce confusion between Administrative Leave (Exempt Leave) and Paid Administrative Leave (for investigatory or disciplinary

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- purposes). This section includes two changes from current practice:
- The addition of WA Paid Family Leave
 - Qualifying Department Directors to receive Exempt Leave. This had been informally taken away from Directors in 2017. This policy restores the City's practice prior to 2017.
- Section 8.2 Employee and Volunteer Recognition – Expresses support for the City's recognition program and ties program budget to the Business Expense Policy.
 - Section 8.3 Tuition Reimbursement – Designates an annual maximum amount for tuition reimbursement. This annual cap is consistent with current practice.

The Personnel Administration Manual is attached as a reference document for the Council presenting how the Proposed Council Policies will be implemented.

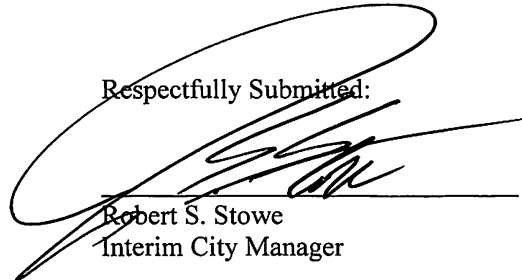
CITY MANAGER RECOMMENDATION:

Approve the proposed updates and consolidation of the Personnel Policies through adoption of Resolution 2019-__.

ATTACHMENTS:

- Attachment A: Resolution 2019-__
- Attachment B: Personnel Administration Manual
- Attachment C: Redline version of Policy 400-01

Respectfully Submitted:



Robert S. Stowe
Interim City Manager

RESOLUTION NO. 2019 - _____

A RESOLUTION OF THE CITY OF MILL CREEK, WASHINGTON, ADOPTING CITY COUNCIL POLICY 400-01 CITY OF MILL CREEK PERSONNEL POLICIES, REPEALING PRIOR INCONSISTENT POLICIES AND RESOLUTIONS, AND AUTHORIZING THE CITY MANAGER TO ADOPT A PERSONNEL ADMINISTRATION MANUAL THAT SUPPORTS THE COUNCIL'S DIRECTION.

WHEREAS, Mill Creek Municipal Code (MCMC) Chapter 1.24 establishes a process for the City to adopt, maintain, amend, repeal, replace and publicize city policies and procedures; and

WHEREAS, pursuant to Revised Code of Washington (RCW) Chapters [35A.11](#), [35A.13](#), and [35A.34](#), the City Council has the authority and responsibility, upon the recommendation of the City Manager, to approve the City budget, create employment positions, establish a compensation plan, and enact certain employment policies directly affecting wages and benefits; and

WHEREAS, pursuant to RCW [35A.13.080](#), the City Manager is vested with the responsibility for supervising and managing the administrative affairs of the City, appointing and removing all department heads, officers, and employees of the City, proposing, implementing and administering the City budget, and recommending to the City Council such measures as he/she may deem necessary; and

WHEREAS, the City Council adopted the following policies; 97-005 related to safety, 08-002 related to salary adjustments, 09-001 related to employee classification and salary and 12-002 related to medical benefits, and such policies are now in need of updating; and

WHEREAS, the City Council passed Resolution 91-135 relating to the donation of annual leave, and Resolution 2003-325 relating to the Wellness Program, and such resolutions contain information that is in need of updating; and

WHEREAS, the current City Council Policies do not cover all aspects of employment, leave, and benefits that are determined by the City Manager to have budgetary impact within the Council's authority to approve ; and

WHEREAS, for efficiency purposes and to promote the authority of the City Manager to oversee administrative personnel matters within the City, it is in the interest of the City to expressly delegate authority to the City Manager to adopt and implement administrative personnel procedures and guidelines based on policies adopted by the City Council;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON, THAT:

Section 1. The City Council adopts Policy 400-01 City of Mill Creek Personnel Policies (Exhibit A), which contains updated policy statements that reflect changes in Washington State law and the City’s current practices.

Section 2. The City Manager is authorized and directed to create and implement administrative personnel procedures that govern aspects of employment, conduct, leave, and benefits that support the direction of the City Council as provided in Policy 400-01 and the approved budget.

Section 3. The adoption of Policy 400-01 effectively supersedes CCP 97-005, CCP 08-002, CCP 09-001, and CCP 12-002 (collectively Exhibit B) and repeals and replaces Resolution 91-135 and Resolution 2003-325 (collectively Exhibit C), as well as all other prior inconsistent policies, procedures, or resolutions.

Adopted this 8th day of January, 2019 by a vote of _____ for, _____ against, and _____ abstaining.

APPROVED:

PAM PRUITT, MAYOR

ATTEST/AUTHENTICATED:

GINA PFISTER, CITY CLERK

APPROVED AS TO FORM:

SCOTT MISSALL, CITY ATTORNEY

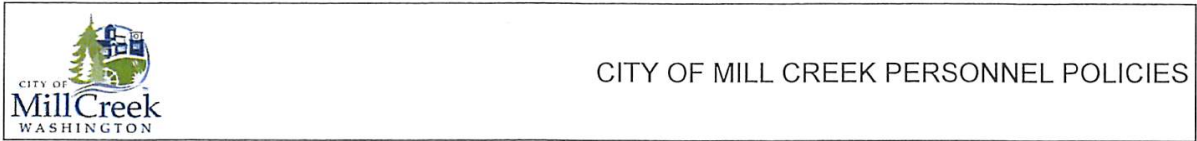
FILED WITH THE CITY CLERK: _____

PASSED BY THE CITY COUNCIL: _____

RESOLUTION NO.: 2018- _____

EXHIBITS:

- Exhibit A: Policy 400-01 City of Mill Creek Personnel Policies
- Exhibit B: CCP 97-005, CCP 08-002, CCP 09-001, and CCP 12-002
- Exhibit C: Resolution 91-135 and Resolution 2003-325



Subject PERSONNEL POLICIES	Index: Human Resources Number: 400-01
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Effective Date: December 11, 2018	Supersedes: CCP 97-05 February 11, 1997 CCP 08-002 June 10, 2008 CCP 09-001 January 1, 2009 CCP 2012-002 January 1, 2013 Repeals and Replaces: Res. 2003-325 March 11, 2003 Res. 91-135 December 17, 1991	Staff Contact: Human Resources	Clerk ID Number:	Approved By and Date:
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1.0 PURPOSE:

1.1 Adoption of Personnel Policies. In accordance with the City of Mill Creek’s Municipal Code, [Chapter 1.24](#), the City Manager has determined, based on the authority of the City Council to approve the City’s budget and define financial priorities, that the policy statements contained in this policy (400-01 *City of Mill Creek Personnel Policies*) related to wages and benefits should be presented to and approved by the City Council.

In the event that the City Manager determines that changes to these Personnel Policies are appropriate, the City Manager will so advise the City Council and present proposed revisions for Council consideration and approval. In the event immediate changes are necessary to respond to State or Federal law, the City Manager may implement the required changes immediately and advise the Council of the changes made.

- 1.2 Personnel Administration Manual. The City Manager is authorized to, based on the direction provided by the policy statements contained in this policy (400-01 *City of Mill Creek Personnel Policies*), approve administrative procedures and guidelines as required for the good governance and human resource management of the City and as may otherwise be required by State or Federal law. Any time this policy (400-01) is updated, the City Manager shall also provide to the City Council the updated section(s) of the Personnel Administration Manual as a reference document. At no time shall the Personnel Administration Manual be inconsistent with the policy statements contained in this policy (400-01).
- 1.3 Collective Bargaining Agreements. The City Council may authorize policies or procedures which are inconsistent with this policy (400-01) for positions in a bargaining unit through the collective bargaining process. These alternative policies or procedures will be documented in the applicable Collective Bargaining Agreement (CBA). In the event of any inconsistency between this policy and a CBA, the CBA will supersede the policy statement for represented employees covered under that CBA.
- 1.4 The Personnel Policies and the Personnel Administration Manual apply to all individuals employed by the City of Mill Creek with the exception of the following officers and individuals: members of Council, members of commission and boards and persons providing contract services.

2.0 ORGANIZATIONS AFFECTED:

All City departments/divisions.

3.0 EMPLOYMENT STATUS:

- 3.1 All employees have a designated employment status which is used to determine pay, benefits, and other eligibility. The following four employment statuses are referred to throughout this policy.
- 3.2 Casual. An employee hired to work on an intermittent or as-needed basis, or is regularly scheduled to work less than twenty (20) hours per week.
- 3.3 Full-Time Regular. An employee hired into a position for an indefinite period of time and regularly scheduled to work at least forty (40) hours per week.
- 3.4 Part-Time Regular. An employee hired into a position for an indefinite period of time and regularly scheduled to work at least twenty (20) hours per week and less than forty (40) hours per week.
- 3.5 Temporary. An employee hired to fill a position with a defined end date. The length of a temporary position will generally not exceed six (6) months.

4.0 PAY AND CLASSIFICATION PLAN:

- 4.1 All employee positions are subject to available funding. The City Council shall establish, through approval of the City's biennial budget, salary grades, corresponding pay range assignments, and authorized full-time equivalent (FTE) count for all positions within the City. This shall include approval of any cost of living increases to be applied on January 1st of each year not previously approved, such as during union contract negotiations.
- 4.2 Each salary grade in the current salary plan shall be placed at 5% above the grade below it. Each step within a salary grade shall be placed at 4% above the step below it.
- 4.3 Annually the City Council shall consider adjustments to position classifications and/or the assignment of salary grades to positions to be effective January 1st of each year based on the recommendation of the City Manager.
- 4.4 The City Manager in conjunction with Human Resources shall determine the appropriate placement of personnel within those salary ranges as well as the progression within a certain salary range or grade. For represented employees, the City Manager's decision shall be in line with all applicable clauses of that employee's contractual bargaining agreement. No employee shall be placed in-between steps in their assigned grade.
- 4.5 If it becomes necessary to reclassify a position mid-year, the City Council may, with the City Manager's recommendation, approve a mid-year adjustment to a position's salary grade. Mid-year adjustments to a position's assigned salary grade must be supported in the biennial budget.
- 4.6 No employee shall earn less than the bottom step of the approved salary grade for their position (excluding incentives and premiums). Employees earning less than the bottom of their current salary grade shall have their wages adjusted to no less than the bottom of the salary range. This may occur in situations such as promotions or position reclassifications.
- 4.7 No employee shall earn more than the top step of the approved salary grade for their position (excluding incentives and premiums). Employees earning more than the top step of their current salary grade shall have their wages adjusted to fall within the range of their position's salary grade. This may occur in situations such as demotions or position reclassifications.
- 4.8 In cases where a reclassification, demotion, or other action causes an employee's pay to fall above the approved salary grade for their position, excluding incentives and premiums, the City Manager may approve freezing that employee's salary at its current rate above the approved salary grade subject to the City's approved budget. In this case, the employee will not be eligible for any annual increase or

cost of living increase until their current salary falls within the approved salary grade for their position.

5.0 INCENTIVES AND PREMIUMS:

5.1 As a retention strategy, and to acknowledge long term employees for their years of service to the City, the City Council authorizes longevity premiums awarded to employees commencing on the seventh (7th) anniversary of their hire date, and at certain other milestone anniversary dates, provided that their work performance maintains an acceptable level, according to the schedule below:

No. Years	Longevity Premium (provided performance maintains acceptable level)
> 7	2%
>10	3%
>15	4%
>20	5%

5.2 All longevity premiums are calculated on the employee's base pay and are not cumulative, and must be supported in the City's budget. The City Manager shall approve, through the Personnel Administration Manual, the appropriate performance measures and a process by which to calculate an employee's years of service when there are breaks in service.

5.3 An employee's base pay is their base wage or salary absent all applicable premium or incentive pays. Normally, an employee's base pay corresponds to a step in their position's assigned salary grade.

6.0 LEAVE AND PAID TIME OFF:

6.1 Observed Holidays. The City formally observes the following holidays:

- New Year's Day
- Martin Luther King Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Native American Heritage Day (Friday after Thanksgiving)
- Christmas Eve Day
- Christmas Day

If a holiday falls on a Sunday, it shall be observed on the following Monday. If a holiday falls on a Saturday, it shall be observed on the preceding Friday. Holidays shall be considered as 8 hour days for regular full time employees, and

prorated based on FTE for regular part time employees.

- 6.2 Floating Holidays. Employees shall accrue a number of floating holidays based on years of service as shown in the table below. Floating holidays are awarded on January 1 of each year, and expire if unused on December 31 of each year. Holidays shall be considered as 8 hour days for regular full time employees, and prorated based on FTE for regular part time employees.

Years of Service	Floating Holidays Awarded
Less than 10	1.0
10 to 20	2.0
20 and above	3.0

- 6.3 Annual Leave. Annual Leave is also referred to as "Vacation." Regular full time employees shall accrue annual leave (vacation) hours per pay period based on their years of service as shown in the tables below. Regular part time employees shall accrue annual leave pro-rated based on their assigned FTE. Temporary and Casual employees are not eligible for annual leave.

Department Directors

Length of Continuous Service	Annual Accrual (Hours)
All years of service	176

All Other Employees

Years of Continuous Service	Annual Accrual (Hours)
0 to less than 5	96
5 to less than 10	128
10 to less than 13	152
13 to less than 16	160
16 to less than 20	168
20 and above	176

A maximum of 200 hours of annual leave may be carried over from December 31 of one year to January 1 of the next year.

- 6.4 Donation of Annual Leave. The City Council authorizes the City Manager to approve the donation of annual leave from one employee to another for the purposes of aiding a fellow City employee who is suffering from, or has an immediate family member suffering from, an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate his/her employment with the City.

Any and all donations of annual leave shall be voluntary, and no other type of leave (ex: sick leave) shall be donated in any circumstance.

- 6.5 Exempt Leave. To acknowledge that exempt employees will regularly be required to work overtime hours without additional compensation, exempt leave is provided to FLSA exempt employees as a bank of 40 hours on January 1 of each year. These hours expire if unused on December 31 of each year.
- 6.6 Sick Leave. Employees shall accrue sick leave hours each pay period depending on their employment status as shown in the table below:

Employment Status	Annual Accrual (Hours)
Full-Time Regular	96
Part-Time Regular	(96 * assigned FTE)
Casual or Temporary	1 hour per every 40 hours worked

A maximum of 1040 hours of sick leave may be carried over from December 31 of one year to January 1 of the next year.

- 6.7 Employment Offers. In some cases it may be necessary to offer paid time off in addition to what this policy provides to new hires for the purposes of filling a hard to fill position. The City Council authorizes the City Manager to approve additional annual leave or exempt leave to be offered to a candidate at the time of hire at his/her discretion, provided that the new hire's leave accruals stay consistent with this policy. For example, the City Manager may authorize a candidate to start their employment with 40 hours of annual leave pre-loaded into their bank.
- 6.8 Pay-out upon Separation. Upon separation, some or all of an employee's accrued but unused paid time off balance(s) may be paid out based on criteria approved by the City Manager in the Personnel Administration Manual.
- 6.9 Paid Family Leave. The Washington State Family and Medical Leave Program provides paid benefits for employees who need to take unpaid leave when they welcome a new child into their family, are struck by a serious illness or injury, need to take care of an ill or ailing relative and for certain military connected events. Although self-insurance is an option to fund benefits, the City is choosing to participate in the program administered by the Employment Security Department using the statutory default payroll deductions beginning January 1, 2018. Benefits from this program become effective January 1, 2020, and employees seeking to apply for paid family and medical leave will apply through the Employment Security Department.
- 6.10 Bereavement Leave. Employees may request bereavement leave for up to three regularly scheduled work days or shifts upon the death of a member of the employee's family. In the event the employee needs to travel out of state to attend a funeral or make other arrangements related to their family member's death, leave may be allowed up to five days.

Up to one day or shift of leave may be allowed to attend services related to the death of a co-worker.

7.0 BENEFITS:

- 7.1 Eligibility for Benefits. Benefits eligibility is determined by an employee's employment status. All regular full-time and regular part-time employees are eligible for healthcare benefits coverage for themselves and for their eligible dependents. Casual and Temporary employees are not benefits eligible.
- 7.2 Section 125 Plan. The City of Mill Creek maintains a Section 125 plan that allows for any premium payments made in accordance with that plan to be made on a pre-tax basis. The plan also allows participants to redirect salary dollars pre-tax into flexible spending accounts. The City Manager is authorized to update health plan and elective options to ensure compliance with the Section 125 Plan, and to update the Plan when necessary.
- 7.3 Flexible Benefit Dollars. The City sponsors a program designed to share benefit cost savings with eligible employees. Employees hired on or before August 1st, 2017 who decline health insurance coverage through City sponsored health plans for themselves and/or their eligible dependents may receive a credit of 50% of the amount that the City would have contributed towards the coverage. To be eligible, employees must certify that those not covered on the City's plan(s) have alternative comprehensive coverage. These "flexible benefit dollars" may only be used for purposes defined in the City's Section 125 Plan document and Personnel Administration Manual. The "flexible benefit dollars" may not be taken as cash.
- 7.4 Health Insurance. The City provides medical, dental, and vision insurance coverage options for benefits eligible employees and their dependents.

7.4.1 Medical Premiums. Insurance premiums for medical insurance (if an eligible employee selects medical coverage) for employees and their eligible dependents are shared between the employee and the City based on the employee's FTE status as shown in the chart below:

FTE	Equivalent Weekly Hours	% Paid by Employee	% Paid by City
1.0	40	10%	90%
0.9	36	10%	90%
0.8	32	20%	80%
0.75 or less	30 or less	25%	75%

7.4.2 Dental Premiums. Insurance premiums for dental insurance (if an eligible employee selects dental coverage) for employees and their eligible dependents are shared between the employee and the City based on the employee's FTE status as shown in the chart below:

FTE	Equivalent Weekly Hours	% Paid by Employee	% Paid by City
1.0	40	0%	100%
0.9	36	10%	90%

0.8	32	20%	80%
0.75 or less	30 or less	25%	75%

7.4.3 Vision Premiums. Insurance premiums for vision insurance (if an eligible employee selects vision coverage) for employees and their eligible dependents are paid for 100% by the City.

7.5 Health Savings Account. Employees enrolled in a High Deductible Health Plan (HDHP) are also eligible to enroll in a Health Savings Account. The City sponsors a program designed to share the cost savings of a HDHP with the employee. The City will contribute 50% of the cost savings between the HDHP and the City's other medical plan offering(s) to the enrolled employee's Health Savings Account each pay period. This cost savings may not be taken as cash or used for any other purpose.

7.6 Life, Accidental Death and Dismemberment, Long Term Disability, and Survivor. The City provides Life, AD&D, LTD, and Survivor insurance to all regular full time and regular part time employees at no cost to the employee, deducted from the employer's portion of the City's Municipal Employees Benefit Trust (Social Security replacement) contributions.

7.7 Employee Assistance Program. The City provides Employee Assistance Programs to all regular full time and regular part time employees at no cost to the employee, deducted from the employer's portion of the City's Municipal Employees Benefit Trust (Social Security replacement) contributions and from benefit coverage to eligible employees through City participating health plans.

7.8 Optional Health, Wellness, and Retirement Plans. The City facilitates enrollment in other optional health, wellness, and retirement plans (such as Flexible Spending Accounts or AFLAC insurance) for benefits eligible employees. All voluntary plans or accounts are funded entirely at the employee's own cost. Enrollment is dependent on the eligibility requirements specified in the individual plan or account's documents.

8.0 EMPLOYEE DEVELOPMENT AND RECOGNITION

8.1 Performance Management Program. The purpose of an effective performance management program is for employees to have a clear understanding of the work expected from them, to receive ongoing feedback regarding how they are performing relative to expectations, to identify development opportunities, and to address performance that does not meet expectations. A comprehensive performance management program empowers employees to have greater input to their personal career progression and will enable managers to provide more meaningful feedback based upon an agreed set of performance criteria.

The City strives to provide an environment where all employees understand the impact their contributions have on the achievement of City goals and are provided

the opportunity for ongoing personal growth. To accomplish this objective, the City will develop and maintain a strong performance based review program that culminates in an annual performance review of employees.

- 8.2 Wellness Program. The City maintains a Wellness Program to educate, promote, and encourage health awareness and healthy lifestyle choices by City employees. Participation in this program may earn the City discounts on the cost of health benefits.

The City Council authorizes, through the biennial budget, the funds necessary to allow the Wellness Committee to effectively operate and promote participation in this program. Additionally, the City Council supports one “wellness day off” per employee per year if earned through program participation as defined in the Personnel Administration Manual.

- 8.3 Employee and Volunteer Recognition. To promote employee and volunteer engagement and to recognize employees and volunteers for their service, significant achievements, and modeling the City’s STAR Values of Service, Teamwork, Accountability, and Respect, the City Council authorizes funds for recognition through the biennial budget to be used in a manner consistent with the [Business Expense Policy](#); sections 8.11 and 8.12.

- 8.4 Tuition Reimbursement. To support employee growth and development, as well as incentivize continued education that benefits the City, the City Council authorizes tuition reimbursement for college courses up to \$500 per year per employee as described in the Personnel Administration Manual Chapter 6.8.

9.0 SAFETY

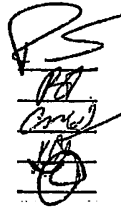
- 9.1 The intent of the City is to provide a safe working environment and keep injuries to the absolute minimum, thus protecting its most valuable asset – its employees. The City Council will support the City’s Accident Prevention Program and the operation of a Safety Committee and ensure that adequate resources such as employee time, funds for safety equipment and training, and commitment to the program from management are available.
- 9.2 The City Council shall authorize, through the approval of the biennial budget, at least \$10 per employee (per year) to be used for safety projects, activities, and awards/prizes related to the City’s safety program.

**CITY OF MILL CREEK POLICY
FOR
SAFETY**

City Policy No.: CCP 97-05
Effective: February 11, 1997

Department Review:

Executive
Community Development
Public Works
Finance
Police



The intent of the City is to provide a safe working environment and keep injuries to the absolute minimum, thus protecting its most valuable asset - its employees. The City recognizes that there is a benefit to City employees and the general public through the development and implementation of general health and safety practices both on and off the job. All City of Mill Creek employees are actively encouraged to participate in the prevention of injuries and illnesses through the City's safety awareness and training programs. It is the responsibility of every employee of the City of Mill Creek to follow the guidelines and regulations outlined in the City's Safety Manual.

In accordance with state law, employees will have access to all required information regarding hazardous materials which the employee is ordinarily expected to encounter in the work environment so as to reduce concern and uncertainty about working with and/or around such materials.

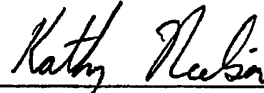
The City will support the operation of a City safety committee and ensure that adequate resources such as employee time, funds for safety equipment and training, and commitment to the program from management are available to implement the safety program. The City's commitment to safety includes investigating accidents fully and taking corrective action to prevent recurrence of the hazardous conditions or behaviors.

The safety program for the City will be detailed in the City's safety manual. The City Manager or designee is authorized to develop and maintain the City's safety manual to implement this policy.

PASSED BY THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON THIS

11th DAY OF February, 1997.

APPROVED:

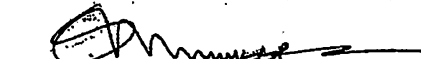


MAYOR KATHY NIELSEN

ATTEST/AUTHENTICATED:


CITY CLERK DEBBIE TARRY

APPROVED AS TO FORM.


OFFICE OF THE CITY ATTORNEY
SHORT CRESSMAN & BURGESS

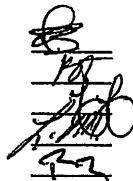
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**CITY OF MILL CREEK POLICY
FOR
SALARY ADJUSTMENTS FOR NON-REPRESENTED EMPLOYEES**

City Policy No.: CCP 08-002
Effective: June 10, 2008

Department Review:

Executive
Community Development
Public Works
Finance
Police



Pursuant to City Council Policy 08-001, it is the policy of the City to maintain an Employee Classification and Salary Plan designed to provide compensation that is equitable in order to maintain and attract a qualified workforce. It is also the policy of the City to pay salaries that compare favorably with other similar cities in the local area for comparable jobs within budget limitations.

The City Council recognizes that the compensation plan developed by the City Manager involves both merit and lump sum payment components. This compensation plan supports the City's philosophy that salary increases are driven by the principle of pay-for-performance. The City Council hereby establishes the following policy guidelines for the administration of the compensation plan by the City Manager:

Based on the results of the salary survey performed as of May 2008, salaries for non-represented employees shall be adjusted as indicated in Table 1. The "revised" salaries will be retroactive to January 1, 2008. Thereafter, employees shall be eligible for a salary increase on their anniversary date in an amount up to 5 percent based on merit. In no case shall any increase cause an employee's salary to exceed the approved salary range. All increases must be supported in the City's budget.

Due to the collective bargaining process, this policy is not directly applicable to employees covered by a collective bargaining agreement or represented by a recognized labor organization.

The City Manager is directed to develop and administer a compensation plan with the above policy guidance from the City Council.

CCP 08-002
June 10, 2008
Page 2

PASSED BY THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON THIS
10th DAY OF JUNE 2008.

APPROVED:


MAYOR TERRY Q. RYAN

ATTEST/AUTHENTICATED:


CITY CLERK KELLY CHELIN

APPROVED AS TO FORM:


OFFICE OF THE CITY ATTORNEY
SHORT CRESSMAN & BURGESS

Tables:

1- Adjusted 2008 Salaries for Non-Represented Staff

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CCP 08-002

Table 1

Adjusted 2008 Salaries for Non-Represented Staff Effective January 1, 2008	
Position	Monthly Salary
Community Development Director	8467
Finance Director	Note 1
Police Chief	8808
Public Works Director	7771
Planning Manager	7276
City Engineer	Note 1
Police Commander	Note 1
Public Works Supervisor	5125
Building Official (.5 FTE)	6128
Executive Assistant/City Clerk	5549
Recreation Supervisor	4468
Records Supervisor	Note 1
HR Specialist	4174
Admin Secretary (.75 FTE)	3897

Note 1 – Positions vacant on January 1, 2008. Starting salaries will be negotiated during hiring process.

**CITY OF MILL CREEK POLICY
FOR
EMPLOYEE CLASSIFICATION AND SALARY PLAN**

City Policy No.: CCP 09-001
Effective: January 1, 2009
Amends City Policy No.: CCP 08-001

Department Review:

Executive
Community Development
Public Works
Finance
Police



It is the policy of the City to maintain an Employee Classification and Salary Plan designed to provide compensation that is equitable in order to maintain and attract a qualified workforce. It is also the policy of the City to pay salaries that compare favorably with other similar cities in the local area for comparable jobs within budget limitations.

The City Council shall establish, through approval of the City's biennial budget, salary ranges for all positions within the City. Annually the City Council shall consider market adjustments to the salary ranges to be effective January 1 of each year based on the recommendation of the City Manager. The City Manager shall determine the appropriate placement of personnel within those salary ranges as well as the progression within a certain salary range or grade. The City Council shall determine the frequency, subject to budgeted funds, of an employee salary survey and market adjustments that might be necessary to keep the salary survey current during intervening years until the next survey can be completed.

The City's compensation plan involves both merit and incentive payment components and supports the City's philosophy that salary increases are driven by the principle of pay-for-performance. The City Council hereby establishes the following policy guidelines for the administration of the compensation plan by the City Manager:

Employees shall be eligible for a salary increase on their anniversary date in an amount up to 5 percent based on merit. In no case shall any increase cause an employee's salary to exceed the approved salary range. All increases must be supported in the City's budget.

Employees earning less than the bottom of the current salary range shall have their wages adjusted to no less than the bottom of the salary range. All increases must be supported in the City's budget.

CCP 09-001
 March 24, 2009
 Page 2

The City Council shall authorize an incentive payment pool indexed to the CPI-W Seattle Area First Half Index subject to a 2% minimum and 4% maximum. As authorized by the City Manager, incentive payments may be awarded to employees in accordance with the attached sample incentive pay formulas, provided funds are available, and incentive payment criteria are met. All incentive payments shall be in addition to any merit pay. Incentive payments, excluding the annual Customer Service Survey award, shall:

- (1) be paid in a lump sum at the time of the award based on the employee's salary as of January 1 of the year awarded, or for employees who are promoted, demoted or transferred to a different position during the period between January 1 and the time of the incentive award calculation of the awards shall be based on the employee's new salary,
- (2) adjust base pay on the next January 1, up to but not exceeding the top of the pay range. The City Manager is also authorized to develop alternative incentives for employees who desire alternatives to an incentive payment, provided that the total equivalent costs of these incentive with payments do not exceed the budgeted incentive pool.

Employees shall be eligible for a longevity premium commencing on the seventh (7th) anniversary of their hiring date. Payment of a longevity premium will be effective July 1, 2008. An employee shall receive a longevity premium provided they meet all of the following criteria:

- A. Have met the minimum standards of the assigned position by receiving an overall employee performance score of 3.0 or greater on their most current performance evaluation, and
- B. Have been employed by the City of Mill Creek for a minimum of seven (7) years.

All longevity premiums are calculated on the employee's base salary and are not cumulative, and must be supported in the City's budget. Longevity premiums shall be awarded based on years of service as an employee of the City of Mill Creek according to the following schedule:

No. Years	Overall Employee Performance Score		
	4.0 - 5.0	3.0 - 3.9	< 3.0
> 7	2%	1%	0
>10	3%	1.50%	0
>15	4%	2%	0
>20	5%	2.50%	0

CCP 09-001
March 24, 2009
Page 3

If the employee fails to meet the minimum overall employee performance score of 3.0 for their assigned position, the longevity premium will expire. If, at the employee's subsequent evaluation, the employee meets the minimum standards and requirements of the position, then the employee shall receive the longevity premium according to the above schedule.

Due to the collective bargaining process, this policy is not directly applicable to employees covered by a collective bargaining agreement or represented by a recognized labor organization. However, the City Council reiterates its belief that the pay-for-performance philosophy should be applied to all employee groups and classification.

The City Manager is directed to develop and administer a compensation plan with the above policy guidance from the City Council:

PASSED BY THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON THIS
24th DAY OF March 2009.

APPROVED:


MAYOR TERRY Q. RYAN

ATTEST/AUTHENTICATED:


CITY CLERK KELLY CHELIN

APPROVED AS TO FORM:


OFFICE OF THE CITY ATTORNEY
SHORT CRESSMAN & BURGESS

**CITY OF MILL CREEK POLICY
FOR
MEDICAL BENEFITS**

City Policy No.: CCP 2012-002
Effective: Section 125 Plan Benefits – Effective January 1, 2013
Health Benefits – Effective January 1, 2013

Repeals and Replaces City Policy No: CCP 03-001 and CCP 09-002

Department Review:

Executive	<u>✓</u>
Community Development	<u>✓</u>
Public Works	<u>✓</u>
Finance	<u>✓</u>
Police	<u>✓</u>

In light of rising health care costs and the desire to provide a competitive benefit package comparable to other jurisdictions, the City Council directs the City Manager to change certain provisions of the City’s personnel policies related to the City’s contribution to the employees Section 125 Plan and the City’s premium contribution for dependent medical care coverage.

Listed below are the specific policy provisions that the City Manager shall implement.

Section 125 Plan Benefits – Effective January 1, 2013

The City will provide employees with a Section 125 plan that allows for any premium payment made in accordance with that plan to be made on a pre-tax basis. The City requires that all employees subscribe for health insurance coverage for themselves, but can opt out of health insurance coverage through the City if they provide evidence of other coverage. Employees have the option of purchasing health insurance benefits for their eligible dependents. An employee who chooses not to purchase health insurance benefits for their eligible dependents may receive a 50% payment of the amount that the City would have contributed towards dependent health insurance for use as flexible benefit dollars. Flexible benefits include legally accepted Section 125 expenditures, alternative insurance coverage, MEBT contribution, or deferred compensation contributions. Employees may choose, during the City’s open enrollment period, whether they will waive insurance coverage for eligible dependents. Re-enrollment to City coverage can be accomplished during the next open enrollment period or immediately if other coverage is terminated, as provided in City coverage re-enrollment contracts. Upon re-enrollment, flexible benefit dollars will be reduced or eliminated accordingly.

Health Benefits – Effective January 1, 2013

Premiums for Regular Full Time Employees:

The city shall contribute 100% of the premium for Washington Dental Service Plan F for both employee and dependent premiums. The city shall contribute 100% of the premium for the employee's vision insurance, and 100% of the premium for dependents' vision insurance and 90% of the premium for employee's medical insurance and 90% of the premium for the dependents' medical insurance. Dependent children may be covered up to and including age 26.

Premiums for Regular Part-Time Employees:

Regular part-time employees will be provided medical, dental and vision insurance on a pro-rata FTE basis, except that for part-time employees between 0.5 FTE and 0.75 FTE the City shall pay the rate of a 0.75 FTE employee (after the 10% employee contribution) and the employee shall pay the balance.

Due to the collective bargaining process, this policy is not applicable to employees covered by a collective bargaining agreement.

The City Manager is directed to develop and administer the above policy provisions and maintain any necessary administrative procedures to implement this policy.

PASSED BY THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON THIS 4TH DAY OF DECEMBER, 2012.

APPROVED:



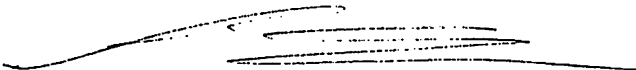
MAYOR MIKE TODD

ATTEST/AUTHENTICATED:



CITY CLERK KELLY M. CHELIN

APPROVED AS TO FORM:



CITY ATTORNEY SHANE MOLONEY

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RESOLUTION NO. 91-135

A RESOLUTION OF THE CITY COUNCIL OF MILL CREEK, WASHINGTON, ESTABLISHING A POLICY PROVIDING FOR THE TRANSFER OF ANNUAL LEAVE BETWEEN EMPLOYEES.

WHEREAS, the City provides annual leave to its employees as a vested right subject to payment upon termination; and

WHEREAS, the City Council finds it in the public interest to permit employees to share annual leave under specific circumstances and to transfer such leave to employees who, without such transfers, would be forced to terminate their employment or go without pay in order to meet the needs of severe illness; and

WHEREAS, the authority to approve budgetary decisions is vested in the City Council of the City of Mill Creek; and

WHEREAS, an administrative policy establishing for the transfer of annual leave between employees has a budgetary impact on the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. PURPOSE

The purpose of shared leave is to permit City employees, at no additional cost to the City other than the administrative costs of the program, to come to the aid of a fellow City employee who is suffering from, or has an immediate family member suffering from, an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate his/her employment with the City.

Section 2. ELIGIBILITY OF RECIPIENT OF SHARED LEAVE.

The City Manager may permit an employee to receive shared leave under this resolution if:

- A. The employee suffers, or has an immediate family member (as defined by the City's personnel policies) suffering from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature, and which has caused, or is likely to cause, the employee to go on leave-without-pay status or to terminate his or her employment with the City; and
- B. The employee has depleted or will shortly deplete his/her total of accrued annual leave, compensatory time, sick leave, holiday leave, and/or other paid leave; and
- C. The employee has abided by the City's sick leave policy in the past; and
- D. The employee has diligently pursued and is found to be ineligible for state industrial insurance benefits; and
- E. The use of shared leave will not significantly increase the City's costs, except for those costs which would otherwise be incurred in the administration of this program or which would otherwise be incurred by the employee's department.

Section 3. ELIGIBILITY OF DONOR OF SHARED LEAVE.

The City Manager may permit an employee to donate shared leave under this resolution if:

- A. The employee has a total of more than ten (10) days of accrued annual leave; and
- B. The employee has taken at least five (5) days of annual leave within the calendar-year; and
- C. The donating employee retains at least ten (10) days total of accrued sick leave, annual leave and/or compensatory time off.

Section 3. AMOUNT OF SHARED LEAVE ALLOWED.

The City Manager shall determine the amount of shared leave, if any, which an employee may receive under this resolution. The employee shall be required to provide appropriate medical justification and documentation regarding the necessity for the leave and the time which the employee can reasonably be expected to be absent due to the

condition. An employee shall not receive more hours in shared leave than the difference between 1,440 hours and the number of leave hours already used by the affected employee in this extraordinary situation. To the extent possible, shared leave should be used on a consecutive day basis.

Section 4. IMPLEMENTATION OF SHARED LEAVE.

- A. All donations of shared leave shall be voluntary.
- B. Transfers of shared leave shall be in increments of one (1) day. The transfer of shared leave shall be on an hour-for-hour basis regardless of the salary difference between the employee donating the shared leave and the employee receiving the shared leave.
- C. The employee's salary rate shall not change as a result of being on shared leave, nor under any circumstances, shall the total of the employee's salary and other benefits, including but not limited to state industrial insurance or any other benefit received as a result of payments by the City to an insurer, health care provider, or pension system, exceed the total of salary and benefits which the employee would have received had he/she been in a regular pay status.
- D. Donations of shared leave may be made between any two non-represented employees. Donations of shared leave may be made between represented employees and/or between represented and non-represented employees if the contract between the City and the represented employees permits such transfers of shared leave.
- E. While an employee is on shared leave, he/she shall continue to receive and accrue all benefits as he/she would normally receive if using other accrued paid leave.
- F. Any leave transferred which remains unused shall be returned to the employee(s) who donated it.

RESOLVED, this 17th day of December, 1991.

APPROVED:



MAYOR, KENNETH J. GRASKA

ATTEST/AUTHENTICATED:


CITY CLERK, MICHELE SCHUTZ

APPROVED AS TO FORM:

BY: _____
OFFICE OF THE CITY ATTORNEY
STOEL RIVES BOLEY JONES & GREY

FILED WITH THE CITY CLERK: 12-11-91
PASSED BY THE CITY COUNCIL: 12-17-91
PUBLISHED: NA
EFFECTIVE DATE: 1-1-92
RESOLUTION NO.: 91-135

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RESOLUTION NO. 2003-325

**A RESOLUTION OF THE MILL CREEK CITY COUNCIL SUPPORTING
THE MILL CREEK EMPLOYEE WELLNESS PROGRAM**

WHEREAS, the Mill Creek City Council adopted the Wellness Program in 1988 to aid and encourage employees in maintaining good physical and mental health; and

WHEREAS, this program educates and reinforces employee health awareness and healthful lifestyle choices; and

WHEREAS, the fitness and good health of the City's employees ensures that our citizens receive the benefit of more productive employees as well as strategies to control health care expenditures; and

NOW, THEREFORE, the City Council of the City of Mill Creek, Washington resolves as follows:

Section 1. The City Council of the City of Mill Creek hereby expresses their support of the Mill Creek Employee Wellness Program as described in the attached Chapter 8, Section F of the Personnel Manual.

Adopted this 11th day of March, 2003 by a vote of 6 for, 0 against, and 0 abstaining.

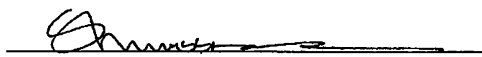
APPROVED:


MAYOR TERRY Q. RYAN

ATTEST/AUTHENTICATED:


CITY CLERK KELLY M. HENNESSEY

APPROVED AS TO FORM:


OFFICE OF THE CITY ATTORNEY
SHORT, CRESSMAN & BURGESS

FILED WITH THE CITY CLERK: 3/11/03
PASSED BY THE CITY COUNCIL: 3/11/03
EFFECTIVE DATE: 3/11/03
RESOLUTION NO.: 2003-325

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PERSONNEL ADMINISTRATION MANUAL

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CHAPTER 1 – GOVERNING PRINCIPLES OF EMPLOYMENT

1.1 PERSONNEL ADMINISTRATION MANUAL

The purpose of the Personnel Administration Manual is to ensure equal employment opportunity, compliance with all applicable federal and state regulations, and to promote communication between the City and its employees. The contents of this manual are governed by the City Council adopted policy #400-01 [City of Mill Creek Personnel Policies](#). Policy #400-01 contains policy statements related to wages, benefits, and other items affected by the Council's authority to approve the City's budget and financial priorities, and authorizes the City Manager to approve procedures and guidelines to support those policies.

The contents of this manual are reviewed periodically or as necessary to support a change in policy #400-01. In the event that there is an immediate need for a change, addition, or deletion related to operational necessity and/or State or Federal regulation, the City will implement necessary changes and advise all affected parties accordingly.

The Personnel Policies and the Personnel Administration Manual apply to all individuals employed by the City of Mill Creek with the exception of the following officers and individuals (unless otherwise stated): members of the Council, members of commissions and boards, and persons providing contract services.

None of the procedures or guidelines in this manual shall create or be deemed to create a vested or implied contractual right for any employee, or to limit the power of the City Manager or City Council. This manual is intended to provide guidelines only, and should not be interpreted as promises of specific treatment in specific situations. The City reserves the right to repeal, modify, deviate from or amend policies or procedures at any time, and will make reasonable efforts to notify employees in a timely manner of changes by email, bulletins, or other means.

In cases where this manual conflicts with Civil Service rules, Collective Bargaining Agreements, City ordinance, state or federal law, or other employment contracts, the terms and conditions of that rule, agreement, ordinance, law, or contract shall govern.

Except to the extent specifically negotiated otherwise and agreed to in writing through a collective bargaining process or employment contract, all employment with the City of Mill Creek is at-will. At-will employment means that either the employee or the City can terminate the employment relationship at any time, for any reason or no reason, with or without cause and without or without notice.

Individual departments may develop standard operating procedures that are applicable to their own operational needs and goals, which will not appear in this manual. Department managers are responsible for informing employees of these procedures as appropriate.

Managers are responsible for understanding and administering the City's personnel policies within their departments and for keeping their employees informed of current policies and practices. In consultation with Human Resources, managers are responsible for ensuring that all practices are applied fairly and consistently. Employees are responsible for reading, understanding and following the procedures and guidelines contained in this manual, and

consulting with their supervisor and/or Human Resources if they have any questions regarding this manual.

Violations of the procedures and guidelines contained in this manual may result in disciplinary action, up to and including termination of employment.

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CHAPTER 1 – GOVERNING PRINCIPLES OF EMPLOYMENT

1.2 DEFINITIONS

This section provides a centralized reference intended to define general terminology used in this manual. Additional detail and/or further clarification of terms as they relate to specific sections may be contained in those sections. Collective bargaining agreements may also include definitions that apply to represented employees.

Anniversary Date: The annual date on which an employee’s performance evaluation and pay changes are effective. This may be the anniversary of the employee’s hire, rehire, promotion, demotion, or transfer.

Applicant: A person who has completed a formal application of employment for an available position with the City of Mill Creek.

Appointment: The assignment of a qualified applicant to a position by the Appointing Official for a defined period of time, usually to fill a temporary need. In some cases, these employees may be referred to as “acting” or “interim.”

At-will: The City of Mill Creek has both represented (by a union and subject to collective bargaining agreement) and non-represented employees. Employees who are not covered by a collective bargaining agreement (CBA) are “at-will” employees and either the City, or the employee, may end the employment relationship at any time, for any reason or no reason, with or without cause or notice.

Base Pay: An employee’s base wage or salary absent all applicable premium or incentive pays. Normally, an employee’s base pay corresponds to a step in their position’s assigned salary grade.

Casual: An employee hired to work on an intermittent or as-needed basis, or who is regularly scheduled to work less than twenty (20) hours per week. See *Chapter 4.1 Employment Status*.

Classification: Positions sufficiently similar in type of work duties, authority, and responsibility to permit grouping them under a single classification title and corresponding pay range. Generally, minimum qualifications and conditions of employment are similar.

Compensation: Salary, wage and/or other forms of remuneration earned by or paid to any employee in a position in the service to the City.

Compensatory Time: Authorized time off from work in lieu of pay for overtime worked.

Continuous Service: Employment in the service of the City without interruption longer than 30 days, except for authorized leaves of absence.

Demotion: See *Chapter 4.2 Salary Administration and Pay Practices*.

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Disability: (1) A physical or mental impairment that substantially limits one or more major life activities; (2) a record or history of such impairment; or (3) a perception of such impairment.

Domestic Partner: The employee's domestic partner as registered under [RCW 26.60](#) with the State of Washington. (Certificate of domestic partnership filed with Human Resources).

Employment Status: See *Chapter 4.1 Employment Status*.

Essential Job Functions: The necessary and fundamental job duties of a position; the purpose for which the position exists.

Examination: Any device or procedure used in the selection process to measure an applicant's abilities and suitability for a position. Examinations may include but are not limited to oral interviews, psychological exams, physical exams, written tests, performance tests, evaluation of performance during probation, etc.

Exempt: Exempt from the provisions of the Federal Fair Labor Standards Act (FLSA), as amended, and the Washington State Minimum Wage Act, [RCW 49.46](#). See *Chapter 4.1 Employment Status*.

Family: Also referred to as "family member" or "immediate family." Generally considered to be an employee's spouse or domestic partner and their dependent children. Other relationships (such as parents, siblings, etc.) may be included depending on the specific policy or procedure.

FTE: Stands for "Full-Time Employee" but can also reflect the status of an employee who works part-time hours as a percentage of full-time.

Full-Time Regular: An employee hired into a position for an indefinite period of time and regularly scheduled to work at least forty (40) hours per week. See *Chapter 4.1 Employment Status*.

Grievance: See *Chapter 3.9 Complaint Resolution*.

Intern: A paid or unpaid temporary employee who desires on-the-job experience in a field related to their course of study or career objectives, who is assigned a project or responsibilities designed to be a learning experience. See *Chapter 7.4 Volunteer and Intern Programs*.

Lay-off: A non-disciplinary termination of an employee due to the City's financial position or a change in business needs related to staffing (sometimes called "lack of work", or "reduction in force"). See *Chapter 2.6 Separation from Employment*.

Leave of Absence: Leave from regularly scheduled duties that may be paid or unpaid, for medical or personal reasons without loss of employment status.

Light-duty: A temporary assignment of limited duties to an employee during recuperation from an illness or injury. See *Chapter 5.9 Temporary Accommodations*.

Manager: An employee in a position representing City management.

Non-Exempt: Covered by the overtime provisions of the Fair Labor Standards Act (FLSA), as amended, and the Washington State Minimum Wage Act Wage Act, [RCW 49.46](#). See *Chapter 4.1 Employment Status*.

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Non-Represented Employees: Employees holding positions that are not included in a bargaining unit that is represented by a union or guild.

Part-Time Regular: An employee hired into a position for an indefinite period of time and regularly scheduled to work at least twenty (20) hours per week and less than forty (40) hours per week. See *Chapter 4.1 Employment Status*.

Personnel File: The files, maintained by the Human Resources Department, containing information on a current or former employee, including date of hire, position title(s), performance reviews, disciplinary notices and payroll records. Records of internal investigations and medical information are kept in separate confidential files.

Position Description: Position descriptions are written specifications that describe the nature and level of the work, the distinguishing characteristics, essential functions, minimum qualifications and the knowledge, skills and abilities required to perform the job.

Promotion: See *Chapter 4.2 Salary Administration and Pay Practices*.

Reclassification: See *Chapter 4.2 Salary Administration and Pay Practices*.

Represented Employees: Employees holding positions that are included in a bargaining unit and represented by a union or guild

Resignation: voluntary separation from employment with the City that is initiated by the employee.

Salary Grade: A defined range of pay with a minimum and maximum value. Salary grades (also referred to as 'salary range') may be broken into defined steps.

Salary Plan: A document that outlines each Salary Grade, including each defined step if applicable, and indicates which positions fall within a specified Salary Grade.

Seniority: A measure of an employee's length of service. See *Continuous Service* definition. See also *Chapter 4.3 Re-Hires and Bridging Service Gaps*. Note: Collective Bargaining Agreements may have alternative definitions for seniority.

Separation: A voluntary or involuntary separation of employment. Can be a resignation, lay-off, retirement, etc. See *Chapter 2.6 Separation from Employment*.

Supervisor: An employee with the City who may be delegated responsibility and authority to hire, transfer, suspend, layoff, recall, promote, dismiss, evaluate, discipline or direct other employees, or to effectively recommend such action. An employee's supervisor is the management member who the employee reports directly to (may carry the position title of Supervisor, Manager, Director, etc.).

Suspension: A temporary separation from duty, with or without pay, of an employee: (1) for disciplinary purposes; (2) for the purpose of investigation of an accusation brought against an employee; or (3) where necessary to preserve employee safety or public confidence. See *Chapter 3.8 Disciplinary Process*.

Temporary Employee: An employee hired to fill a position with a defined end date. The length of a temporary position will generally not exceed six (6) months. See *Chapter 4.1 Employment Status*.

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Termination: See *Separation* definition.

Transfer: See *Chapter 4.2 Salary Administration and Pay Practices*.

Trial Period: Also known as “probationary period.” A defined period of time (minimum 6 months) which is an integral part of the examination and selection process, during which an employee may be dismissed or returned to their previous job classification with or without cause, and without access to the grievance process. See *Chapter 2.4 Trial Period*.

Volunteer: An individual who performs services for the City who receives no compensation other than expenses, reasonable benefits or a nominal fee and who is not otherwise employed by the City to perform the same type of service. See *Chapter 7.4 Volunteer and Intern Programs*.

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CHAPTER 1 – GOVERNING PRINCIPLES OF EMPLOYMENT

1.3 EQUAL EMPLOYMENT OPPORTUNITY

The City of Mill Creek is an equal opportunity employer. We believe that every employee has the right to work in an environment that is free from all forms of unlawful discrimination. Consistent with applicable laws, the City will make decisions involving any aspect of the employment relationship without regard to race, color, religion, gender, national origin, age, disability (including pregnancy), sexual orientation, gender identity, marital status, citizenship, genetic information, or any other status or characteristic protected by local, state, or federal law. Discrimination and/or harassment based on any of those factors is in conflict with our philosophy of doing business and will not be tolerated. This policy of non-discrimination applies to all aspects of recruiting and employment, including compensation, benefits, advancement, transfers, training, reductions in force, and general employment activities.

What is Unlawful Discrimination?

Unlawful discrimination happens when being part of a protected class causes a person to be treated differently from others, either through disparate treatment or a disparate impact. A protected class is a group of people protected against unlawful discrimination through local, state, or federal laws. In the City of Mill Creek, discrimination is considered unlawful or prohibited when it is due to a person's race, color, religion, gender, national origin, age, disability (including pregnancy), sexual orientation, gender identity, marital status, citizenship, genetic information, or any other status or characteristic protected by local, state, or federal law.

Reporting a Complaint

Any employee with questions or concerns about equal employment opportunity in the workplace is encouraged to bring these issues to the attention of the City Manager and/or Human Resources. If an employee witnesses, or is the victim of, any disparate treatment or disparate impact, they should report their concern to the City Manager and/or Human Resources. The City will not allow any form of retaliation against individuals who raise issues of equal employment opportunity or unlawful discrimination.

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CHAPTER 1 – GOVERNING PRINCIPLES OF EMPLOYMENT

1.4 EMPLOYEES WITH DISABILITIES

The City does not discriminate against any qualified employees or applicants with regard to terms or conditions of employment because of the individual's disability, perceived disability, or record of such disability, so long as the employee can perform the essential functions of the job, with or without reasonable accommodation. Reasonable accommodation will be provided to a qualified individual with a disability who has made the City aware of his/her disability and requested accommodation, unless the accommodation would constitute an undue hardship on the City.

Requesting an Accommodation

Employees or job applicants with a disability, who believe they need reasonable accommodation in order to perform the essential functions of their job, should contact Human Resources. This information will be treated confidentially, except to the extent other employees have a need to know (in order to evaluate the accommodation request or to accommodate the disability).

The City encourages individuals with disabilities to request reasonable accommodation if needed, but employees are not required to disclose a disability unless they are seeking an accommodation. In order to ensure compliance with all applicable provisions of the Americans with Disabilities Act ("ADA") and the Washington Law Against Discrimination ("WLAD"), the City has outlined the following procedure for employees or job applicants requesting an accommodation:

- Upon receipt of an accommodation request, Human Resources and the employee's supervisor will meet with the employee to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the employee believes the City might make to help overcome those limitations. As needed, Human Resources may seek input from the employee's health care provider(s) to confirm the need for and explore potential accommodations.
- The City will determine the feasibility of the requested accommodation by considering various factors, including, but not limited to, the length of time the accommodation would be needed for, the nature and cost of the accommodation, the City's overall financial resources, and the accommodation's impact on City operations, including its impact on the ability of other employees to perform their duties.
- Employees with disabilities are not entitled to the accommodation of their choice if an alternative reasonable accommodation is available that sufficiently enables the employee to perform the essential functions of his/her position. The City reserves the right to provide alternative accommodations as appropriate after engaging in an interactive process with the employee and/or his/her physicians. Whenever possible, reasonable accommodation will be made provided that the accommodation does not constitute an undue hardship.

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- The ADA and the WLAD do not require the City to make the best possible accommodation, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs, etc.).
- The City is responsible to inform the employee of its decision regarding the request for accommodation. If the request is denied, employees may appeal the decision by submitting a written statement to the City Manager explaining the reasons for the request. If the request on appeal is denied, the decision is final, but is subject to revision as conditions or circumstances may dictate.

Any employee or job applicant who has questions regarding this procedure or believes that he or she has been discriminated against based on a disability should notify Human Resources. All such inquiries or complaints will be treated as confidential to the extent practical and permissible by law. Employees or job applicants who report discrimination will not be retaliated against in any way.

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CHAPTER 1 – GOVERNING PRINCIPLES OF EMPLOYMENT

1.5 WHISTLEBLOWING

The City strongly encourages employees to report improper governmental action taken by its officials or employees, and to do so without fear of retaliatory action. Per Washington State law, the following terms as used in this policy, are defined below:

“Improper governmental action” is any action by a City employee that:

- Is undertaken in the performance of the employee’s official duties (whether or not the action is within the scope of the employee’s job); and
- Is; (i) in violation of any federal, state, or local law or rule; (ii) an abuse of authority; (iii) of substantial and specific danger to the public health or safety; or (iv) a gross waste of public funds.
- *“Improper governmental action”* does not include personnel actions, such as: grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements, or reprimands.

“Retaliatory action” is any adverse change in the terms and conditions of a City employee’s employment.

To Report Improper Governmental Action

City employees who become aware of what they believe may be improper governmental action are encouraged to raise the issue first with the City, i.e., their supervisor, the City Manager, or City Attorney. The employee should submit a written statement within thirty (30) days of the incident occurring, or within thirty (30) days of the employee becoming aware that the incident occurred. The statement should describe in detail the basis for the employee’s belief that an improper governmental action has occurred.

In cases where the employee reasonably believes that the improper governmental action involves their supervisor, the employee shall raise the issue directly with the City Manager or City Attorney. In the case of an emergency, where the employee believes that imminent damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action. If the action creates an existing or imminent risk to employee or public safety, they should contact the police department and/or call 911.

The supervisor, City Manager, and/or City Attorney shall take prompt action to assist the City in properly investigating the report of improper governmental action. City employees involved in the investigation shall keep the identity of reporting employee(s) confidential to the extent possible, unless the employee authorizes the disclosure of his/her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action will be advised of a summary of the results of the investigation. Personnel actions taken as a result of the investigation may be kept confidential.

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Contacts

City employees also have the right to report information about improper governmental action directly to the appropriate external government agency if they reasonably believe that (1) an adequate investigation was not undertaken by the City; (2) insufficient action has been taken by the City to address the improper governmental action; or (3) for other reasons the improper action is likely to recur. The following external agencies may accept reports, or may be able to direct an employee to the appropriate government agency in light of the nature of the improper government action:

Snohomish County Prosecuting Attorney's Office
www.snohomishcountywa.gov/202/Prosecutor
(425) 388-3333

Washington State Office of the Attorney General
www.atg.wa.gov
(360) 753-6200

U.S. Attorney's Office (Western District of Washington)
Department of Justice
www.justice.gov/usao-wdwa
(206) 553-7970 or (800) 797-6722

Protection against Retaliatory Actions

City officials and employees are prohibited from retaliating against a City employee because he/she has in good faith reported an improper governmental action in accordance with these procedures.

Employees who believe that they have been retaliated against should promptly advise their supervisor, the City Manager, City Attorney, or Human Resources. City officials shall take appropriate action to investigate and address complaints of retaliation. In addition or as an alternative, the employee may obtain protection pursuant to state law by providing a written notice to the Mill Creek City Council within 30 days of the alleged retaliatory action that specifies the alleged retaliatory action and the relief requested. The City will respond to a charge of retaliation in accordance with the process set forth in [RCW 42.41.040](#).

Responsibilities

The City Manager and Human Resources are responsible for implementing the City's procedures for reporting improper governmental action and for protecting employees against retaliatory actions. This includes ensuring that these procedures are readily available to all employees, and are provided to all newly-hired employees.

Directors, managers, and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility.

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CHAPTER 1 – GOVERNING PRINCIPLES OF EMPLOYMENT

1.6 CONFLICTS OF INTEREST

Promoting and preserving public confidence in City government depends largely on the integrity of City employees. No City employee shall engage in behavior or actions that are in conflict with, or would create the appearance of being in conflict with, official City business or the best interests of the City. Employees are expressly prohibited from using City personnel, time, property, equipment, or money for their own benefit or financial gain. Violations may lead to disciplinary action, up to and including termination.

Provided below are some examples of activities that are, or may be, prohibited. The examples provided are not meant as an exhaustive list. If an employee is not clear whether specific behavior would constitute a conflict of interest, they should seek immediate clarification from their supervisor, the City Manager, or Human Resources.

Outside Employment

Employees shall not engage in employment other than their City position if that employment would interfere with the efficient performance of their City job or would result in a poor public image for the City. Outside employment includes any activity for which an individual receives compensation, including consulting or self-employment.

Solicitation

Employees are not permitted to conduct or arrange for collections, solicitations or sales on City premises unless approved in advance by the City Manager.

Political Activity

In accordance with [RCW 41.06.250](#), employees shall have the right to vote and to express their opinions on all subjects and candidates, to hold any political office, and to be involved in any political campaign, as long as that involvement is not during working hours or while performing official City duties. Nothing in this section shall prohibit an employee from participating fully in campaigns relating to constitutional amendments, referendums, initiatives/issues of a similar character and for partisan or non-partisan offices, as long as involvement is not during working hours or while performing official City duties, and is not prohibited by law.

- Employees shall not hold a part-time public office for the City if holding office would interfere with the employee's official job duties.
- Employees shall not actively promote a political cause while at work unless they are acting in an approved official capacity on behalf of the City.
- City property or equipment shall not be used to further any political campaign or candidate.
- No person, elected official or City employee shall solicit a contribution to be used for political purposes on City property. Employees shall not use their City title or position to solicit or promote political activity. Employees shall not be required to make any contribution to a political party, an elected official, a candidate, or an initiative or referendum.

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- This is not intended to prevent employees from participating in advocacy activities, such as testifying to the legislature on behalf of their professional organizations or associations. The City Manager should be informed about such activities in advance.

Acceptance of Gifts

City employees may not use their position to solicit or secure special treatment, privileges or anything of value for themselves or others on more favorable terms than those granted to the public. City employees may not accept any type of gift or favor in exchange for their official services, or that could be construed as influential in any matter related to their service for the City.

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CHAPTER 2 – EMPLOYMENT PRACTICES

2.1 RECRUITMENT AND SELECTION

The City recruits and selects employees on the basis of skill, ability, experience, and competence. We provide equal employment opportunity to all applicants, without unlawful discrimination based on race, color, religion, gender, national origin, age, disability (including pregnancy), sexual orientation, gender identity, marital status, citizenship, genetic information, or any other status or characteristic protected by local, state, or federal law.

Job Openings

Many factors are considered when deciding to recruit for a new employee, including the department budget, position responsibilities, and the existing staff. Some job openings may be posted only for internal applicants, while others may be posted for external applicants as well. Job openings may only be posted with the approval of the City Manager, Finance Director, and Human Resources.

There may be instances when posting an open position is not required (for example, a reclassification of an employee, a formal appointment, etc.). Hiring without posting must be authorized by Human Resources and the City Manager. Selection procedures may be modified as appropriate when internal vacancies are being filled.

Prior to initiating the recruitment for a job opening, the hiring manager should work with Human Resources to develop a new position description, or review and make any necessary updates to an existing position description as appropriate. All newly created or updated position descriptions must be approved by both Human Resources and the City Manager.

Recruitment

All recruitments will be posted internally on the City's online employee portal for a minimum of six (6) working days. Recruitments may also be advertised on the City's external website. External recruitment efforts may begin concurrently with the internal posting. Generally, positions will be left open until filled, unless there is a need to interview or hire a candidate within a specific time frame. In this case, the closing date for the position will be clearly identified in all recruitment materials. At the request of the hiring manager, advertisements may be placed in designated newspapers, publications, newsletters, etc. Applications are only accepted for current open positions, and must be submitted along with any other required materials or forms on or before the final date and closing time if specified in the position announcement.

Upon request, the City will provide reasonable accommodation to applicants with a disability if needed. Applicants should notify Human Resources or the City Manager's office at least five (5) working days prior to that need.

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Selection

Human Resources will work with the hiring manager to identify the best qualified applicants to move forward in the recruitment process. Various factors such as prior experience, training, education, past job performance, demonstrated interpersonal and communication skills, attitude, etc. will be considered when selecting an applicant for further consideration.

The selection process may include a phone screening or interview followed by a more formal in-person interview and/or other pre-employment activities.

Hiring

Prior to extending any offer of employment, the candidate's employment references must be checked by the hiring manager (or designee). Upon selection of a candidate, the hiring manager will partner with Human Resources to generate the terms of the offer letter (including starting salary). The hiring manager will then contact the successful candidate to officially extend an offer of employment or promotion. Any offer or agreement must be authorized by the City Manager in advance of the offer.

All employment offers will be contingent upon the applicant providing any required documentation and/or passing required pre-employment checks.

At the conclusion of the recruitment, all materials and/or documentation should be returned to Human Resources for filing with the recruitment file.

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CHAPTER 2 – EMPLOYMENT PRACTICES

2.2 POSITION DESCRIPTIONS

Position descriptions (also referred to as “job descriptions”) will be created and maintained as a collaborative effort between Human Resources and the applicable Department Director. Position descriptions are used not only as a tool in managing compensation, but also for performance management, employee development, workforce planning and determining employee and organizational training needs. They are meant to reflect the current responsibilities of the job described and will be created, updated, or retired as needed to reflect the changing needs of the Department and/or the City. Existing position descriptions shall not be seen as limiting the authority of the City to design, redesign, or assign work.

All position descriptions will contain, at minimum, the following sections:

- Position Title
- Department
- Salary Grade
- Representation
- Job Classification
- Reports To
- FLSA Exempt Status
- General Description
- Essential Job Functions
- Qualifications
- Minimum Requirements

Position descriptions will also work in conjunction with documentation of Physical Requirements and Working Conditions.

Position titles should be concise, meaningful, and descriptive of the work being performed. Essential Job Functions should be regarded as a list of minimum and high priority functions of a specific position, and not as prescribing the exact or complete duties of any position. Qualifications and Minimum Requirements sections will document the information necessary to recruit and select appropriate applicants that will be likely to succeed in the described position.

All position descriptions must be approved by both Human Resources, the applicable Department Director, and the City Manager. When new position descriptions are created or existing position descriptions are significantly altered or retired, Union or Guild representatives may also be notified if necessary under the respective CBA.

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CHAPTER 2 – EMPLOYMENT PRACTICES

2.3 BACKGROUND AND REFERENCE CHECKS

The City performs pre-employment checks when hiring for all positions within the City. The purpose of these checks is to determine the qualifications and suitability of applicants, ensure the safety of other City employees and the public, and to comply with state and federal laws. Offers of employment are contingent on all pre-employment checks coming back satisfactory.

The City is committed to ensuring that its pre-employment checking procedures comply with all applicable laws, including federal and state equal opportunity laws. The particular pre-employment check(s) that are run will be determined by the specific position the applicant is applying for. Any or all of these checks may also be run on current employees applying for a position which requires background or reference checks that have not previously been performed.

Reference Checks

In considering a candidate for hire, reference checks may be completed prior to or in conjunction with extending a job offer. These are generally telephone calls made by the hiring manager to the candidate's prior employers or other references to verify employment, performance, skills, character, etc. Reference checks must be completed before the employee begins work.

Background Checks

All positions (including interns and ongoing volunteers) will require a "basic" level background check that includes criminal conviction history. Additional checks (such as a credit check or verification of education) may be run if applicable to the position the applicant is applying for. Applicants for law enforcement positions may also be required to submit to a psychological evaluation, polygraph, medical exam, and/or additional background and reference checks.

Prior to any background check, applicants will be advised that the background check is required, and applicants will be required to sign appropriate authorizations prior to the City performing any background check.

Any information provided by the applicant found to be false or intentionally misleading will be grounds for disqualification or termination.

Background Checks – Other

Depending on the nature of an employee's position, additional background checks may be required after hire. For example, Passport Acceptance Agents must have a separate background check completed by the Department of State, and a background check including fingerprinting is required for unescorted access to the Police Department. While these background checks can normally be submitted after a new employee begins work, continued employment may be contingent on the results being satisfactory.

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Disqualification or Termination

All decisions with respect to employment will be based upon the totality of the applicant's qualifications and results of any background or reference checks. Applicants will not be rejected based solely on a criminal conviction. The determination will be based on the following factors:

- The nature and gravity of the offense(s) committed
- The amount of time that has passed since the offense was committed
- The nature of the job for which the applicant is being considered

If the City determines that the applicant's criminal record should preclude employment in the position sought, the candidate will be notified and afforded an opportunity to demonstrate why the criminal record should not preclude employment.

Driving History Checks

Employees that must drive a City vehicle for business purposes must provide a copy of their current Driver License and allow the City to check their driving history yearly. Employees must self-report incidents that may affect their ability to drive a vehicle in the course of their work for the City.

Employees that are unable to lawfully operate a motor vehicle will be, depending on the nature of their job duties, temporarily reassigned, sent home until they are able to lawfully operate a motor vehicle, or be terminated. This decision must involve Human Resources and the City Manager. Additional information can be found in section [7.5 Vehicle Usage](#).

Confidentiality

The results of all background checks, reference checks, or other pre-employment checks will be kept confidential, and information will be shared only with City personnel who have a legitimate need to know.

Reference

[RCW 43.43.830](#) – Background checks – Access to children or vulnerable persons – Definitions.

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CHAPTER 2 – EMPLOYMENT PRACTICES

2.4 TRIAL PERIOD

Trial Period

When an employee is newly hired, the initial six (6) months in that job are considered a trial period. During the trial period, the City evaluates the job performance, ability and potential of new employees, and new employees have the opportunity to evaluate the City as an employer. The supervisor will orient the employee to the new job/department, provide training, observe, and evaluate the employee’s job performance and ability to successfully perform the job. The six (6) month trial period does not apply to employees that have been called back from a lay-off.

Existing employees who have been transferred or promoted must also successfully complete a six (6) month trial period in their new position. Employees who do not successfully complete their trial period may be returned to their former position or another position for which they qualify, if a vacancy exists. If there is no vacancy, the employee may be discharged.

Rules governing the trial period may be different for employees covered by a collective bargaining agreement.

Supervisor Responsibilities

One of the critical objectives of a trial employment period is to determine the new employee’s ability to perform a job. It is important that the supervisor clearly communicate the expectations for the employee’s job performance and their assessment of how the employee’s performance is meeting these expectations. Prior to the end of the trial period, the employee will receive a written evaluation that will document whether the employee is successfully meeting the performance expectations of the job.

Extension of the Trial Period

The department manager may extend the trial period for an additional amount of time, not to exceed six (6) additional months, in certain circumstances. This extension must be documented in the employee’s personnel file and authorized by the City Manager and Human Resources. Some of the reasons for doing this may be:

- Additional training is required to achieve satisfactory performance in the new job.
- A performance problem has developed which is deemed to be correctable with additional time, and it is in the interest of the City to do so.
- The department manager determines that there has been an insufficient or inadequate opportunity to effectively evaluate the employee’s performance.

The supervisor should meet with the employee to discuss the reason for extending the trial period. If the extension is due to job-performance deficiencies, a written plan for correcting the deficiencies should be developed, documented and signed. (Performance Improvement Plan form may be used for documentation).

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CHAPTER 2 – EMPLOYMENT PRACTICES

2.5 PERFORMANCE MANAGEMENT

Philosophy

The City of Mill Creek’s performance management program consists of multiple components designed to promote high performance and employee engagement. These components provide clear expectations for employees and supervisors, consistent methods for discussing individual employee performance, and tools for employees and supervisors to utilize when performance falls below standard. Each component is designed to work with the others in a constructive way. These components include our organizational STAR Values, Position Descriptions, Performance Evaluations, development and/or improvement plans, and a Disciplinary Process.

Supervisor Responsibilities

All supervisors are responsible for the following with regards to Performance Management:

- Set clear expectations for employee performance.
- Provide (or arrange for) the appropriate training for employees to meet those expectations.
- Provide employees with the necessary communication, tools, materials, or resources to perform their jobs properly.
- Model the City’s STAR values on a daily basis – lead by example.
- Provide timely feedback on employee performance (outside of performance evaluations) and document when appropriate.
- Complete performance evaluations in a timely manner and set aside an appropriate amount of time for the one on one discussion.
- Take disciplinary action when appropriate.

Employee Responsibilities

All employees are responsible for the following with regards to Performance Management:

- Learn what is expected in your job. Ask clarifying questions when needed.
- Actively participate in all training provided, and request specific training from your supervisor when you believe it is necessary.
- Inform your supervisor when there are barriers to completing your work properly. Communication is key!
- Model the City’s STAR values on a daily basis – strive to be a leader among your peers.
- Request feedback from your supervisor on your performance if you are unsure how you are doing.
- Actively participate in the one on one discussion with your supervisor during your performance evaluations.

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STAR Values

An important component of the City's performance management program is the City of Mill Creek's workplace values; known as the "STAR" values. These values were developed to help formalize performance expectations and to reinforce the attitudes, behaviors, and contributions that the City values in its employees. They support organizational goals and objectives, help drive employee engagement and job satisfaction, and provide guidance to employees in making the best decisions in the performance of their jobs.

The City's STAR values are:

- **Service:** Through continuous improvement, innovation, creativity, professional competence and hard work, we enthusiastically provide outstanding service to all customers, internal and external.
- **Teamwork:** In order to support our shared goals and successes, we teach, learn from, collaborate and cooperate with others, while being flexible, adaptable and inclusive.
- **Accountability:** We are responsible for our actions and decisions, and always portray honesty, integrity, transparency and leadership in our contributions.
- **Respect:** We take pride in our work and accomplishments, and in the work and accomplishments of others. We support an environment that honors the value and dignity of all individuals.

Performance Evaluations

Performance evaluations are another important component of the City's performance management program. Employees will receive performance evaluations under the following circumstances; upon completion of their probationary period or seasonal / temporary position, and yearly on or around their anniversary date to provide continuing feedback. Employees may be evaluated more frequently if necessary to facilitate effective communication and feedback between the employee and their manager, or if required by their department or position.

All performance evaluations will be completed by the employee's immediate supervisor at the close of their evaluation period. If an employee has worked for multiple supervisors during that evaluation period, their immediate supervisor should make an effort to collect feedback from the employee's previous supervisors to ensure the evaluation provides an accurate picture of the employee's performance during that evaluation period.

Employees will be evaluated on their work performance as it relates to their job description, the City's STAR Values, and any performance goals that were assigned during their previous evaluation or throughout the evaluation period. Employees will be given an opportunity to discuss their past performance and future goals in a one on one meeting with their supervisor. Employees that supervise others will also be evaluated on their supervisory skills.

Performance Improvement Plans

If an employee's overall work performance results in an evaluation that does not meet the minimum requirements or expectations of their position, that employee will be placed on a Performance Improvement Plan (PIP). The PIP in and of itself shall not be considered disciplinary action, but could lead to disciplinary action if an employee does not successfully follow or complete the plan. A supervisor may initiate a PIP at any time if they have determined that the employee's performance or behavioral concerns are serious enough to require marked improvement in order to achieve a satisfactory performance level.

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The purpose of the PIP is to outline the performance or behavioral concern(s) that the supervisor has identified, clearly define a plan of action for the employee to complete within a specified time frame to bring their performance up to expectations, and define what actions the employee can expect to see if they fail to successfully follow or complete the plan. A copy of the signed PIP will be kept in the employee's personnel file. At the end of the time period specified in the PIP, the employee and their supervisor will meet to discuss the plan's success, and close out, adjust, or extend the plan as appropriate.

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CHAPTER 2 – EMPLOYMENT PRACTICES

2.6 SEPARATION FROM EMPLOYMENT

Voluntary Termination

In most cases, separation from employment is initiated voluntarily by the employee. There are multiple reasons for this happening, for example; an employee accepts another job, moves out of the area, retires, etc. Although an at-will employee may resign at any time, the City expects that, as a professional courtesy, the employee give a minimum of two (2) weeks notice, or at least two (2) weeks of work at the employee’s regular schedule before the resignation becomes effective. The City also requests that an employee provide his/her supervisor or department manager a written notification explaining the reason(s) for the resignation and the effective date. This can be through a letter written from the employee to the supervisor, or by using the City’s Employment Separation form.

The supervisor is responsible for assuring that separation notification is submitted to Human Resources as soon as they become aware, and will also be responsible for collecting City property, such as keys, telephones, equipment, etc., and ensuring that access to buildings and/or systems is discontinued.

Employees will typically not be allowed to use paid time off during their notification period. An employee who resigns without any notification, or does not work their notification period, may be considered ineligible for re-hire with the City.

Involuntary Termination

In some instances, separation from employment is initiated by the City and is involuntary for the employee. There are multiple reasons for this happening, for example; serious misconduct, inability to perform essential job functions, elimination of position (layoff), resignation in lieu of termination, etc.

Depending on the reason for separation, the employee may or may not be given a notice period prior to their separation date. Written notification including the terms of the separation will be placed in the employee’s personnel file and a copy will be given to the employee prior to the separation date.

Layoff

On occasion, the City may find it necessary to lay off employees due to lack of work, budgetary constraints, or restructuring of the work force. Affected employees will be given as much notice as reasonably possible under the circumstances before the layoff occurs and reasonable efforts will be made to transfer the affected employees into other positions. Generally, the layoff procedure is as follows, although the City retains the discretion to follow some or none of the steps below:

- In most cases, temporary or casual employees performing similar work should be laid off before regular employees are affected.

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- Options such as part-time work schedules, job sharing, and voluntary schedule and/or pay reductions may be explored if feasible and approved by the City Manager.

Alternative rules may apply to employees covered under a collective bargaining agreement.

Retirement

Retirement is regarded as a voluntary separation, the same notification expectations exist, and the same Employment Separation form may be used. To facilitate a smooth transition from work to retirement, employees who will be applying for retirement from the Department of Retirement Systems (DRS) may want to contact DRS prior to retirement. DRS will be able to answer questions and coordinate required paperwork and/or notification. Employees should be aware that if they plan to work after retirement, there may be restrictions on the hours they may work, or the positions they may work in. Before returning to work after retirement, employees should contact any agency they are receiving a benefit from to ensure that those benefits will not be affected.

Final Paycheck

The employee's final paycheck will be paid through direct deposit on the next regular payday following the effective date of the separation.

- Upon separation of an employee by resignation, layoff, termination, or death, any accrued and unused annual leave and comp time is paid to the employee (or beneficiary) in full on the final paycheck at the employee's pay rate at the time of separation.
- Unused administrative leave is not paid out upon separation.
- Unused floating holidays are not paid out upon separation.
- Unused sick leave is not paid out upon separation, except in the following circumstances: Upon voluntary resignation or lay-off, employees in good standing with at least ten continuous years of service, or the equivalent of at least fifteen years of non-continuous service with the City, will be paid out 25% of their accrued sick leave balance, up to a maximum of 200 hours.

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CHAPTER 3 – CONDUCT AND EXPECTATIONS

3.1 PERSONAL APPEARANCE AND DRESS CODE

General Guidelines

In the interest of the City and the public, it is desirable to maintain a high standard of professionalism in the workplace, both in appearance and in conduct. City employees are expected to present a neat, clean, professional appearance that is appropriate to the work they perform. More specific departmental dress and grooming standards may be defined by department managers as required to meet operational and/or safety needs. Standard uniforms are required in some departments (i.e. Police, Public Works).

Employees are encouraged to always use their best judgment with respect to their attire and appearance, and to ask their supervisor if they need clarification.

Personal Appearance

Personal cleanliness and good hygiene are required of all employees at all times. Clothing should be clean, neat and wrinkle free. An individual who reports to work inappropriately dressed or poorly groomed may be sent home and asked to return to work with attire or grooming standards that meet the requirements of this policy. Heavily scented lotions, perfumes, or colognes should be avoided.

Visible tattoos and body piercings are not prohibited if in good taste and not likely to be offensive to co-workers or the public. Tattoos with vulgar or offensive content must be covered completely while performing work for the City.

Appropriate Work Attire

In general, standard work attire at the City of Mill Creek is “business casual.” Business casual is described as “*comfortable, while projecting a professional and businesslike image to our customers.*” Business casual dressing would include neat, clean and wrinkle free clothing that would be appropriate to the type of work and/or interactions that are required by the employee’s particular position. City logo wear is encouraged, but not required unless otherwise specified by the department supervisor.

Formal business attire, such as a business suit, may be required at certain times depending on the specific business activity or work environment.

Managers will clarify standards of dress within their respective departments, taking into account the type of work the department performs. Employees who work in the field, and not primarily in direct contact with the public may dress more casually if necessary to do their job, but should always be mindful of the City’s public image. For example; casual jeans, sweatshirts and work boots may be appropriate dress for Public Works employees, but inappropriate for staff working in the office. Casual clothing such as tee shirts, athletic shoes, shorts and/or hats may also be acceptable in certain circumstances, such as when engaged in active recreation supervision or other similar work activities.

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Shoes for all employees should be clean, safe, and job appropriate. Some departments may have specific requirements for work shoes or boots.

Inappropriate Work Attire

The following types of clothing are some examples of attire that is inappropriate for the workplace and not allowed:

- Immodest or revealing clothing such as very short shorts or skirts.
- Clothing that is see-through, very tight, ill-fitting, or worn without appropriate undergarments.
- Very casual shoes such as flip flops.
- Clothing with words, sayings, or pictures.
- Any clothing that prevents an employee from wearing required protective equipment.
- Any clothing or jewelry that is deemed unsafe to wear for the work being performed.

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CHAPTER 3 – CONDUCT AND EXPECTATIONS

3.2 ATTENDANCE

General Guidelines

In order to maintain a safe and productive work environment, the City expects employees to be present at their worksite and ready to work during their regularly scheduled hours. Absence and/or tardiness can disrupt the workplace and place a burden on other employees and on department and City operations. Regular and satisfactory attendance is a requirement of every position within the City of Mill Creek. Habitual or excessive attendance issues may be a cause for disciplinary action, up to and including termination.

Notification Requirements

Note: Notification requirements or procedures may differ within the City departments based on the nature of the work being performed and the operational needs of the department. Managers are responsible for clarifying specific departmental procedures regarding notification with their respective employees. Employees are responsible for knowing and following the attendance procedures within their respective department as well as the following guidelines:

- When employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as early as possible in advance of the anticipated tardiness or absence. In general, notice should be at least an hour prior to their scheduled start time.
- Employees are required to notify their supervisor each day of their absence, unless prior notification of a specific duration of absence has been provided (such as with an approved leave of absence or other approved time off). For clarification on use of sick leave, FMLA leave, or other types of leave, see [Ch. 5 Time Off and Leaves of Absence](#).
- Scheduled time off should be pre-arranged with the employee's supervisor in advance of the need to take time off in order to facilitate departmental planning and work coverage.
- If an employee needs an extended lunch break or to leave work early, notice must be given to the supervisor in advance, and the supervisor must approve of the adjustment to the employee's work hours.
- Supervisors have the discretion to not approve time off requests or adjustments if doing so would be detrimental to department operations.

An employee who is absent without providing notice (no call/no show) may be subject to disciplinary action. Absence for three (3) consecutive days/shifts without notification may be considered job abandonment and a voluntary resignation.

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CHAPTER 3 – CONDUCT AND EXPECTATIONS

3.3 ANTI-HARASSMENT

The City of Mill Creek is committed to providing a professional environment where all individuals are treated with respect and dignity, and all relationships are free of bias, prejudice, unlawful harassment and discrimination. Actions, words, jokes, comments, texts, email or physical gestures considered to be harassing or discriminatory will not be allowed. Intolerant, disrespectful, denigrating, bullying or intimidating behavior is expressly prohibited by the City, and will result in appropriate disciplinary action, up to and including termination of the offender.

What is Harassment?

“Harassment” is any **unwelcome** conduct, verbal or physical, based upon one’s race, color, religion, gender, national origin, age, disability (including pregnancy), sexual orientation, gender identity, marital status, citizenship, genetic information, or any other status or characteristic protected by local, state, or federal law which:

- creates an intimidating, hostile, or offensive working environment,
- unreasonably interferes with an individual’s work performance, or
- otherwise adversely impacts an individual’s work performance or work environment

Harassment can also be sexual in nature, involving comments, suggestions, or touching that is unwanted, uninvited, or offensive, or “quid pro quo” harassment, which involves requests for sexual favors in exchange for something (such as a promotion, or a positive performance evaluation).

Harassment and discrimination in the workplace is prohibited by both law and company policy.

It is important to remember that what is unwelcome or offensive to one person may be different from what is unwelcome or offensive to another.

Examples of Harassment

Examples of harassment may include, but are not limited to:

- Offensive pictures, cartoons, stories, or jokes (for example, a racially demeaning joke)
- Unwelcome requests for sexual favors
- Touching that is unwelcome or uninvited (can include hugs)
- Disciplining an employee for refusal to provide sexual favors
- Unwelcome or uninvited comments that are sexual in nature
- Showing an inappropriate video at work (such as comedy that is derogatory in nature, or a video with inappropriate sexual content)

Note: there may be other topics that are inappropriate for work that do not fall under the definition of harassment. Employees should use their best judgement when engaging in non-work related conversations with their co-workers.

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Employee Responsibilities

All employees are required to abide by the City's STAR values and treat each other with respect and dignity. Should any form of harassment be witnessed or suspected, employees are strongly encouraged to report the incident, either verbally or by written complaint to Human Resources, the City Manager, or a department director, and may do so without fear of retaliation. Any employee can and should report harassing behavior, even if they do not feel that they are the victim of the harassment.

Supervisor Responsibilities

All City management members are responsible for taking immediate and appropriate corrective action if they witness inappropriate behavior or receive a complaint. Managers are expected to enable channels of communication to allow employees to raise concerns of sexual or other harassment without fear of retaliation, to address observed harassment, and to treat harassment matters with sensitivity, objectivity and confidentiality. All complaints should be relayed to Human Resources, the City Manager, or the City Council (as appropriate for the situation) to allow for investigation.

Reporting Harassment

The first step employees should take (if appropriate to the situation) is to notify the offender that their behavior is unwelcome and request that it be immediately discontinued. Often, this action will resolve the problem.

If the employee does not believe this action to be appropriate, they should notify their supervisor, another member of management, Human Resources, or the City Manager as soon as possible. Complaints may be made either verbally or in writing. It is helpful if the employee documents the incident and what their response was, including dates, times, and witnesses. This statement may prove helpful if the harassment continues and an investigation is conducted.

Sometimes an employee reporting harassment seeks only to discuss the matter informally and does not wish the City to undertake an investigation or to take further steps. Individuals reporting harassment should be aware that the City may be required to take action to address the harassment, regardless of their preference.

Investigating Harassment

Once reported, all complaints of harassment will be investigated thoroughly. Choice of investigator, level of formality, and the procedures used in the investigation may vary depending upon the nature of the allegations and circumstances of the situation. The investigation may include interviews with the involved parties, with employees or others who may have observed the incident, or with employees who may be similarly situated and able to provide pertinent information. Confidentiality will be maintained throughout the investigatory process to the extent practical and consistent with the City's needs. The City will make every effort to ensure that complaints of harassment or discrimination are resolved promptly, effectively, and as confidentially as possible.

If harassing conduct is found to have occurred, the City will take prompt and appropriate corrective action. Discipline may include verbal and written reprimands, professional counseling and/or training, reassignment, or other appropriate action, up to and including termination. The affected individuals will be informed of the outcome of the investigation.

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False or malicious complaints of harassment, discrimination or retaliation will be dealt with appropriately, and may warrant disciplinary action.

There will be no retaliation by the City, its officers, elected officials, supervisors, or other employees toward an employee bringing a complaint in good faith, or cooperating with the investigation of a harassment complaint, even if the complaint of harassment is ultimately unsupported by the investigation. Should the City find evidence of retaliation, immediate and appropriate corrective action will be taken.

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CHAPTER 3 – CONDUCT AND EXPECTATIONS

3.4 DRUG FREE WORKPLACE

The City of Mill Creek is committed to protecting the safety, health and well-being of our employees and visitors, and we strive to maintain a drug and alcohol free workplace. The manufacture, possession, distribution, dispensing, consumption/use of marijuana, alcohol, or drugs/controlled substances by employees is strictly prohibited in the workplace and may be cause for disciplinary action, up to and including termination.

Employees under the influence of marijuana, alcohol, or drugs/controlled substances may have impaired work performance and can pose a serious safety hazard to themselves, co-workers, and the public. We encourage employees to voluntarily seek diagnostic, counseling and treatment services (such as those provided by the City’s health care plans and Employee Assistance Program) if they are concerned that they may have a dependency.

Definitions

The following definitions apply specifically to this section:

- **Chemical Dependency.** Addiction to alcohol or controlled substances (either of a prescription or illegal nature); this definition does not cover those who have successfully completed a recognized rehabilitation program and are no longer alcohol or controlled substance users.
- **Controlled Substances.** Those substances whose distribution is controlled by regulation or federal/state law.
- **Drugs.** Any substance that, in the opinion of the employee’s supervisor, impairs an employee’s ability to perform his/her job or that poses a threat to the safety of others. This definition includes prescription and over-the-counter medications.
- **Impaired Behavior/Under the Influence.** Behavior that may limit the employee’s ability to perform his/her job duties safely and efficiently or that poses a threat to the safety of the employee or others.
- **Workplace.** Includes all property owned or leased by the City, City controlled premises, vehicles, and workstations.

Employee Responsibilities

To ensure a workplace free from the recognized hazards of marijuana, alcohol, and drugs/controlled substances, the following responsibilities lie with employees of the City at every level.

- Employees may not report to work if they are impaired by or under the influence of marijuana, alcohol, or drugs/controlled substances, even if their use or consumption occurred off-duty.
- Consumption or use of marijuana, alcohol, or drugs/controlled substances during the work shift, including on unpaid breaks, is prohibited. Note: Possession and use of prescription drugs (excluding medically prescribed marijuana) or over-the-counter drugs is not prohibited if taken in standard dosage or according to prescription.

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- Employees taking prescription or over-the-counter drugs that would prevent the employee from performing their job safely or effectively must inform their supervisor and/or the Human Resources Manager. Depending on the nature of the employee's job and the availability of alternative work, they may be temporarily re-assigned or sent home.
- Employees are required to comply with reasonable suspicion drug/alcohol testing as described below. Failure to promptly consent to such tests or testing positive for drugs or alcohol may result in discipline up to and including termination.
- Employees must report criminal convictions for illegal drug activity in the workplace in accordance with the Drug-Free Workplace Act of 1988. The report must be made in writing to their department director or his/her designee within five calendar days of the conviction. Failure to do so may lead to disciplinary action, up to and including termination.
- All employees must agree to comply with the responsibilities and procedures described here as a condition of employment. Violations may subject the employee to appropriate disciplinary action, up to and including termination of employment.

Employer Responsibilities

- Personal information related to drug and alcohol testing or treatment that is shared with Human Resources will be kept confidential to the extent permissible by law. Any related documentation is maintained separately from the employee's performance related personnel records.
- The City will provide reasonable accommodation to support employees participating in a professional treatment program as long as the accommodation does not impose an undue hardship on the City.
- No employee will be disciplined or discriminated against simply for seeking help and/or participating in a treatment program. However, if an incident at work occurs that violates City expectations, policies, or guidelines, the City reserves the right to take disciplinary and/or corrective action as appropriate, up to and including termination.
- In compliance with the Drug-Free Workplace Act of 1988, additional requirements are made of any City employees who work in a department or division that receives one or more federal contract awards of \$25,000 or more, or a federal grant regardless of grant size as follows: The City Manager or his/her designee shall notify the federal contracting or granting agency of any criminal convictions of employees for illegal drug activity in the workplace within ten (10) days of learning about the conviction.

Drug and Alcohol Testing

In cases where the City has reasonable suspicion that an employee may be under the influence of marijuana, alcohol, or drugs/controlled substances while on duty, the City may require that employee to submit to appropriate tests, including urinalysis or breath tests, to determine the presence of marijuana, alcohol, or drugs/controlled substances in the employee's system.

Reasonable suspicion testing determinations must be supported by written documentation from an observer that includes specific, contemporaneous, and articulable observations. (Observations may include information about an employee's behavior, appearance, speech or body odors associated with alcohol or drug use.) City personnel authorized to make reasonable suspicion determinations must be familiar with the signs and symptoms of drug and alcohol use. Drug and alcohol testing (excluding a preliminary breath test if appropriate) may only be conducted by a laboratory certified by the U.S. Department of Health and Human Services. An employee required to submit to reasonable suspicion testing will be relieved from duty and transported by a City representative to a collection site.

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CHAPTER 3 – CONDUCT AND EXPECTATIONS

3.5 NON-SMOKING WORKPLACE

In order to maintain a safe and healthy work environment for all employees and the community, the City prohibits smoking and the use of tobacco related products (including vaporizers, e-cigs, chewing tobacco, etc.) in all City vehicles and facilities, including City owned or leased buildings and offices. Smoking and the use of tobacco products is prohibited within twenty-five (25) feet of any entrances, exits, windows that open, parking areas and ventilation intakes that serve an enclosed area. This applies to any “place of employment” or “work areas,” and any area which employees are required to pass through during the course of employment.

Washington law significantly restricts the outdoor areas where individuals may smoke in relation to the location of City buildings, City parks, work areas and public places. Because the law prohibits any person from smoking at a place of employment, members of work crews are prohibited by law from smoking at any worksite locations. When at a worksite, an employee may only smoke while on his or her break, and must be at least 25 feet from other working City employees, and 25 feet from all entrances, exits, windows that open, parking areas, and ventilation intakes that serve an enclosed area where smoking is prohibited.

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CHAPTER 3 – CONDUCT AND EXPECTATIONS

3.6 WORKPLACE VIOLENCE

What is Workplace Violence?

“Violence” in this section means a verbal or physical action or behavior that may include, but is not limited to:

- Behavior that would be interpreted by a reasonable person as menacing or potentially harmful, or would cause a reasonable person to feel unsafe;
- Physical assault;
- Intimidating or abusive behavior or language (this may include yelling, screaming, written threats, inappropriate use of phones, email, etc.);
- A communicated or reasonably perceived threat to harm, harass, abuse, or intimidate another;
- Threatening to destroy or destroying property; or
- Carrying or displaying weapons.

In order to promote a positive, respectful and safe work environment that reduces the potential for violence in and around the workplace, the City of Mill Creek will not tolerate acts or threats of violence, either implied or actual, from any person, made toward employees, the public, City property, or in connection with City business. Even threats made in jest will not be tolerated. The City will utilize appropriate means of enforcement or intervention to protect the workplace from violence. An employee who exhibits violence as defined above may be subject to disciplinary action up to and including termination.

Reporting and Responding to Threats

City employees are responsible for notifying management of any potential threats they have witnessed, received, or have been told about. Any employee involved in situations on the job where they fear physical violence, or have concern for their own safety or the safety of others, should immediately report the situation to their manager, Human Resources, or another member of City management who will initiate an investigation.

City employees who witness or are the victim of a threat that creates an existing or imminent risk to employees or public safety should contact the police department and/or call 911.

Supervisors who believe that an employee represents a workplace violence concern should notify the City Manager or Human Resources immediately. The City has a responsibility to investigate and respond to all violent or potentially violent situations. Behavioral problems will be addressed through corrective counseling and disciplinary action as appropriate to the circumstances, up to and including termination.

In some cases, a criminal charge or investigation may also be applicable. Appropriate discipline or discharge of City employees is not contingent on a criminal conviction.

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Concerns about Non-Employees

While the City holds a strong commitment to customer service, employees are not expected to be subjected to verbal abuse or physical threats from the public (this includes contractors or vendors as well). Employees experiencing violent or threatening behavior from a customer, contractor, member of the public, etc. should immediately notify their supervisor.

If any altercation constitutes an emergency, the employee or supervisor should CALL 911 (dial 8-911 when using City phones). Any threats of harm or violence will be referred to the police department.

Safety Concerns and Court Orders

Any employee who is concerned about personal safety at the workplace may request security precautions from City management, his or her supervisor, and/or the City police department at any time (e.g. an escort to and from his/her vehicle or other appropriate precautions).

If an employee has been served a protection or no-contact order that would restrict his/her ability to perform assigned duties or be at a City work location, he/she is required to inform his/her manager. The manager, in consultation with Human Resources, will consider possible job modifications and the safety interests of other employees and the public when determining an appropriate course of action. The City reserves the right to discipline and/or terminate the employment of employees who are restricted in their ability to perform their job duties as a result of court issued orders.

Assistance with Workplace Violence Concerns

The City offers an Employee Assistance Program (EAP) to assist employees and their families when experiencing personal or job-related problems. An employee of the City wishing confidential assistance can call the EAP office for assessment, referral to treatment, and follow-up.

The City does not have access to EAP information unless authorized by the employee or in situations when information must lawfully be disclosed by the EAP for the protection of others.

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CHAPTER 3 – CONDUCT AND EXPECTATIONS

3.7 PERSONAL WEAPONS

The City prohibits wearing, transporting, storing, or the presence of firearms or other weapons while on City premises or property or performing work for the City off-site except in the case where those employees are: **1)** employed as commissioned law enforcement officers, or **2)** legally in possession of a weapon, and the weapon is locked within a personal vehicle and concealed from view ([RCW 9.41.050.2](#)). Note: Law enforcement officers may have additional or alternative policies or procedures that describe the possession or use of personal weapons while on duty. Law enforcement personnel should follow their department specific policies or procedures relating to personal weapons.

If the City has reasonable suspicion that an employee is in violation of this section and represents a threat to other City employees, City property, or the public, the City reserves the right to conduct and/or allow a search of City property, or the employee's personal property (including their vehicle) if located on City premises or used in City work. City representatives must receive written consent from the employee prior to a search of personal property. Refusal to provide consent for a search under these circumstances may result in termination of employment.

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CHAPTER 3 – CONDUCT AND EXPECTATIONS

3.8 DISCIPLINARY PROCESS

Philosophy

The City relies on each employee’s good judgment, professionalism, and sense of responsibility to residents and co-workers as the principal source of guidance in the performance of their work. This section is intended to illustrate the parameters of acceptable conduct and provide for consistency in actions taken when those parameters are exceeded. Disciplinary actions for seasonal, temporary, or probationary employees may be handled summarily instead of progressively if appropriate.

Each step of disciplinary action should be constructive, and include an attempt to help the employee correct job performance deficiencies or violations of standards of conduct by clearly identifying the deficiency or violation and describing how to correct the deficiency or offending behavior.

In most situations, when discipline becomes necessary, the steps of disciplinary action described on the next page will be applied in progressive, sequential order beginning with the least severe action. If, after taking into account the totality of the situation and the severity of the infraction, a different course is deemed to be necessary, then the steps in this sequence may be omitted, repeated, or rearranged. Any deviation from progressive, sequential order must be approved by Human Resources and the City Manager.

Verbal Counseling or Coaching

Verbal counseling or coaching should be used for minor instances of misconduct, to inform an employee of a potential performance issue, or to clarify an expectation. In most cases, counseling or coaching is not considered disciplinary action and may take the form of an informal conversation, be part of a one on one meeting, or occur in conjunction with a Performance Improvement Plan.

Pre-Disciplinary Meetings

For any discipline more severe than a written warning, a pre-disciplinary meeting shall be held. The employee will be given a written notice of the reason for discipline and a summary of the facts. The employee will be given a reasonable length of time, dependent on the situation, to respond to the notice, either orally or in writing, and to explain if/why the disciplinary action is not warranted. The pre-disciplinary meeting shall not be construed to limit the City at any subsequent hearing or proceeding from presenting a more detailed and complete case, including the presentation of witnesses and/or documents not previously made known to the employee. The disciplinary decision may be made immediately upon conclusion of the pre-disciplinary meeting or within five (5) days thereof.

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Steps of Disciplinary Action

The following steps of disciplinary action are presented in progressive, sequential order, from least to most severe.

- **Written Warning**
A written warning is issued to an employee when verbal counseling or coaching has failed to correct the offending behavior, or if misconduct or inadequate performance is severe enough to require formal written documentation. The intent of the written warning is to define the seriousness of the situation so the employee may take immediate corrective action. Written warnings will be retained in the employee's personnel file.
- **Disciplinary Probation**
Disciplinary probation may be used if a written warning has failed to correct the offending behavior, or if misconduct or inadequate performance is severe enough to require the employee to be placed on disciplinary probation. Disciplinary probation is generally considered to be a final warning and typically includes specific requirements that must be clearly demonstrated within a period of time. Documentation of the circumstances related to disciplinary probation will be placed in the employee's official personnel file, and must be signed by the department director and Human Resources. An employee who is on disciplinary probation and receives further disciplinary action (related or unrelated to the cause of the disciplinary probation) could be immediately terminated.
- **Disciplinary Suspension**
Depending upon the seriousness of the employee's behavior or misconduct, disciplinary probation may be accompanied by a disciplinary suspension. A disciplinary suspension is a suspension without pay and should not exceed fifteen (15) working days. The City Manager must approve all suspension without pay actions. Documentation regarding the disciplinary suspension will be placed in the employee's official personnel file, and must be signed by the department director and Human Resources.
- **Discharge**
In instances that involve serious insubordination, theft, illegal or destructive acts while on the job, or other reasons deemed to be equally serious by the City Manager, an employee may be subject to immediate discharge. If repeated offenses of a less serious nature have been documented by the supervisor and appropriate behavioral changes have not resulted from prior disciplinary action, an employee may be immediately discharged. All discharges must first be approved by the City Manager and Human Resources.

At any level of discipline, if it is necessary to investigate a situation to determine what further disciplinary action may be justified, or when it is deemed necessary to temporarily remove an employee from the work environment, a suspension with pay may be used. A suspension with pay should be used only when the appropriate level of discipline has not yet been decided, and must be approved by Human Resources and/or the City Manager as the most appropriate course of action based on the circumstances. This type of suspension is also referred to as "Paid Administrative Leave."

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Causes for Discipline

The following list is provided to illustrate examples of actions or behavior that may be considered cause for disciplinary action and/or discharge. This list should not be considered as exhaustive, and any employee may be disciplined or discharged for reasonable cause.

Violation of any City ordinance, regulation, directive, policy, rule, or procedure, including but not limited to:

- Violations of safety rules or common safety practices; personal conduct at work which is dangerous to others; failure to report on-the-job injuries or accidents promptly to employee's supervisor.
- Sexual harassment or any other form of harassment towards another person.
- Arriving on the job under the influence of alcohol or illegal drugs; or using such substances on City property or while performing official City duties.
- Unauthorized absence from work; habitual absence or tardiness; abuse of sick leave.
- Unauthorized possession of firearms or other dangerous weapons on City property or while performing City duties.
- Conviction of a felony or a misdemeanor that could adversely affect the employee's ability to perform the duties of his/her position.
- Failing to maintain an acceptable level of work performance.

Dishonesty and/or lack of integrity in the workplace, including but not limited to:

- Falsification of City records, including time cards, employment applications, employment records, or financial statements.
- Use of City property, equipment, or time for personal financial gain or personal benefit.
- Unauthorized possession or use of City property, equipment or materials; theft of city property or property belonging to employees or customers.
- Misuse of City funds, including personal expenses charged to the City.
- Accepting fees, gifts, or other valuable items in the performance of the employee's official City duties.
- Failure to maintain confidentiality of information or documents as appropriate.

Conduct unbecoming of a City employee, including but not limited to:

- Insubordinate behavior or actions such as willfully disobeying a supervisor or Department Director.
- Negligent or willful damage to the City property; misuse or waste of supplies, vehicles or equipment.
- Discourteous or disrespectful treatment of the public or other employees.
- Interfering with or disrupting the work of other employees on the job.
- Fighting on the job; engaging in disorderly conduct or horseplay; using insulting, or obscene language.

Any other action determined by the City to be of detriment to the City's operations or the City's reputation in the community.

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CHAPTER 3 – CONDUCT AND EXPECTATIONS

3.9 COMPLAINT RESOLUTION

Complaint vs. Grievance

For the purposes of this policy, a “grievance” is defined as a claim or dispute by an employee or group of employees with respect to a violation of the provisions of their collective bargaining agreement. Employees covered by a labor agreement must use the grievance processes outlined in their collective bargaining agreements to address these types of concerns.

Concerns that do not meet the definition of “grievance” may be addressed using the guidelines and process below. This also offers employees not covered by a labor contract the means to seek resolution for problems or complaints related to the application of City policies.

Guidelines and Process

The City encourages honest and open communication in all employment relationships, and believes it is in the best interests of the organization and the employee for problems to be resolved at the lowest level possible. Employees and supervisors are encouraged to address problems and pursue solutions through an informal process of communication and problem solving.

Often times, a complaint is due to a misunderstanding and can be resolved quickly. If addressing the complaint informally does not offer a satisfactory resolution, employees should document their concerns and forward their complaint to their supervisor, department director, or Human Resources.

Once formally notified of a complaint, an investigation may be conducted to determine an appropriate resolution. The employee(s) involved will be informed of the outcome as appropriate.

If the employee is not satisfied with that resolution, they may request that the matter be reviewed by the City Manager. There may be additional investigation and review of the situation before issuing a final resolution.

Retaliation

The City prohibits all forms of retaliation against employees following this process. Filing a formal complaint will not prevent the City from administering appropriate action.

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CHAPTER 3 – CONDUCT AND EXPECTATIONS

3.10 PERSONAL RELATIONSHIPS

The purpose of these guidelines is to ensure equal opportunity and effective employment practices, and to avoid actual or perceived preferential treatment or actual or potential conflicts of interest within the workforce. Employment of individuals who are related or in a dating relationship may enable favoritism or the perception of favoritism.

Employees may not occupy a regularly assigned position that directly reports to a relative, or directly supervises a relative. Additionally, individuals may not occupy a regularly assigned position that will be working directly for, or directly supervising another employee with whom they are involved in a dating relationship. In general, employees who are related or dating should not directly report to the same supervisor, in order to avoid management and operational conflicts within departments.

For purposes of this section, a “relative” or “related” person is anyone who is related to the employee by blood, is in the employee’s immediate family, is married to the employee, is in a dating relationship with the employee, or resides in the same household as the employee. Temporary room-mates may be considered as “related” on a case-by-case basis. In the event that it is unclear whether or not two people are related, or that their positions may violate the spirit of these guidelines, the City Manager shall make the final determination on whether a conflict of interest exists.

Relationships Present at Hire

Employees may not be hired or placed into positions in which a relative, or a dating partner, is able to audit, control, supervise, appoint, remove, discipline or otherwise make employment related decisions regarding that employee.

Relationships that Occur After Hire

After employment, if two employees begin a dating relationship, marry, or otherwise become relatives, the employees are required to disclose the relationship to Human Resources. Employees who are related or in a dating relationship will not be assigned to a regular schedule in the same work shift or unit if one employee will be required to supervise the other. If circumstances require that a supervisor/subordinate relationship exist temporarily, the supervisor will make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

If the relationship creates any of the circumstances mentioned above, and employment action is required in order to avoid a violation of these guidelines, one of the employees must be transferred or reassigned to a department or shift where the reporting, auditing or supervisory relationship does not exist. If a transfer cannot be accomplished due to lack of an appropriate position, one of the employees must resign. The decision as to which employee will transfer or resign should, whenever possible, be recommended by the employees involved. If a suitable transfer decision is not made within 30 calendar days, the City Manager will decide who is to be transferred or terminated based upon the best interests of the City.

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CHAPTER 3 – CONDUCT AND EXPECTATIONS

3.11 SAFETY IN THE WORKPLACE

Safety Program

The City believes that both management and employees share in the responsibility of maintaining a safe workplace. The City will develop and maintain a comprehensive safety program to guide these efforts. Important components of the City’s Accident Prevention Program include:

- A written plan to help prevent accidents, illnesses, and on the job injuries. The City of Mill Creek’s written Accident Prevention Program (APP) outlines the involvement of the other program components, as well as providing written safety rules and regulations determined to be necessary by the City, or required by law.
- A Safety Committee, which acts as an advisory group to assist in these activities and to facilitate effective communication between employees and management about workplace safety and health issues. The Safety Committee is comprised of employer-selected members and employee-elected members. Per [WAC 296-800-13020](#), the number of employer-selected members shall not exceed the number of employee-elected members. (Employees selected by a bargaining representative or union qualify as employee-elected.)
- A safety orientation for new employees, which is made up of a general description of the City’s Accident Prevention Program, an on-the-job orientation, and training within the employee’s department. This training will address pertinent safety issues such as potential exposure to hazards, hazardous materials, safe use of equipment, the use of personal protective equipment, etc.

Employee Responsibilities

Employees are responsible for learning and understanding proper safety procedures and practices, observing all safety practices governing their work, and immediately reporting unsafe working conditions, on-the-job injuries and occupational illnesses to their supervisor or department director. In the event that an employee does not understand a safety rule or procedure, it is the employee’s responsibility to continue asking questions until they are comfortable in performing the task at hand safely.

Employees who violate safety standards, cause hazardous or dangerous situations, fail to report or remedy such situations as appropriate, or fail to report on the job injuries or illnesses as required, may be subject to disciplinary action up to and including termination of employment.

Employer Responsibilities

The City will provide information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, emails, and the City’s employee information portal. Supervisors are responsible for providing required safety training to new employees, re-training existing employees when the need arises, and requesting the repair of equipment or new equipment when necessary to preserve workplace safety.

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Supervisors are also responsible for monitoring the safety conditions of their department, addressing safety concerns brought up by employees as appropriate, and relaying safety issues to the Department Director or City Manager as needed.

On the Job Injury / Illness or Near Miss

If an employee experiences an on-the-job injury, illness, or near miss, they must report it as soon as possible or within twenty-four (24) hours of the occurrence of the injury, illness, or near miss.

Occasionally, additional information will be requested regarding an employee's report of injury, illness, or near miss. Employees must make every effort to assist the City in gathering additional information, or participating in a root-cause analysis if appropriate. Additional information may be found in the City's Accident Prevention Program.

Employees found to intentionally make a false report of an on-the-job injury, illness, or near miss will be subject to disciplinary action up to and including termination.

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CHAPTER 3 – CONDUCT AND EXPECTATIONS

3.12 INFORMATION TECHNOLOGY

This section governs the use of all information technology equipment and services owned, leased, or maintained by the City and all other information technology equipment and services used for City business. This section sets forth information technology restrictions that are necessary to reduce potential liability, inappropriate use, and possible adverse perceptions by the general public. Failure to comply with the provisions of this section could result in disciplinary action up to and including termination.

What is Mill Creek Information Technology?

Mill Creek Information Technology (MCIT) is any technology application or tool operated by the City that includes, but is not limited to, computers, laptops, tablets, cell phones, computer peripherals and software, servers, phones, fax machines, copy machines, computer network resources, Wi-Fi networks, local and portable electronic storage devices, the Internet, e-mail, social media, websites, text messaging, and other forms of electronic communication, electronic data retrieval and storage, electronic data transmission, and/or electronic data manipulation.

City of Mill Creek employees, volunteers, contract employees, and elected and appointed officials may be provided with access to MCIT to allow for efficient operation of City business. MCIT users are individually responsible for the appropriate use of all MCIT assigned to them and are accountable to the City for all use of such resources. MCIT users may only use the specific applications or tools for which they have authorization.

User Guidelines and Responsibilities

- Within 30 days of account activation, all MCIT users shall complete cyber security awareness training as assigned by the IT Manager. Annual training on cyber security awareness shall also be completed.
- Any MCIT resource provided for use by City employees, contractors, elected and appointed officials and consultants is City property and all uses of these City resources are a matter of City record. Therefore, they are subject to internal and/or external review, auditing, and recall as provided by law. The City reserves the express right to monitor and inspect the activities of the user while accessing MCIT at any time, and to read, use and disclose related records.
- MCIT users who are required to use a mobile device will be provided a device to meet such needs. The needs may be temporary (e.g., attendance at a conference, offsite meeting, or serving in a designated on-call position) or long term. MCIT users required to use a mobile device on a temporary basis can check out City-owned equipment for such purpose through the IT Manager.
- MCIT users should avoid use of a mobile device while driving. If such use is necessary, all MCIT users must comply with state law and use appropriate hands free devices. Typing electronic messages or otherwise allowing a device to take one's attention away from the

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road is strictly prohibited. Employees operating authorized emergency vehicles are exempted.

- MCIT users will not mask their identity.
- Care should be taken to avoid use of MCIT that could bring negative public scrutiny, including any perception of misuse of public resources. All communications and electronic records should be businesslike, courteous, and civil.
- If MCIT is used for purposes that violate federal or state laws, MCIT users may be held legally accountable. MCIT users who learn of any misuse of information technology should immediately notify their supervisor or the IT Manager.
- MCIT users should make a reasonable effort to protect their passwords and to secure MCIT against unauthorized use or access.
- MCIT users are not required to keep call logs, unless such logs are requested pursuant to a public records request, litigation, or are reasonably anticipated to be relevant to potential litigation. In such instances, the MCIT user shall not delete or otherwise alter the call logs and should instead immediately coordinate for such logs to be transferred to the City Clerk or City Attorney.
- When technically capable and practical for use, all MCIT equipment used for City business should be password protected subject to password protocols established by the IT Manager.
- City-owned USB storage devices should be used whenever practical. USB devices provided by a trusted source for law enforcement evidence purposes are approved for use. All other USB devices provided by a third party must be approved by the IT Manager prior to use.
- The City maintains two official websites: www.cityofmillcreek.com and <http://www.millcreektourism.com>. MCIT users shall not create any other official or unofficial website for City use.
- MCIT shall not be used by the City Council or other officials in violation of the Open Public Meetings Act. Participating in online, electronic or telephonic discussions may constitute a meeting under the Open Public Meetings Act (RCW 42.30).

Public Records

All records created through the use of MCIT are considered public records. All such records are subject to City interception, access, search, retrieval, monitoring, inspection, copying, and/or public dissemination for purposes of conducting City business according to the Public Records Act (RCW 42.56) and associated Washington State Local Government Common Records Retention Schedule (CORE).

No MCIT user may surplus, destroy or otherwise dispose of media containing City business records without prior authorization and specific instructions of the IT Manager and/or compliance with specific applicable procedures and policies.

Use of Personal Devices to Conduct City Business

Use of non-City devices to perform City business should be limited to the following circumstances:

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- Use of a non-City phone to occasionally make or receive phone calls while away from an assigned office phone. MCIT users should be aware that although the City does not retain or track call logs on non-City owned devices (e.g. to monitor appropriate use), such records could become the subject of a public records request or City related litigation.
- Approved use of a non-City device to sync a City email account and/or calendar using the City's Exchange Active Sync server. Before being approved to sync email and/or calendars to a non-City device, MCIT users must sign an acknowledgement or agreement approved by the IT Manager that outlines the expectations and limitations of such use, including password requirements, risk of exposure of the device to public records requests, and other security precautions. The internal storage on such devices may not be used to create or modify email attachments or other documents.
- Authorized access through an internet browser to email and/or a calendar at <https://webmail.cityofmillcreek.com>. The internal storage on such devices may not be used to create or modify email attachments or other documents.

MCIT users who choose to use a personal device to conduct City business may have diminished expectation of privacy in all of the information stored on such devices.

Public record disclosure and retention laws cannot be avoided by using personal devices to conduct City business. Records created by MCIT users in the conduct of the performance of City work on personal devices are public records that must be retained and made available for public disclosure. If MCIT users use personal devices to conduct public business, the City may be required to search those devices to recover and produce public records.

Any search of an IT user's personal devices shall comply with all applicable laws. The City will not intentionally produce clearly private/non-business related records to the public. However, the City, its consultants, its attorneys, judges, and/or the attorneys of those who seek public records may be required to review non-City business records to ensure all business-related records are produced and retained in accordance with state law.

Integrity and Security

The MCIT infrastructure contains sensitive financial, personal, law enforcement and other sensitive information. The integrity of all City records must be protected. Networked computer systems can easily spread computer viruses, and it is every MCIT user's responsibility to exercise due caution to minimize the risk of viruses. Since email attachments are a common source of viruses, only those received from expected and known business sources shall be opened. No external computer files may be downloaded without being properly scanned for viruses.

Mobile computers and devices, in particular, are subject to damage, theft, or loss when removed from City offices. MCIT users are therefore responsible for taking measures to prevent damage, theft, or loss of City equipment.

MCIT users' access to data on the City's servers, voicemail system, archives and other storage mechanisms is limited to job-related access for authorized business purposes only. MCIT users shall not access, intercept, copy, or reproduce the City's business records for personal use or gain, or in any way that harms the City's interests. If an IT user wishes to access City business records for personal purposes, the IT user should make a public records request for such records.

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If a MCIT user wishes to make hardware changes (including, but not limited to: keyboards, mice, monitors), install software, or make any other changes to MCIT, he/she shall notify in advance the IT Manager, who shall make the final decision regarding the appropriateness of such changes. At a minimum, the criteria for determining the appropriateness of a change to a computer system shall include:

- Software and hardware shall be compatible to the City's computer network and have a legitimate business use.
- Downloading and/or uploading of all software and files must be virus free. MCIT users are required to follow the appropriate virus scan protocol before downloading/uploading software or other electronic information to the City's computer system.
- Software shall be properly licensed for use by the MCIT user.
- The change shall not affect the overall integrity of the City's computer systems.

Personal, sensitive, or confidential information shall not be stored on unsecured and unattended mobile devices or portable storage devices (e.g., USB memory sticks, USB external hard drives, CD/DVD Drives). If storage of such information on mobile devices is necessary, access to such information must be secured by a device-level password or PIN and any other procedures established by the IT Manager that meet industry standards for security.

If storage of personal information on unattended portable storage devices is necessary, the files or device shall be encrypted in accordance with procedures established by the IT Manager that meet industry standards for security.

Such a portable storage device may be used to copy personal information from one location (e.g., a secondary workstation) to another location (e.g., a primary workstation) without encryption as long as the personal information is securely wiped/erased from the portable storage device prior to being left unattended.

Personal Use of Mill Creek Information Technology

City owned and maintained information technology is intended for official City business purposes. However, the City allows de minimis personal use by MCIT users (e.g., checking cloud-based personal email accounts, making or receiving toll-free personal phone calls, or using the internet for non-business related purposes) so long as such use is infrequent and non-disruptive, appropriate in the workplace, is not detrimental to the conduct of City business or negatively impacts other MCIT users, does not cause the City to incur costs or charges, does not cause public perception that City resources are being used inappropriately, and does not cause any security threat to or increased burden on the MCIT infrastructure.

Personal use of MCIT is limited to the authorized IT user only and may not be shared with any unauthorized user (e.g., family members).

Personal use by employees shall not distract or disrupt any employees from their duties, and shall be limited in frequency, location and duration. Personal use of MCIT by employees who are paid on an hourly basis should be limited to unpaid time and the employee's authorized paid breaks unless such use does not interfere with the employees work.

Employee use of personal devices or MCIT for City business while off duty or from a remote location is limited to FLSA exempt employees and employees with express authorization from his/her supervisor to work from a remote location during those applicable times.

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Non-exempt employees should not check City email accounts from home or otherwise outside of their scheduled working hours unless it is a de minimis or personal use (e.g., an employee checking his/her work schedule to coordinate his/her personal time, such as scheduling personal appointments or vacations). Non-exempt employees performing any substantive work while off duty (including checking and responding to business emails) shall record that time as time worked and promptly report the time worked to his/her supervisor. Non-exempt employees performing unauthorized off duty work will be paid for all time worked, but if such time was not authorized or approved, the employee may be subject to discipline and/or required to flex his/her schedule during the same pay period to avoid the off-duty work from causing the City to pay unauthorized overtime.

The City retains the right to revoke the privilege of allowing limited personal use of the City's information technology.

Internet Usage

Internet access on the City server by default is provided to every MCIT user with a City login and may be restricted upon request by a supervisor. Internet use may be logged and monitored for compliance with the City's policies.

Resources of any kind for which there is a fee, including all Internet sites, shall not be accessed or downloaded without prior approval of department directors.

Because the City must be able to access, retain, and retrieve all public records, use of an online storage service is prohibited unless authorized by the IT Manager. The IT Manager may adopt and implement procedures for utilizing such services.

Streaming media should be limited so as not to interfere with network and internet performance. If attending a webinar, MCIT users should coordinate to share a single stream from a single computer when practical.

Instant Messages

MCIT users should avoid sending or receiving text messages (SMS, MMS) and all other forms of instant messages related to City business via personal devices. If instant messages are sent or received, the MCIT user shall notify the IT Manager as soon as possible to coordinate appropriate retention of the records required by law.

Due to the difficulty of retaining and producing instant messages, sending and receiving of text or instant messages from City owned devices should be limited to circumstances when other forms of communication are not suitable.

All MCIT users sending and receiving text or instant messages via MCIT shall retain the messages in a manner authorized by the IT Manager and in compliance with applicable state retention schedules. MCIT users shall not delete any instant messages on MCIT or City business related instant messages on PIT without preauthorization by the IT Manager, who will consult with others as necessary to determine appropriate retention requirements.

Virtual Private Network

Only MCIT may be used as a client to access MCIT through an authorized virtual private network connection.

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If an MCIT user has a need to create or edit a document while using a non-City device, such records shall be saved directly to MCIT owned or maintained storage – not personally owned storage. The type of pre-approved storage is subject to change based upon the type of device used and availability. When such connection is unavailable, the IT Manager may arrange for City maintained cloud services or portable storage devices to be used to save documents. MCIT users with such need should seek assistance and guidance from the IT Manager.

Prohibited Uses

MCIT shall not be used for illegal, prohibited, harassing, libelous, or obscene purposes, or in a way that violates any City policy, procedure, rule, or local or state law/regulation. The following uses of MCIT by any MCIT user are specifically prohibited with regards to personal and business use unless for authorized job related purposes:

- Commercial use for an MCIT user's personal business.
- Solicitations that promote monetary gain for an MCIT user or an MCIT user's charity unless otherwise authorized by the City Manager, separate policy, or in conjunction with a City sponsored event.
- Political use, including partisan campaigning or sending political messages.
- Any type of harassment or discrimination – including transmission of obscene or harassing messages to any individual or group because of their sex, race, creed, religion, national origin, sexual orientation or other protected class status.
- Accessing of pornographic, sexually explicit or indecent materials and any other materials that are otherwise unreasonably offensive and not appropriate in the workplace.
- Any activity that could adversely affect the City of Mill Creek's image or reputation.
- Gambling or gaming (including loading or playing computer games).
- Anything that unreasonably hampers City network or other information technology.
- Peer to peer file sharing.
- Unauthorized copying of copyrighted material or anything that violates software license agreements.
- Downloading or installing software that is not pre-authorized by the IT Manager.
- Use of an assumed name with intent to obscure the origin of a communication.
- Transmitting City records for personal or other use without City authorization.
- Transmitting information to unauthorized persons or organizations.
- Malicious use of the system, including but not limited to hacking, denial of service, and unauthorized access, so as to deprive others of system use or resources.
- Personal use of MCIT while connected to the City's network for streaming media unless approved by a supervisor or director.

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- Personal uses that cause the City to incur charges or costs. An exemption to this rule is that employees are allowed to make infrequent and de minimis use of City printers and/or copy machines for limited personal use.

References

- [CM 200-01: Social Media Policy](#)
- [Driving Under the Influence of Electronics Act](#)
- [RCW 40.14: Preservation and Destruction of Public Records](#)
- [RCW 42.30: Open Public Meetings Act](#)
- [RCW 42.52.160: Use of Persons, Money, or Property for Private Gain](#)
- [RCW 42.52.180: Use of Resources for Political Campaigns](#)
- [RCW 42.56: Public Records Act](#)

DRAFT**CHAPTER 3 – CONDUCT AND EXPECTATIONS****3.13 EMAIL COMMUNICATIONS**

Email is an essential means of communication in support of the City's daily public service and administrative functions. The City encourages using email to improve communications, share information, transact City business and exchange ideas. However, email should not take the place of a face-to-face conversation, nor should it be used to share information that individuals would not want to be part of a public record, such as personal information. Failure to comply with the provisions of this section may result in discipline up to and including discharge.

Access to and Use of Email

Access to City email is provided to Mill Creek Information Technology (MCIT) users to allow for efficient operation of City business. All uses of City email are a matter of City record and are subject to internal and/or external review, auditing, and recall as provided by law. Use of City email is subject to conformance with this section and any and all other restrictions imposed by the City Manager, department heads, and/or the City's Information Systems and Technology Manager.

User Guidelines and Responsibilities

- All email accounts used for City business must be password protected. The IT Manager is responsible for establishing password protocols designed to protect the City's information technology, and for updating protocols as necessary.
- City email users shall use the City's email signature that identifies the MCIT user's affiliation with the City, provides contact information, and demonstrates professionalism.
- MCIT users do not have a right to privacy when using City email. The City reserves the express right to monitor and inspect the activities of the employee while accessing City email at any time, and to read, use and disclose related records.
- Care should be taken to avoid use of City email that could bring negative public scrutiny, including any perception of misuse of public resources. All email communications should be businesslike, courteous, and civil.
- If email is used for purposes that violate federal or state laws, MCIT users may be held legally accountable. MCIT users who learn of any misuse of information technology should immediately notify their supervisor or the IT Manager.
- MCIT users shall exercise due caution when sending confidential or sensitive information electronically. Protected, confidential, or other sensitive data (e.g., HIPAA, CJIS, PCI) shall not be sent via unencrypted email, as unencrypted messages may be intercepted, viewed, and used for non-approved purposes. Contact the IT Manager for assistance with transmitting such messages.

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- An MCIT user forwarding a message that originates from someone else shall not make changes to that message that would be misleading or deceitful.
- If an electronic mail message comes to an MCIT user by mistake, the MCIT user shall stop reading it as soon as they realize the message was not meant for them, delete it, and notify the sender immediately.
- MCIT users should delete emails from their email folders when they are no longer needed for City business. All messages sent to and from City email accounts are archived as they are sent and received.
- Email messages sent to or from attorneys acting on behalf of the City, its officers or employees may be privileged communications and are therefore confidential. These messages shall not be forwarded outside of the City without the prior approval of the involved attorney or City Attorney. Likewise, such messages shall not be forwarded or copied to internal City recipients without approval of the City Attorney unless any and all such recipients have a legitimate business need to be aware of the advice/ information provided within the message.
- Attachments are limited to 20 MB in size and all use of attachments should be limited. The preferred option is to use a link to a document stored on a City file server for internal messages, and a link to a shared document on a City managed and authorized externally available storage location for external messages. MCIT users should contact the IT Manager for assistance with transmitting large documents that exceed the attachment size limitation.
- MCIT users who do not have a need to review another MCIT user's email in order to maintain or operate the email systems, respond to a public records requests, or investigate violations, legal claims or legal defenses, shall not retrieve or read such email unless authorized by the person to whom the email belongs or the City Manager.
- City email shall not be used by the City Council or other officials in violation of the Open Public Meetings Act. Participating in email discussions may constitute a meeting under the Open Public Meetings Act (RCW 42.30).

Personal Use of City Email

MCIT users should avoid using City email accounts for sending or receiving personal emails. City owned and maintained information technology is intended for official City business purposes.

- The City allows de minimis personal use by MCIT users so long as such use is infrequent and non-disruptive, appropriate in the workplace, is not detrimental to the conduct of City business, does not negatively impacts other MCIT users, does not cause the City to incur costs or charges, does not cause public perception that City resources are being used inappropriately, and does not cause any security threat to or increased burden on the MCIT infrastructure.
- The emails exchanged during infrequent use of a City email account for personal purposes (e.g., use for coordinating/scheduling child care pickups, or other time-sensitive matters for which the MCIT user is more likely to see on City email during the day than a personal account) are subject to City inspection and possible public disclosure.

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- De minimis personal use of City email is limited to the authorized MCIT user only and may not be shared with any unauthorized user (e.g., family members).

The City retains the right to revoke the privilege of allowing limited personal use of the City's information technology.

Use of City Email while Off Duty

Employee use of City email for City business while off duty or from a remote location is limited to FLSA exempt employees and employees with express authorization from his/her supervisor to work from a remote location during those applicable times.

Non-exempt employees should not check City email accounts from home or otherwise outside of their scheduled working hours unless it is a de minimis or personal use (e.g., an employee checking his/her work schedule to coordinate his/her personal time, such as scheduling personal appointments or vacations). Non-exempt employees performing any substantive work while off duty (including checking and responding to business emails) shall record that time as time worked and promptly report the time worked to his/her supervisor.

Non-City email accounts (e.g., Gmail, AOL, MSN, Hotmail, Outlook, Yahoo) should not be used to conduct City business unless approved in advance by the City Manager and an approved records retention system is put in place to archive all email to and from these accounts.

Mass Communication – Internal Audiences

MCIT users shall not distribute emails to all City employees, with or without the use of a distribution group or listserv, without direct authorization from the City Manager or the Director of Communications and Marketing. Such emails that receive approval must be business-oriented, including City announcements, news or events. The use of all-employee emails is restricted to those messages that meet one of more of the following tests:

- The message is essential to the proper execution of daily business.
- It notifies employees of significant events or changes in governance, policy, and practice.
- It alerts employees to situations around health and safety (e.g., crime alerts, snow closings and flu vaccinations).
- It keeps segments of employees informed of their business (e.g., in the case of official committees, the messages could contain minutes, updates, and announcements).

Announcements that do not meet these requirements of urgency and/or critical information should be relayed through other methods, such as ADP or the Monday Minute.

Mass Communication – External Audiences

MCIT users shall not use email for mass communications to external audiences without direct authorization from the Director of Communications and Marketing or the City Manager.

- In the event that mass communications are approved, the email addresses to which the email will be sent must be listed in the Bcc (blind carbon copy) field to prevent unnecessary disclosure of email addresses and reduce vulnerability to junk email.

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- The City's general email server shall not be used for mass communications. Rather, external email services shall be utilized.

Prohibited Uses

City email shall not be used for illegal, prohibited, harassing, libelous, or obscene purposes, or in a way that violates any City policy, procedure, rule, or local or state law/regulation. The following uses of City email by any MCIT user are specifically prohibited with regards to personal and business use unless for authorized job related purposes:

- Commercial use for an MCIT user's personal business.
- Solicitations that promote monetary gain for an MCIT user or an MCIT user's charity unless otherwise authorized by the City Manager, separate policy, or in conjunction with a City sponsored event.
- Political use, including partisan campaigning or sending political messages.
- Any type of harassment or discrimination – including transmission of obscene or harassing messages to any individual or group because of their sex, race, creed, religion, national origin, sexual orientation or other protected class status.
- Accessing of pornographic, sexually explicit or indecent materials and any other materials that are otherwise unreasonably offensive and not appropriate in the workplace.
- Any activity that could adversely affect the City of Mill Creek's image or reputation.
- Anything that unreasonably hampers City network or other information technology.
- Unauthorized copying of copyrighted material or anything that violates software license agreements.
- Use of an assumed name with intent to obscure the origin of a communication.
- Transmitting City records for personal or other use without City authorization.
- Transmitting information to unauthorized persons or organizations.
- Malicious use of the system, including but not limited to hacking, denial of service, and unauthorized access, so as to deprive others of system use or resources.

References

- [RCW 40.14: Preservation and Destruction of Public Records](#)
- [RCW 42.30: Open Public Meetings Act](#)
- [RCW 42.52.160: Use of Persons, Money, or Property for Private Gain](#)
- [RCW 42.52.180: Use of Resources for Political Campaigns](#)
- [RCW 42.56: Public Records Act](#)

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CHAPTER 3 – CONDUCT AND EXPECTATIONS

3.14 PERSONAL ELECTRONICS

Mill Creek Information Technology

Section 3.12 [Information Technology](#) covers appropriate business and personal use of City owned technology (such as a City-issued tablet). It also covers the use of personal electronic devices (such as cell phones) for business-related purposes. For questions and information related to those situations, refer to [3.12 Information Technology](#) or address questions to the Information Systems and Technology Manager.

Personal Electronic Devices for a Non-Business Related Purpose

Not covered in the section referenced above is the use of personal electronic devices for personal use during working hours. An example of this may be a personal phone call made on a personal cell phone. In general, employees are allowed to have personal electronic devices with them during working hours as long as their personal use of these devices is limited to breaks and lunch periods, emergency situations, or such use is minimal and does not interfere with the employee's job duties or the safety of the employee or others.

Examples of approved uses of personal devices would be a personal phone call during the employee's break period, or playing music/radio (that is appropriate to the workplace and is kept at a reasonable volume) in the employee's work space. Examples of inappropriate uses of personal devices would be excessive personal phone calls or texting during work hours, music that is played at a volume that is distracting to others near the employee's work space, or wearing headphones that interfere with required protective equipment.

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CHAPTER 4 – COMPENSATION AND PAY PRACTICES

4.1 EMPLOYMENT STATUS

Employment Status Definitions

All employees have a designated employment status. This status, along with the FLSA classification noted in their position description, is used to determine pay, benefits, and other eligibility. All employees fall under one of the following four employment statuses. If an employee is unsure of which status they are in, they should speak with Human Resources.

- **Full Time Regular.** Also referred to as simply “Full Time,” this status is for a position established for an indefinite period of time. Full time employees are regularly scheduled to work at least forty (40) hours per week, which represents 1.0 FTE. These employees are eligible for benefits and paid time off as outlined in this manual.
- **Part Time Regular.** Also referred to as simply “Part Time,” this status is also for a position established for an indefinite period of time. Part-time employees are regularly scheduled to work at least twenty (20) hours per week (.5 FTE) and fewer than forty (40) hours per week. Part-time employees are eligible for pro-rated benefits and paid time off accruals based on their FTE as outlined in this manual.
- **Casual:** Casual employees are hired to work on an intermittent or as-needed basis, or are regularly scheduled to work less than twenty (20) hours per week. Casual employees are not eligible for benefits other than those required by state or federal law (for example, sick leave).
- **Temporary:** Temporary employees fill a position that is temporary in nature as a result of emergency, peak workloads, or coverage/substitution for other employees. The length of employment will generally not exceed six (6) months, unless an extension is allowed and granted by the City Manager. Temporary employees are not eligible for benefits other than those required by state or federal law (for example, sick leave).

FLSA Classification

In addition to the employment status, all employees have an FLSA classification that is based on the position they are employed in. The FLSA classification of the position determines whether an employee is exempt or non-exempt under the [Fair Labor Standards Act \(FLSA\)](#).

- **Exempt.** Employees in positions classified as exempt are not subject to the overtime provisions of the Fair Labor Standards Act, and the overtime and callback provisions of the collective bargaining agreements. To be classified as exempt, an employee’s position must meet exemption criteria as outlined in the FLSA.
- **Non-Exempt.** Employees in positions classified as nonexempt are covered by the overtime provisions of the Fair Labor Standards Act. Employees in these positions are entitled to pay on an hourly basis for all hours worked regardless of their scheduled FTE.

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CHAPTER 4 – COMPENSATION AND PAY PRACTICES

4.2 SALARY ADMINISTRATION AND PAY PRACTICES

In order to attract and maintain a qualified workforce, the City strives to be equitable and consistent in the administration of employee salaries, while allowing the flexibility necessary to meet compensation needs unique to particular departments and/or positions. To help maintain pay equity within the workforce, the City has developed standard salary administration guidelines, pay practices, and a salary plan. Human Resources will work in consultation with managers to insure that pay practices are consistent within the organization.

Salary Plan

The City's established salary plan consists of position classifications that correspond to salary grades (also referred to as ranges), and may have interim steps assigned within each grade.

Position classifications are assigned based on several factors which may include:

- The duties, responsibilities and required qualifications of the position;
- Comparison to similar work performed in other internal positions;
- Compensation for similar work performed in the external market;
- Financial position and policies of the City; and
- Other relevant factors (could include the cost of turnover or the cost of recruitment for that particular position)

Most position classifications correspond to a single salary grade, though there may be some classifications where multiple grades are appropriate. All employees will receive a salary that is not less than the minimum and not more than the maximum of the salary grade to which their position is assigned (exclusive of incentives such as longevity). Exceptions to this rule are defined in [400-01 City of Mill Creek Personnel Policies](#). Monthly rates in the salary plan are calculated on the basis of full-time service in full-time positions (2080 hours per year). Hourly rates of pay are derived from these full-time salary rates. For any position that requires less than full-time service, salary will be prorated based on FTE (full time equivalent).

Annual Increases

Employees may be eligible for a step increase on their anniversary date each year. Annual step increases are contingent on an employee's satisfactory job performance and will be applied only after the employee's evaluation has been completed. The annual increase will bring the employee to the next step in the grade, unless the employee is currently in the top step of the assigned pay grade. If the evaluation indicates satisfactory job performance, and the evaluation is submitted after the anniversary date, then retro pay will be applied back to the employee's anniversary date.

Salary Determination at Time of Hire

New employees who closely meet the minimum qualifications required of a position are generally hired into step one (1) of the grade that the position is assigned to. In consultation with

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Human Resources, the hiring manager may authorize a starting salary up to step four (4) of the appropriate grade based on the following reasons:

- The applicant possesses experience, education or demonstrated skills and abilities that are significantly above the minimum requirements of the position.
- Marketplace factors require paying the salary level to attract a qualified candidate (job is considered "hard to fill").

Any starting salary above step 4 must be authorized by the City Manager.

Promotions

Promotional increases are granted in recognition of a change in assignment to a position in a higher salary grade. Salary increases granted in recognition of promotion should put the employee into an appropriate step which provides the employee with an increase of at least 4% above their current salary. A promotional increase should coincide with the first day of employment in the new assignment, and the beginning of a pay period whenever possible. The beginning date of the employee's promotion becomes his/her new anniversary date for annual pay review purposes.

Demotions

The assignment or reassignment of an employee to a position in a lower salary grade is considered a demotion. Demotions may be the result of poor performance, a re-organization, or an employee request. Salary decreases as a result of demotion should put the employee into an appropriate step which should not exceed the top of the salary grade of their new position. An appropriate step for a performance based demotion, or demotion at the employee's request, should not be higher than the affected employee's current salary. Any demotion should coincide with the first day of employment in the new assignment, and the beginning of a pay period whenever possible. The beginning date of the employee's demotion becomes his/her new anniversary date for annual pay review purposes.

Transfers

A transfer is defined as a change into a different position within the same salary grade as the employee's current position. A transfer does not generally warrant an increase in salary or a change in the anniversary date.

Reclassification

A reclassification is the reassignment of a position to a higher or lower salary grade within the pay and classification plan due to a reevaluation of position responsibilities and/or significant change in the going rate for comparable positions in the external market. Reclassifications do not change an employee's anniversary date.

Reclassification Requests

A reclassification request must include sufficient information to demonstrate a significant change in the position's responsibilities. Reclassification should not be undertaken for the purpose of changing salary based on an employee's job performance in a job that is classified appropriately.

- Requests for reclassification, along with an updated job description, should be submitted by the supervisor to Human Resources during the budget development period (by August 1st) for consideration and potential inclusion in the budget. Requests must also be signed off by the appropriate chain of command. (Reclassification of positions

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covered by labor agreements may also be proposed through union representatives and are considered at the time of contract negotiation).

- Human Resources will evaluate the position's current scope of responsibilities, changes to the job, and consider other positions within the City's pay and classification plan. Human Resources will make a recommendation to the City Manager, who will have the final authority to decide the merits of the reclassification request.
- Reclassification must be approved by the City Council. The City Manager retains the authority to assign employees to appropriate job classifications.

Pay Changes Due to Reclassification

If a reclassification results in the employee being assigned to a higher grade than their current grade, the employee will be assigned to the appropriate step in the new grade which is closest to their current salary and provides equivalent or higher pay.

If a reclassification results in the employee being assigned to a job classification that has a lower salary range than their current job classification, the employee's salary will remain at its current level, unless that salary is above the maximum of the salary range for the new classification, in which case, the employee's salary will be decreased to the maximum amount in the new salary range.

Unless another date is approved, the effective date of a salary increase/decrease due to reclassification will be January 1 of the calendar year following the year in which the reclassification was approved.

Cost of Living Adjustments (COLA)

Cost of living adjustments are across the board increases to the pay and classification plan (and all salaries on that plan) designed to bring pay in line with increases in the general cost of living as determined by looking at the Consumer Price Index, cost of wages, comparable cities, and other factors. Cost of living adjustments are approved by the City Council and are typically effective January 1st of each year.

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CHAPTER 4 – COMPENSATION AND PAY PRACTICES

4.3 RE-HIRES AND BRIDGING SERVICE GAPS

Re-Hires

Employees who are separated, and then return to work for the City, are considered re-hires. It is important have a set of rules governing gaps in service so that all employees are treated fairly with regards to their wages, step increases, and any longevity based premium pays. All employees will have an original hire date, which is the date that they first begin working for the City. If an employee is separated for any length of time and then returns to City employment, they will be given a re-hire date. Even if that employee is returning to the same or similar job to the one that they left, the re-hire date will serve as that re-hired employee's new anniversary date.

Bridging Service Gaps

For the purposes of determining longevity, the following rules shall apply to bridging service gaps for re-hires:

- For employees that do not have service gaps, longevity is counted back to the employee's original hire date. This is true regardless of whether the employee is full time, part time, casual, or temporary. For example: an employee hired on January 1st, 2018 works until January 1st, 2019. Regardless of their hours worked, this constitutes one year of employment.
- For employees that have service gaps of 6 months or less, longevity is counted back to the employee's original hire date, less the amount of time that the employee was separated from the City. For example: an employee hired on January 1st, 2018 works until December 1st, 2018 and then resigns and is re-hired on January 1st, 2019. This person has longevity of 11 months.
- For employees that have service gaps of more than 6 months, longevity is calculated only back to that employee's re-hire date. For example: an employee is hired on January 1st, 2018 and works until March 1st, 2018, resigns, and is re-hired on January 1st, 2019. This person's past employment with the City does not count towards their longevity going forward.

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CHAPTER 4 – COMPENSATION AND PAY PRACTICES

4.4 WORK HOURS AND PAY PERIOD

Standard Work Period

The regular work period consists of forty hours of work in a seven day period, beginning Monday at 12:01 a.m. and ending at 12:00 midnight on Sunday. The standard work day for full-time employees is eight hours in a day with a one hour unpaid lunch break.

Meal Breaks

The typical meal break for City employees working an eight hour day is a one hour unpaid lunch break. By law, employees who work over five hours in a workday are entitled to a meal period of at least thirty minutes, which should be taken within five hours of the start of their shift. Meal periods are unpaid, unless the employee is required to remain on duty.

If an employee works more than three consecutive hours longer than a normal work day, they will be allowed an additional unpaid thirty-minute meal period prior to or during the overtime period.

Breaks

Employees are entitled to a fifteen minute paid break for each four hours worked. An additional ten minute paid break is allowed for employees who are scheduled to work ten hours in a day. Employees who work more than three hours but less than eight hours may take a single twenty minute break provided it takes place no more than four hours after their start time. Breaks may not be used to start or end a work day.

If an employee's job allows them to take intermittent breaks during the course of the day, breaks need not be rigidly scheduled and may be taken at the discretion of the employee. The timing of the rest breaks should not disrupt City operations or service to the public.

Alternative Work Schedules

Alternative work periods and flexible work schedules may be approved at the discretion of the department director and City Manager depending on the operational needs of the department and the service needs of City residents.

Such alternative schedules may include:

- A 4/40 schedule – four, ten hour work shifts within the standard Monday through Sunday work period.
- A 9/80 schedule – eight, nine hour work shifts and one, eight hour work shift within a two week time period. This schedule requires an alternative work period beginning Friday at 12:01 p.m. and ending at 12:00 noon on the following Friday.

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- A part-time schedule – not less than 20 hours per week for regular employees within the standard Monday through Sunday work period.

Alternative work schedules or work periods may be revoked or changed at any time. Documentation of alternative schedules should be signed by the employee and their supervisor, and kept in the employee's personnel file.

Employees who use an alternative work schedule must account for a full regular workday whenever they are scheduled off. For example: if an employee is working four ten hour shifts, and they are off on a City paid holiday, they are required to document eight holiday hours, and two additional hours of paid time off on their timecard for that day. This will account for their regularly scheduled hours.

Pay Period

The regular pay period is designated as the 1st day of the month through the 15th, and the 16th of the month through the last day of the month. Employees are paid twice monthly by direct deposit into their bank account.

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CHAPTER 4 – COMPENSATION AND PAY PRACTICES

4.5 OVERTIME AND COMPENSATORY TIME

When is Overtime Paid?

Non-exempt employees are eligible for overtime pay at 1½ times their regular hourly rate for all hours worked over 40 in a workweek. Hours paid but not worked (non-productive time) such as sick leave, annual leave, compensatory time off, holiday time, etc. do not count for purposes of computing overtime. (Note: employees covered under a collective bargaining agreement may have different rules for calculating overtime.)

Part-time non-exempt employees will be compensated at their straight time rate of pay up to forty (40) hours per week. All hours worked in excess of forty (40) hours per week fall under the same provisions for overtime and compensatory time off for full time non-exempt employees, as described above.

Exempt employees are paid a fixed salary for all hours of work performed within a pay period, and are not eligible to receive overtime compensation. An exempt employee's salary is based on their scheduled hours and FTE, and is not dependent on the actual number of hours worked in a day or week. Exempt employees are expected to work an assigned schedule, but may sometimes work more than their FTE in order to fulfill their job responsibilities (without additional pay).

Required vs Requested Overtime

As a condition of employment, employees may be required to work overtime hours. The need to assign overtime will be determined by the employee's supervisor based on staffing and operational needs of the City or the department.

Occasionally an employee will request to work additional hours either to complete a project or to make up for time missed. All overtime work must be authorized by the supervisor before the employee works overtime. In general, supervisors should not approve a request to make-up for time missed if the make-up time would result in overtime.

Compensatory Time

In lieu of overtime pay, an employee may choose to earn compensatory time off (comp time) at the rate of 1½ hours off for each hour of overtime earned. Compensatory time off (in lieu of overtime) must also be approved in advance by the employee's supervisor. Employees are encouraged to use their compensatory time off within ninety (90) days of the date it is earned unless City operations would be unduly disrupted by the employee's absence. No more than sixty (60) hours of compensatory time off may be accumulated. Unused compensatory time off may be carried over from year to year.

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CHAPTER 4 – COMPENSATION AND PAY PRACTICES

4.6 CALLBACK PAY

Callback Time

Employees may occasionally be called back to work outside of their regular working hours without prior notification. Callback time starts when the employee reports to the workplace, and does not include an extension of a shift (hours worked either before or after a regularly scheduled shift).

For example: If a supervisor asks an employee to stay an extra hour after their shift would normally end, this is not considered callback time. If an employee has left the worksite after completing their shift and the supervisor calls the employee back to work, this is considered callback time. If an employee is called in early prior to their shift beginning, this is not considered callback time unless they must then leave the worksite after the time period they were called in for, and return later for their normal work hours.

Callback Pay

In instances where non-exempt employees work callback time, they will be paid for actual time worked, or for two hours, whichever is greater. The pay rate for the first 2 hours worked will be at 1 ½ times their hourly rate and any additional hours will be paid at the applicable rate. The applicable rate will be determined by the overtime rules that apply to that employee. If the overtime rate applies for any callback time after two (2) hours, employees may be permitted to take this time as compensatory time off.

In instances where exempt employees work callback time, no additional pay applies.

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CHAPTER 4 – COMPENSATION AND PAY PRACTICES

4.7 INCENTIVES AND PREMIUMS

Longevity Premiums – Non-Represented

Non-represented employees attaining seven, ten, fifteen, and twenty years of service are eligible to receive longevity pay premiums, per the table below. The employee must be in good standing and performing satisfactorily to receive the longevity premium.

Years of Service	% increase (from base pay)
7	2%
10	3%
15	4%
20	5%

Premiums are applied automatically on the applicable anniversaries of the employee’s hire date. If the employee is not in good standing or not performing satisfactorily, the premium will not apply or will be taken away. “Not in good standing” means that the employee is currently on a suspension or pending other disciplinary action. In this case, the premium may be applied beginning the pay period following the resolution of the disciplinary action and no retro-pay will be initiated. “Not performing satisfactorily” means that the employee is currently on a Performance Improvement Plan. In this case, the premium may be applied beginning the pay period following the successful completion of the performance improvement plan and no retro-pay will be initiated.

Premium Pays and Incentives – Represented

Longevity and other premium or incentive pays may apply to employees that are members of a bargaining unit. These employees should refer to their contractual bargaining agreements to find out which premiums or incentives apply to them.

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CHAPTER 4 – COMPENSATION AND PAY PRACTICES

4.8 RECORDING TIME AND TIMECARDS

Timecards

Official timecards are kept in the ADP system and represent legal documents that are used to accurately document and record working time. As with other personnel records, time cards are the property of the City. Employees are required to complete their own timecard and submit it to their supervisor for review and approval in a timely manner. Supervisors are responsible for ensuring that time cards are reviewed for accuracy, approved, and submitted to payroll in a timely manner. Falsification of time cards or unauthorized alteration of a time card will be grounds for disciplinary action, up to and including discharge.

Non-Exempt Employees

Employees designated as FLSA “non-exempt” may be paid on an hourly basis or a salaried basis. Both hourly and salaried non-exempt employees are responsible for keeping accurate daily records of all hours worked using appropriate pay codes, and accounting for all regularly scheduled hours. If available, applicable paid leave must be taken before using unpaid leave.

Non-exempt employees should not work outside of their regular schedule, or work remotely, unless they get prior authorization from their supervisor. This includes checking City email accounts while away from work (unless it is de minimis or for personal reasons, such as checking his/her work schedule to coordinate personal time, confirm calendar items, schedule personal appointments or vacations, etc.).

Non-exempt employees are eligible for overtime pay for all hours worked over 40 hours in their work period (generally Monday through Sunday unless an alternative 7 day work period has been defined). If a non-exempt employee performs any substantive work while off duty, they must record that time on their timecard, and inform their supervisor. If the time worked was not authorized or approved, the employee may be subject to disciplinary action, and/or be required to flex his/her schedule during the same work period to avoid the off-duty work causing the City to pay unauthorized overtime.

Exempt Employees

Employees designated as FLSA “exempt” are paid on a salaried basis and are not compensated for the exact number of hours worked each day or week. They will receive the same salary each pay period although their actual work hours may fluctuate based on the needs of the department and the City. In order for the City to maintain an efficient and productive workplace, exempt employees are assigned a regular work schedule and FTE based on the responsibilities of their job, and are expected to fulfill the requirements of their assigned schedule. Exempt employees are not eligible for overtime pay for hours worked in excess of 40 hours in a work period.

Because of this, exempt employees are not required to track their hours worked on a daily basis except in circumstances where there is an exception to their regular schedule that amounts to

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four (4) hours or more. An example may be if an exempt employee misses 4.5 hours of their shift due to a medical appointment. They should record 4.5 hours sick time on their timecard for that day. If an exempt employee misses less than 4 hours of their normal work day, they are not required to document the time away from work on their timecard, and will typically flex their schedule as necessary during the pay period in order to meet their job and schedule requirements. Exempt employees must submit time off requests in the same manner as non-exempt employees, so that their timecards accurately reflect any paid time off.

Exempt employees may flex their hours or days in order to accommodate their job responsibilities (i.e. an employee whose regular schedule is Monday through Friday may need to work on a Saturday, so may arrange to take another weekday off during the same pay period). Schedule fluctuations should be communicated to the employee's supervisor and to others whose jobs may be affected by the schedule change, but will not need to be recorded on the exempt employee's timecard.

Employee Responsibilities

Employees are responsible for accurately recording their time worked as required by their employment status (exempt or non-exempt) and to ensure that any paid time off taken is also accurately reflected on their timecard. Employees are responsible for approving their ADP timecard at the end of each pay period. An employee's approval indicates that all time recorded on the ADP timecard (both time worked and paid time off taken) accurately reflects what they did that pay period, and when during the pay period it occurred. An employee may not record time worked on a day or during a time other than the day and time the work was actually performed. For example: an employee may not work hours on a Sunday, and record the hours as being worked on a Monday in their timecard.

Supervisor Responsibilities

Supervisors are responsible for reviewing the timecards for their direct reports at the end of each pay period to verify that the time recorded on their employees' ADP timecards accurately reflects what that employee worked during that pay period. Supervisors should not approve an employee's timecard if the employee has not first approved it, or if the time recorded on the timecard appears to be inaccurate. In either case, the supervisor should contact the employee to resolve that issue before approving their employee's timecard.

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CHAPTER 5 – TIME OFF AND LEAVES OF ABSENCE

5.1 HOLIDAYS

Holidays Observed

The City formally observes the following holidays:

- New Year's Day
- Martin Luther King Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Native American Heritage Day (Friday After Thanksgiving)
- Christmas Eve Day
- Christmas Day
- Floating Holiday(s)

If a holiday falls on a Sunday, it shall be observed on the following Monday. If a holiday falls on a Saturday, it shall be observed on the preceding Friday.

If a holiday is observed on an employee's regularly scheduled day off, and the employee is otherwise eligible for holiday pay as outlined below, that employee shall be allowed to take another day off during the pay period that the holiday is observed.

Floating Holidays

Employees accrue a number of floating holidays based on years of service as shown in the table below:

Years of Service	Floating Holidays Awarded
Less than 10	1.0
10 to less than 15	2.0
15 to less than 20	2.5
20 and above	3.0

Floating holidays are awarded on January 1st each year, and must be taken by the end of the calendar year. New employees whose hire date is October 1st or later do not accrue a floating holiday for that calendar year. Floating holidays may be taken at any time during the calendar year with prior approval of the supervisor or department manager. Floating holidays not taken during the calendar year will not be carried over into the next year, and are not eligible for cash-out upon separation.

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Holiday Pay

The following rules will govern holiday pay for employees:

- To be eligible for holiday pay, employees must be in a paid status the scheduled work day immediately preceding and the work day immediately following the observed holiday.
- Employees in an un-paid status (for example, on un-paid Leave) the scheduled work day immediately preceding and/or the work day immediately following the observed holiday will not be eligible to receive holiday pay.
- All eligible full time employees shall receive holiday pay at their regular rate based on an eight (8) hour work day and regular part time employees will receive pro-rated holiday pay at their regular rate based on their assigned FTE.
- Employees designated as Casual or Temporary are not eligible to receive pay for holidays.

If an employee is required to work on a holiday, and the employee is otherwise eligible to receive pay for the holiday, the employee shall be allowed to take another day off during the pay period that the holiday is observed.

Unpaid Holidays

Employees are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.

An employee may select the day(s) they desire to take the unpaid holiday(s) after consultation with their supervisor, and will be allowed to take them on the day(s) selected unless their absence on those days would impose an undue hardship on the City, or the employee's presence at work is necessary to maintain public safety.

Partial days off will count as a full day toward the annual entitlement of two unpaid holidays. The two unpaid holidays allowed by this section must be taken during the calendar year, if at all; they do not carry over from one year to the next.

Reference

[RCW 1.16.050](#) – "Legal holidays" and "legislatively recognized days"—Unpaid holidays for employees with appointments or contracts of less than twelve consecutive months.

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CHAPTER 5 – TIME OFF AND LEAVES OF ABSENCE

5.2 ANNUAL LEAVE

Accrual of Annual Leave

Paid annual leave will be accrued by regular, full time employees at the end of each pay period based on the schedules below. Accruals are prorated based on assigned FTE for part-time employees. Employees in an un-paid status for a full pay period will accrue no annual leave in that pay period. Employees in an un-paid status for a partial pay period will accrue prorated annual leave in the same manner as part-time employees.

Department Directors

Length of Continuous Service	Annual Accrual (Hours)	Annual Accrual (Days)
All years of service	176	22

All Other Employees

Length of Continuous Service	Annual Accrual (Hours)	Annual Accrual (Days)
Zero to less than 5 years	96	12
5 years to less than 10 years	128	16
10 years to less than 13 years	152	19
13 years to less than 16 years	160	20
16 years to less than 20 years	168	21
20 years and above	176	22

Carry-Over of Annual Leave

The maximum number of annual leave hours that may be carried over from December 31st of one year to January 1st of the next year is two hundred (200) hours. Under certain circumstances and with the approval of the City Manager, employees may be permitted to carry over more than two hundred (200) hours of annual leave. Annual leave generally may not be cashed out without taking time off. The City Manager may authorize a payout under specific circumstances.

Use of Annual Leave

Annual leave should be scheduled at times that are mutually agreeable to the employee and supervisor/manager. Employees are responsible to plan and submit annual leave requests to their supervisor well in advance of the time requested. If requests are received at the same time from multiple employees, the department manager will make the final determination of who may take the leave, after considering the operational needs of the department, seniority of the employees and prior requests for leave.

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Donation of Annual Leave (replaces Resolution 91-135)

The purpose of shared leave is to permit City employees, at no additional cost to the City other than the administrative costs of the program, to come to the aid of a fellow City employee who is suffering from, or has an immediate family member suffering from, a serious health condition which has caused or is likely to cause the employee to take leave without pay or to terminate his/her employment with the City.

The City Manager shall determine the amount of donated annual leave, if any, which an employee may receive. An employee shall not receive more hours in donated leave than the difference between 1,040 hours and the number of leave hours already used by the affected employee in this extraordinary situation.

ELIGIBILITY OF RECIPIENT OF SHARED LEAVE

The City Manager may permit an employee to receive donated annual leave if:

- The employee is on an approved leave of absence for their own serious health condition, or to take care of a family member (as defined in *Chapter 5.4 Sick Leave*) suffering from a serious health condition; and
- The employee has depleted or will shortly deplete his/her total of accrued annual leave, compensatory time, sick leave, holiday leave, and/or other paid leave; and
- The employee has made use of, or attempted to make use of, paid benefits through Washington's Paid Family Leave program (beginning January 1, 2020), and any short or long term disability benefits or worker's compensation benefits they may be eligible for; and
- The employee has provided appropriate medical justification and documentation regarding the necessity for the leave and the time which the employee can reasonably be expected to be absent due to the condition, including periodic updates if requested by the City.

ELIGIBILITY OF DONOR OF SHARED LEAVE

The City Manager may permit an employee to donate annual leave as long as the donating employee retains at least forty (40) hours of annual leave after their donation. This forty (40) hour minimum shall not take into consideration accrued sick leave, comp. time, holidays, or admin leave.

IMPLEMENTATION OF SHARED LEAVE

- All donations of shared leave shall be voluntary.
- To the extent possible, shared leave should be used on a consecutive day basis.
- Transfers of donated leave shall be in increments of four (4) hours, and shall be on an hour-for-hour basis regardless of the salary difference between the employee donating the shared leave and the employee receiving the shared leave.
- The receiving employee's salary or wage shall not change as a result of being on shared leave, nor under any circumstances, shall the total of the employee's salary and other benefits, including but not limited to state industrial insurance or any other benefit received as a result of payments by the City to an insurer, health care provider, or pension system, exceed the total of salary and benefits which the employee would have received had he/she been in a regular pay status.
- Donations of shared leave may be made between any two employees except if prohibited for certain represented employees in their collective bargaining agreement.
- While an employee is using donated annual leave, he/she shall continue to receive and accrue all benefits as he/she would normally receive if using other accrued paid leave.
- When available, an employee must use accrued sick leave in the place of annual leave.
- Any leave transferred which remains unused shall be returned to the employee who donated it in full hour increments only. In the event that multiple employees have donated leave, the most recent donation(s) shall be returned first.

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CHAPTER 5 – TIME OFF AND LEAVES OF ABSENCE

5.3 EXEMPT LEAVE

Employees designated "exempt" under the Fair Labor Standards Act (FLSA) are not eligible for overtime compensation for hours worked over 40 in a workweek. Exempt employees are paid a set salary for their assigned schedule and FTE regardless of the number of hours worked during the week. Exempt leave is not meant to compensate employees on an hour-for-hour basis, but to recognize that exempt employees may frequently be required to work additional hours or attend meetings outside of their regular workday in order to successfully perform their job.

All exempt positions are awarded 40 hours of exempt leave annually. Exempt leave is granted as a bank of hours at the beginning of each calendar year, or upon hire/promotion into an eligible position.

This bank of hours is pro-rated for part-time employees, or employees who are appointed, hired, or promoted to an eligible position who will not work in that position for a full year.

Using Exempt Leave

Exempt leave may be taken any time during the calendar year, and should be requested and scheduled in the same manner as annual leave. Exempt leave should be taken in the year accrued, as the hours do not carry over to the next year. Exempt leave is not paid out upon employee separation.

This type of leave should not be confused with administrative leave (paid or unpaid) that an employee may be placed on during a period of investigation or as part of disciplinary action.

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CHAPTER 5 – TIME OFF AND LEAVES OF ABSENCE

5.4 SICK LEAVE

Accrual of Paid Sick Leave

Paid sick leave is accrued differently depending on employment status as shown in the table below. There is no cap on paid sick leave accruals, but employees may roll over a maximum of 1,040 hours from December 31st of one year to January 1st of the next year. Employees in an un-paid status for a full pay period will accrue no sick leave in that pay period. Employees in an un-paid status for a partial pay period will accrue prorated sick leave in the same manner as part-time regular employees.

Employment Status	Sick Leave Accrual Rate
Full-Time Regular	4 hours per pay period
Part-Time Regular (20 hours or more/week)	(4 * FTE rate) hours per pay period
Casual or Temporary	1 hour per every 40 hours worked

Qualifying Reasons

Sick leave is provided to help minimize the economic hardship that may result from an illness or injury that necessitates an employee to miss work. There is no waiting period for new hires to use this benefit; once accrued, sick leave may be used immediately for any of the qualifying reasons below.

An employee may use accrued sick leave for the following reasons:

- Absence resulting from an employee's mental or physical illness, injury, or health condition.
- To accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition.
- To accommodate an employee's need for preventive medical care.
- To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition.
- To allow the employee to assist a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition.
- To care for a family member who needs preventive medical care.
- When the employee's place of business 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 for such a reason.
- For absences that qualify for leave under the Domestic Violence Leave Act.

For the purposes of this section, "family member" is defined to include:

- 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 biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or of the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;

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- A spouse;
- A registered domestic partner;
- A grandparent;
- A grandchild; or
- A sibling.

Payroll Application and Benefit Continuation

Employees may use sick leave only for the Qualifying Reasons above. For employees who miss a full work shift, an equivalent number of sick leave hours will be deducted from the employee's accrued hours. For employees who miss less than a full work shift, sick leave hours will be used to complete the balance of the employee's work day. Only accrued hours may be used; employees may not use paid sick leave in advance of accruing the hours.

Example: An employee working a twelve (12) hour shift would use twelve (12) hours of paid sick leave if the entire shift was missed. An employee missing two (2) hours of their work shift for a doctor's appointment would use two (2) hours of paid sick leave.

For all time missed that is covered by paid sick leave, all other time-based benefits, such as vacation accruals and covered healthcare premiums, will continue.

Notification and Documentation Requirements

Employees are required to give reasonable notice of an absence from work. In general, two weeks notice is requested for planned absences, such as a pre-planned surgery, unless such notice is not practical due to the nature of the planned absence.

For un-planned absences, an employee is required to notify his/her supervisor or department director prior to the start of their work shift on each day they will be absent from work, unless they have previously provided documentation of the amount of time off needed. Specific instructions for notification to the employee's supervisor will be clarified within respective departments.

An employee who is absent from their job without notification or prior approval may be subject to disciplinary action depending on the circumstances of the absence. An employee who is absent for three (3) consecutive days/shifts without notification may be considered to have voluntarily abandoned and resigned from his/her job.

For absences lasting longer than three (3) days, an employee may be required to obtain documentation from a licensed health care provider confirming sick leave was taken for a Qualifying Reason and submit the documentation to Human Resources. In situations where obtaining documentation creates an unreasonable burden or expense to an employee that cannot be mitigated by the City, the employee will be subject to alternative means of verification. Employees asserting an unreasonable burden or expense shall contact Human Resources. In addition, consistent with state and federal law, prior to returning to work, an employee may be required to obtain a written release from the employee's health care provider attesting to the employee's ability to return to work. Failure to give proper notice or to provide required documentation may be cause for denial of paid sick leave for the period of absence.

Paid Sick Leave for On-the-Job Injury/Illness

On-the-job injuries or illness will be administered in accordance with Washington State Department of Labor & Industries regulations. An employee experiencing time loss due to a work related injury/illness may find that they simultaneously received workers' compensation

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time loss benefits and sick leave benefits. Employees in this situation must reimburse the City a dollar amount equal to the worker's compensation time-loss benefits received, and the corresponding number of paid sick leave hours will be returned to their accrual banks. This reimbursement does not apply if the employee is being paid through only worker's compensation time loss.

Reference

[RCW 49.46.200](#) – Paid sick leave

[RCW 49.46.210](#) – Paid sick leave – Authorized purposes – Limitations – “Family member” defined

[WAC 296-128](#) – Minimum Wages

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CHAPTER 5 – TIME OFF AND LEAVES OF ABSENCE

5.5 FAMILY AND MEDICAL LEAVE ACT (FMLA)

Leave Entitlements

Eligible employees who work for a covered employer can take up to twelve (12) weeks of unpaid, job-protected leave in a twelve (12) month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.
- If the City employs both you and your spouse, you are together entitled to a combined total of twelve (12) weeks for any leave taken for the birth of a child, placement of an adoption or a foster child, or to care for a child or parent (but not parent "in-law") with a serious health condition.

When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Military Family Leave Entitlements

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to twenty-six (26) weeks of FMLA leave in a single twelve (12) month period to care for the servicemember with a serious injury or illness.

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12 week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Rolling Time Period

FMLA leave works in conjunction with the City's other applicable allowed leave and generally provides job protection and benefits continuation for up to twelve (12) weeks during a rolling twelve (12) month time period measured backward from the first day of the new leave period an employee is requesting.

Employees must use all available paid leave concurrently with their FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the City's normal paid leave policies.

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Benefits and Protection

While on FMLA leave, employees must use any and all paid leave time, such as sick leave or annual leave, concurrently with their FMLA leave until their paid leave time is exhausted. While employees are on FMLA leave, their health insurance coverage is continued (regardless of their paid status) as if the employees were not on leave. Upon return from FMLA leave, employees will be restored to the same job or an equivalent comparable position with comparable pay, benefits, and other working conditions.

The City will not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

Eligibility Requirements

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave; and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

Requesting Leave

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify their supervisor and HR as soon as possible and, generally, follow the usual procedures for requesting leave. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations.

Employees who request FMLA leave based on their own serious health condition or to care for a family member who has a serious health condition must provide medical certification from a health care provider supporting the need for the leave within fifteen (15) days of requesting such leave. Employees do not have to share a medical diagnosis, but must provide enough information so the City can determine if the leave qualifies for FMLA protection, and inform the City if the need for leave is for a reason for which FMLA leave was previously taken or certified. The City may require the employee to obtain a medical recertification and/or second and third opinions as needed. Employees will be notified in writing if the certification is incomplete, and will be provided a notice indicating what additional information is required.

City Responsibilities

Once the City becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employee will be notified if he or she is eligible for FMLA leave. If eligible, the employee will be provided with a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the City will provide a reason for ineligibility. If approved for FMLA leave, employees will receive a designation notice to show how much leave will be designated as FMLA leave.

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Benefit Continuation

During FMLA leave, the City will continue to pay its portion of contributions for health insurance benefits. Employees are responsible for their normal contributions to their health insurance benefits, due to the City by the 25th day of each calendar month. Failure to make this payment within thirty (30) days after it is due will result in cancellation of employee's health insurance benefits after appropriate notice has been provided to the employee.

Employees may choose not to retain their health insurance coverage during their FMLA leave and are entitled to reinstatement of these benefits upon returning to work. If an employee chooses not to continue coverage while on leave, the employee may be subject to waiting periods due to a break in coverage. The City may recover the health insurance premium payments made on behalf of the employee if the employee fails to return to work after the FMLA leave is exhausted (return to work is defined as returning for at least thirty (30) days), barring circumstances beyond the employee's control, such as employee's continuing serious health condition.

After the employee returns to work, all benefits will resume in the same manner and at the same level as were provided when the leave began, subject to changes generally made to employee benefits during the time which the employee was on FMLA leave. Benefit accruals for sick and annual leave will continue during the time the employee is on paid FMLA leave, but accruals are prorated or not made during unpaid FMLA leave.

Return to Work from FMLA Leave

When the leave is taken as a result of the employee's medical condition, a fitness for duty certification may be required before the employee will be reinstated. While an employee is absent from work on an FMLA leave, the City may require the employee to report periodically to his/her supervisor on his/her status and intent to return to work. Failure to provide certifications may result in the denial of leave until the requirements are satisfied, denial of continuation of the leave, and/or denial of reinstatement.

Whenever possible, an employee who takes an FMLA leave will be reinstated to the same position the employee held when leave commenced or equivalent comparable position with comparable pay, benefits, and other working conditions. Employees returning from an FMLA leave have no greater rights to reinstatement or other benefits and conditions of employment than if they had not taken FMLA leave. For example, if their position was affected by a lay-off or reorganization or elimination, they may not be eligible for reinstatement. Temporary and casual employees have no reinstatement rights if the project for which they were hired has ended and the City would not have continued to employ them in the absence of their taking an FMLA leave.

Enforcement

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

Reference

[Family and Medical Leave Act](#) – Enacted by the federal government in 1993 and revised in January of 2009.

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CHAPTER 5 – TIME OFF AND LEAVES OF ABSENCE

5.6 JURY / COURT DUTY

Employees who receive a summons for jury duty shall notify their supervisor as soon as practical. If, after responding to the jury duty summons, an employee is required to report to the courthouse on a day they are scheduled to work, they must notify their supervisor as far in advance as possible that they will not be at work that day.

Employees will receive full pay for their regularly scheduled workday when required to miss work due to jury service. Employees will not receive pay for work days missed if not required to report for jury service.

On any day that an employee is released from jury duty, or as a witness in a public sector related employment matter, and four or more hours of the employee's scheduled work day remain, the employee must report to work.

Employees subpoenaed for judicial proceedings in an employment-related matter will receive pay for their regularly scheduled workday at straight time for time spent up to eight hours per day, or equivalent to their regularly scheduled workday or shift. Non-exempt employees will then be paid one and one-half (1 ½) times their regular rate of pay for any additional time spent that day.

Reference

[RCW 2.36 - Juries](#)

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CHAPTER 5 – TIME OFF AND LEAVES OF ABSENCE

5.7 BEREAVEMENT LEAVE

Bereavement leave is paid time off that is not accrued, but is granted on a situational basis. Upon the death of a member of the employee's family, and with the approval of the department director or his/her designee, an employee may take off up to three (3) regularly scheduled work days or shifts and replace those hours with bereavement leave instead of using accumulated compensatory time off or annual leave.

For the purposes of this section, family is defined as: the employee's spouse or domestic partner, child, parent, sibling, guardian or grandparent, grandchild, aunt, uncle, or any of the above relations of the employee's spouse or domestic partner; or any other person residing with or legally dependent upon the employee.

In the event the employee needs to travel out of state to attend a funeral, leave may be allowed up to five (5) days with prior approval of their Department Director.

The City will allow up to one (1) regularly scheduled work day or shift of bereavement leave to attend services for the death of a co-worker.

Unusual circumstances may receive individual consideration by the City Manager. Employees may take additional time off for bereavement by using accumulated compensatory time off or annual leave time, provided that their request for additional time does not pose an undue hardship to the City.

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CHAPTER 5 – TIME OFF AND LEAVES OF ABSENCE

5.8 OTHER TYPES OF LEAVE

Military Leave and Military Family Leave Act

Any employee of the City who is a member of the Washington National Guard or Federal Reserve Military Unit shall be entitled to be absent from his/her duties with the City with full pay for up to twenty-one (21) days during each calendar year beginning October 1st and ending the following September 30th, while engaging in the performance of officially ordered military duty and while going to or returning from such duty. Such leaves shall be in addition to any other leaves or annual leave benefits. During the period of military leave, the employee shall continue to accrue all leave benefits and to receive his/her normal rate of pay.

Employees who are called or volunteer for services with the Armed Forces of the United States or the Washington National Guard shall be entitled to be considered for reinstatement in accordance with the provisions of the laws of the state of Washington and the Uniformed Services Employment Rights and Reemployment Act ("USERRA").

An employee promoted to fill a vacancy created by a person serving in the armed forces will hold the position subject to the return of the veteran. The employee affected by the return should be restored to the position he/she held previously or another equivalent position to the extent possible.

If an employee works at least twenty (20) hours per week and their spouse or registered domestic partner is called into active duty for the Armed Forces or will be, or is, deployed during a period of military conflict, the employee may be eligible to take up to fifteen (15) days of unpaid leave. This leave is available before the deployment or when your spouse or domestic partner is on leave from the deployment, and is available for each new deployment. If you wish to take advantage of this leave of absence, inform Human Resources within five (5) business days after you receive the official call or order to active duty or of your spouse's/domestic partner's leave from his or her deployment.

Washington Family Leave Act (FLA) and Washington Law Against Discrimination (WLAD)

Eligible employees are entitled to up to 12 weeks of unpaid FLA leave in a 12 month time period for the birth or placement of a child, for an employee's serious health condition, or for an employee's family member's serious health condition. This leave will run concurrently with FMLA except in the case of pregnancy disability described below, and the same eligibility requirements for FMLA apply. The entitlement to leave for the birth or placement of a child expires at the end of the twelve-month period beginning on the date of such birth or placement.

If an employee is temporarily disabled because of pregnancy or childbirth, they will be eligible for unpaid leave for the period of time during which they are actually disabled. The City may require that a licensed health care provider certify the actual period of disability. This time is covered under the Washington Law Against Discrimination (WLAD) and WLAD leave will run concurrently with FMLA leave, but not with FLA leave. In this case, the employee may receive up to an additional twelve (12) weeks of parental leave covered by the FLA after their

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Pregnancy or Childbirth-Related Disability Leave ends. Again, part, or all of this time may also be covered under the FMLA.

For situations where the City employs both the employee and their spouse, they are together entitled to a combined total of twelve (12) weeks for any leave taken for the birth or placement of a child, or to care for a child or parent with a serious health condition under the FLA.

The City will continue health benefits for employees while they are on a paid status during approved FLA leave. If the employee is in an un-paid status on approved FLA leave, their benefits will continue until the first of the month following the start date of un-paid status. After that time, they may continue their health benefits through COBRA at their own expense. Please note that if an employee is also approved for leave under the FMLA, and their FMLA leave is running concurrently, then the employee is only responsible for their own premiums for healthcare insurance until their FMLA leave expires.

Washington Domestic Violence/Sexual Assault Leave

The City grants unpaid leaves of absence to employees who **(a)** are victims of domestic violence, sexual assault, or stalking; or **(b)** have a family member who is a victim of these crimes. A “family member” for the purposes of this paragraph includes “a child, spouse, domestic partner, parent, parent-in-law, grandparent or person with whom the employee is dating”. In general, this time away from work is available so the employee can take care of legal, medical, or safety issues related to these situations. The City may require verification to support the need for the leave, and employees must give their supervisor or HR notice of the need for this leave no later than the end of the first day the employee takes the leave, or as required by state law.

Washington Paid Family Leave

The Washington State Family and Medical Leave Program ([RCW 50A.04](#)) provides paid benefits for employees who need to take unpaid leave when they welcome a new child into their family, are struck by a serious illness or injury, need to take care of an ill or ailing relative and for certain military connected events. Although self-insurance is an option to fund benefits, the City is choosing to participate in the program administered by the Employment Security Department using the statutory default payroll deductions beginning January 1, 2018. Benefits from this program become effective January 1, 2020, and employees seeking to apply for paid family and medical leave will apply through the Employment Security Department.

Extended Illness or Injury

Employees wishing to extend their approved leave of absence for an injury or illness (that is not work related) beyond what is provided for in the law and these policies must participate in an interactive process with the City to determine if the additional amount of time requested is reasonable for the City to accommodate. The City may grant up to a maximum of six (6) consecutive months of leave time for an employee through this process (including leave time already taken). Unless otherwise protected by law or City policies, leave time in addition to six (6) consecutive months will be considered unreasonable, and the employee must either return to work to their current job, accept an alternative assignment to return to work (if available), or voluntarily resign.

Personal Leave (Leave Without Pay)

Requested leaves of absence that do not qualify under FMLA, any other type of Regulatory Leave, or any other type of leave addressed in this section, may be granted to employees

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without pay and must be approved by the City Manager. Impact on the department will be taken into consideration prior to approval of this type of leave and the employee will be expected to maintain regular communication with their manager regarding status and continued need for leave.

To be eligible for Personal Leave, any accrued paid leave (floating holiday, annual leave, compensatory time off, etc.) must be used prior to taking leave without pay. If the leave is for medical reasons, accrued sick leave must also be exhausted before taking leave without pay. At any time during the leave of absence, the department manager may require the employee to return to work (also with City Manager approval) if the leave begins to negatively impact departmental operations.

An employee on an approved leave of absence without pay may continue his/her health insurance benefits through COBRA by paying the full premium cost to the City in advance for each calendar month that he/she is absent.

i. Reference

- [RCW 38.40.060](#) – Military Leave for Public Employees
- [RCW 73.16](#) – Employment and Reemployment
- [RCW 49.77](#) – Military Family Leave Act
- [RCW 49.78](#) – Family Leave
- [RCW 49.76](#) – Domestic Violence Leave
- [Washington Paid Family and Medical Leave](#)

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CHAPTER 5 – TIME OFF AND LEAVES OF ABSENCE

5.9 TEMPORARY ACCOMMODATIONS

Like many other aspects of leave administration, this process should be seen as interactive and the City will make every effort to work with employees returning from leave who may need or want to request temporary accommodations. Requested accommodations could include a modified work schedule, modified job duties, or another request depending on the employee's work restrictions.

It will be the employee's responsibility to communicate any accommodation request to their immediate supervisor and Human Resources. The employee should attempt to be as specific as possible with their request, including their exact restrictions, documentation to support that the restrictions are necessary, and the length of time that the accommodation (such as a modified schedule) is being requested for.

Employees will be required to submit this request as soon as practical, and prior to the requested start of the accommodation.

These accommodation requests may be approved on a temporary basis (not to exceed one week) as necessary by the employee's direct supervisor until a formal decision can be made regarding the request by Human Resources and/or the City Manager, depending on the level of accommodation requested.



CHAPTER 6 – EMPLOYEE BENEFITS

6.1 FLEXIBLE BENEFIT PLAN

The City provides employees with a Flexible Benefit Plan under Internal Revenue Code Section 125. This plan allows employees to pay for qualified expenses from pre-tax payroll deductions from their own earnings or from “flexible benefit dollars” (as described in section 6.2 [Health and Welfare Plans](#)). Employees may elect to reduce their salary or direct premium dollars into the plan to pay for the following:

- Health Flexible Spending Account for reimbursement of health related expenses.
- Dependent Care Flexible Spending Account for reimbursement of employment related dependent care expenses.
- Insurance Premium Payment Plan for reimbursement of health insurance premiums.

All Section 125 plan provisions are established by the City through agreement with the Plan Administrator (Benefits Administration Company). The administrative costs of the Flexible Benefit Plan are paid by the City.



CHAPTER 6 – EMPLOYEE BENEFITS

6.2 HEALTH AND WELFARE PLANS

Eligibility an Waiting Periods

New employees are eligible for coverage on the first calendar day of the month following date of hire. If the employee's hire date is the first calendar day of the month, insurance coverage begins on the employee's hire date.

Regular employees who work full time (40 hours/week) or part time (20 - 39 hours/week), are eligible for medical, dental, and vision insurance as outlined below. Employees who are classified as "Casual" or "Temporary" are not eligible for the benefits outlined in this section.

Insurance Coverage

The City strives to provide comprehensive health coverage, along with flexibility for employees to choose the type or combination of plans and providers that work best for them. Health insurance for the City is provided through the Association of Washington Cities (AWC) Employee Benefit Trust. The City believes that membership in the Trust enables us to provide an excellent benefit package to our employees at reasonable cost. The benefit program may change from year to year depending on the plans and networks available through AWC. More detailed plan information is available both on AWC's website, and the City's employee information portal.

The City offers the following options for coverage provided through AWC:

- Medical: Employees may choose between a PPO medical plan and an HMO plan. Cost for coverage and provider networks depend upon the plan chosen.
- Dental: The City offers an incentive level dental plan through Delta Dental of Washington.
- Vision: The City offers vision coverage through VSP (Vision Service Plan).
- Employee Assistance Program: This program (through Guidance Resources) is available to provide various types of confidential assistance to employees and their family members.

The City also provides employees the option to extend health care coverage to their eligible dependents. Eligible dependents are the employee's legal spouse, registered domestic partner and; The employee's (or employees spouse or registered domestic partner's) natural child, adopted child, or step-child, less than age 26, or over age 26 if they are incapable of self-support due to developmental disability or physical handicap (proof of incapacity is required).

Employee and City Contributions

City contribution to coverage cost is based on an employee's FTE and will be pro-rated for part-time regular employees as shown in the charts below. Employees who regularly work at least 20 hours per week, but less than 40 hours per week will pay for benefits at the 0.75 FTE rate.

Medical Premiums:

FTE	Equivalent Weekly Hours	% Paid by Employee	% Paid by City
1.0	40	10%	90%
0.9	36	10%	90%
0.8	32	20%	80%
0.75	30	25%	75%

Dental Premiums:

FTE	Equivalent Weekly Hours	% Paid by Employee	% Paid by City
1.0	40	0%	100%
0.9	36	10%	90%
0.8	32	20%	80%
0.75	30	25%	75%

Vision Premiums: Vision premiums are paid for 100% by the City, regardless of FTE.

The benefits, terms and conditions of the City’s health and welfare plans, including costs owed by eligible employees are further explained in the enrollment materials and plan documents.

Other Insured Benefits

Premiums for these plans are paid from the City’s contribution to MEBT.

- Life insurance/accidental death and disability (AD&D).
- Long term disability (LTD), and survivor life insurance.
- Employee Assistance Program (through Horizon Health).

Flexible Benefit Dollars

The City sponsors a program designed to share benefit cost savings with eligible employees. Employees hired on or before August 1st, 2017 who decline health insurance coverage through City sponsored health plans for themselves and/or their eligible dependents may receive a credit of 50% of the amount that the City would have contributed towards the coverage as “flexible benefit dollars.” These “flexible benefit dollars” may be directed toward qualified Section 125 expenses as defined in section 6.1 Flexible Benefit Plan, or as pre-tax contributions towards a deferred compensation plan.

Eligible employees must certify annually that anyone they have chosen not to cover on the City’s health plan(s) has alternative coverage, and provide the alternative plan information to the City. This may include providing information such as the name and tax ID of the person they are insured under, the type of insurance they are enrolled in, and a policy or group number.

Voluntary Benefits

The City offers the following optional plans for interested employees:

- WA DRS Deferred Compensation Plan
- ICMA Deferred Compensation Plan (457 Plan)
- AFLAC (short term disability, accident, cancer, and hospital-ICU)

All premiums or contributions to these voluntary plans are paid for entirely by the employee through payroll deduction. Each plan may have their own eligibility requirements and restrictions on use (such as federal rules and regulations governing tax liability and restrictions on

withdrawals). To learn more about these plans, employees should contact the benefits representative for the plan directly. Additional information may be found on the City's employee information portal.

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CHAPTER 6 – EMPLOYEE BENEFITS

6.3 MUNICIPAL EMPLOYEE BENEFIT TRUST

Municipal Employee Benefit Trust (MEBT) Overview

The City of Mill Creek does not participate in the federal Social Security system and, in lieu of Social Security, provides an employee benefit trust for the exclusive benefit of participating employees, their beneficiaries, and dependents. The MEBT program is generally designed to mirror and provide a substitute for Social Security benefits.

Administration and Eligibility

Life and disability insurance are a component of the MEBT plan. An oversight committee of employees is appointed per directives of the plan document. A Summary Plan Description is available upon request or online at www.mebt.org. Participation in MEBT is mandatory for all employees and City Councilmembers.

The City sponsors two different plans; MEBT I and MEBT II. The main distinctions between MEBT I and MEBT II are differences in City/employee contribution amounts, and vesting. All regular full-time and part-time employees and Councilmembers participate in MEBT I. Temporary and casual employees participate in MEBT II.

Contributions to MEBT

All of the employees' mandatory contributions are made via payroll deduction and are pre-tax deductions. The City's contributions to participant accounts are also made in pre-tax dollars.

For MEBT I participants, the City contributes to the plan an amount equal to the employee's contribution of 6.2%. A portion of the City's contribution is used to pay the costs of the premiums for the insurance components; life/AD&D, LTD, and survivor life; and to pay administrative expenses of the plan. The remaining City contribution is then allocated to employees' individual accounts of the MEBT plan. MEBT I participants have the option of making extra voluntary after-tax contributions provided they do not exceed IRS limits. It is the employee's responsibility to monitor that they are within the Internal Revenue Code limits.

Vesting of City contributions to MEBT I accounts:

Time of Continuous Participation	Percentage Vested
Less than 12 months	0%
12 months	10%
Each additional month	1.25%
84 months or longer	100%

MEBT II participants contribute 7.5% to their plan account. MEBT II participants do not have the option of making extra contributions. The City does not make any employer contributions to MEBT II plan accounts, and employees are fully vested immediately.

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CHAPTER 6 – EMPLOYEE BENEFITS

6.4 RETIREMENT PLANS

City employees classified as Full Time Regular or Part Time Regular are eligible to participate in a Washington State retirement system plan. Employees classified as Casual or Temporary are not eligible for participation.

Non-law enforcement employees may choose to participate in the PERS Plan 2 or the PERS Plan 3. Law enforcement employees will participate in the LEOFF plan. All plans are administered by the Washington State Department of Retirement Systems (DRS). Employees must pay any required amounts towards the contribution costs by payroll deduction. More information on these two plans is available at <http://www.drs.wa.gov> and through the City's employee portal.

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CHAPTER 6 – EMPLOYEE BENEFITS

6.5 EXTENDED HEALTH BENEFITS (COBRA)

The City offers continuing health care coverage (as required through COBRA regulations) on a self-pay basis to employees and their dependents who lose their medical coverage as a result of a qualifying event. Qualifying events include: voluntary or involuntary termination of employment, a reduction in hours resulting in loss of health insurance coverage, retirement, or death.

COBRA is administered for the City through AWC (Association of Washington Cities) and all employees eligible for COBRA will be sent an enrollment packet from AWC or their partner Northwest Administrators.

Insurance coverage is always provided and paid for in increments of one full month. When an employee is separated from employment with the City, the City will pay its portion of the premium cost through the end of the month of separation regardless of the employee's last day of work. To continue health care coverage beyond that time frame, employees must enroll in COBRA.

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CHAPTER 6 – EMPLOYEE BENEFITS

6.6 WELLNESS PROGRAM

The City of Mill Creek maintains a Wellness Program to educate, promote and encourage health awareness and healthful lifestyle choices by City employees. We believe that contributing toward maintaining good physical and mental health will have a positive impact on productivity and morale of the City's workforce.

The purpose of the Wellness Program is to:

- Encourage employees to maintain good physical and mental health
- Reduce healthcare expenses by earning a discount on plan premiums
- Increase productivity of our workforce
- Reduce absenteeism

Wellness Committee

A Wellness Committee is appointed by the City Manager and consists of employees representing the various City departments. The Committee will develop, maintain and administer the Wellness Committee operating policies and procedures in order to effectively manage the program, with oversight from the City Manager/Executive Department.

Employee Participation

Participation in the City of Mill Creek Wellness Program (with the exception of the Wellness Day Off) is open to all employees. All wellness activities are voluntary. Some wellness activities will take place during work hours and employees will be allowed to participate during the workday.

Wellness Day Off Program

Participation in the Wellness Day Off program is limited to regular full-time or regular part-time (benefits eligible) employees. Temporary or Casual employees are not eligible for the wellness day off award. The wellness day off is defined as eight hours. One wellness day off may be earned per calendar year, and must be taken within that calendar year at a time approved by the employee's supervisor. An unused wellness day off will not be cashed out upon separation.

The wellness day off is earned by participating in Wellness Program events and exercising on the employee's own time throughout the year and tracking points earned as outlined below:

- Participants qualify for a wellness day off by earning a total of 500 points. At least 400 points must be earned by exercising on the employee's own time.
- Activities and exercise are tracked by the employee on the annual Wellness Program Calendar.
- Exercise is defined as any activity dedicated to increasing your heart rate and/or building strength and sustained for 30 minutes. One 30 minute activity earns 5 points. A maximum of 5 points per day may be earned.

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- Up to 100 points can be earned by participating in various wellness events sponsored by the City (to be determined by the Wellness Committee with approval of the City Manager). Participation in a minimum of three wellness events is required to be eligible for the wellness day off.
- After the employee has earned 500 qualifying points, the employee must provide verification to the Finance Department (Payroll) in order to earn their wellness day off award.

Other Wellness Incentives

To support health and wellness in the workplace, employees who exercise for at least forty-five minutes during their lunch hour may arrange with their supervisor to take a one hour and twenty minute meal break, of which twenty minutes is considered a paid rest period.

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The City's recognition and appreciation program is designed to encourage employee recognition and appreciation at all levels of the organization. The City also believes that there is no "one-size-fits-all" approach to recognition and appreciation, and so has created both monetary and non-monetary rewards to recognize and appreciate employees. Some of these components may be covered in more detail in other City policies or procedures and additional rewards or premiums may apply to members of a bargaining unit as provided for in their CBA.

Longevity Based Rewards

In order to recognize employee dedication and service, and to promote employee engagement and retention, the City of Mill Creek wishes to distinguish employees who achieve longevity milestones in their careers with the City. The following rewards are offered to employees based on their length of service with the City. Some of these rewards may be found in other sections of this manual as indicated below.

- Longevity-Based Premiums. A percentage of an employee's base pay added to their paychecks each pay period for employees that meet certain length of service requirements. ([4.7 Incentives and Premiums](#))
- Additional Floating Holiday. An additional floating holiday per year for employees that meet certain length of service requirements. ([5.1 Holidays](#))
- Additional Annual Leave. Additional annual leave (vacation time) is given to employees who meet certain length of service requirements. ([5.2 Annual Leave](#))
- Milestone Anniversaries. An employee's 5th, 10th, 15th, 20th, (and every 5 years after) anniversary of their hire date is considered a "Milestone" anniversary. On these milestone anniversaries, employees shall receive a certificate of appreciation and a commemorative token (such as a pen).
- Once per year, the City Manager will hold an employee recognition event for all city employees. The main purpose of this event shall be to recognize employees that have achieved milestone anniversaries. Funding for recognition events and awards is described in [300-01 Business Expense Policy](#).

Retirement Celebrations

To honor the employees that have chosen to work for the City until retirement, the City will authorize a celebration on or around any retiring employee's last work day. Employees who are separated for reasons other than retirement (such as leaving for another job) are not eligible for a retirement celebration.

The employee's department (in conjunction with Human Resources) is responsible for organizing an appropriate celebration, and the City's contribution will include a card and a small gift such as a photo album, flower arrangement, or gift basket. The total amount of the City's contribution shall be limited to \$100 per retirement. Additional gifts, food, or decorations are generally not provided by the City.

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Employee to Employee Appreciation

All employees are responsible for maintaining a culture that supports the City's STAR values of Service, Teamwork, Accountability, and Respect. In alignment with the City's values, all employees are highly encouraged to show their appreciation for their co-workers, supervisors, subordinates, and other City staff. The City offers many avenues to do this, including:

- The Monday Minute – with approval from the Director of Communications and Marketing
- The ADP Homepage – with approval from Human Resources
- "You're a STAR" cards
- Simply saying "Thank-you!"

Recognition Committee

The Recognition Committee is formed of existing employees to organize events and activities that encourage positive workplace morale. For example, employees may be encouraged to participate in certain activities or themes, such as Take Your Dog to Work Day or Blue Fridays, provided that participation in these activities or themes does not create an unreasonable distraction or decrease in productivity. The Recognition Committee also assists City management in organizing recognition events, such as for milestone anniversaries.

Employees are encouraged to bring forward any ideas or suggestions that they have on events, holidays, or celebrations that they would like the City to participate in. The City Manager will have the final say on whether something is unreasonably distracting or unreasonably decreases productivity.

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CHAPTER 6 – EMPLOYEE BENEFITS

6.8 TRAINING AND TUITION REIMBURSEMENT

Training

The City recognizes the importance of employee development and training in improving individual job performance, enhancing knowledge, skills and abilities directly related to an employee’s position, and broadening the skill level within our workforce. The City will provide job related training opportunities to employees as needed and as financial resources to do so are available.

The City may reimburse or pay expenses for employees to attend job-related seminars, webinars, conferences, and business meetings. Authorization for payment or reimbursement must be obtained in advance of the event. Training expenses for courses or certifications that are required by the City will be paid for by the City (except in cases where the license or certification is a pre-employment requirement), including travel expenses, registration, and employee wages.

All payments or reimbursements for training, including other expenses such as airfare or lodging for out of town trainings, must follow [300-01 Business Expense Policy](#).

Tuition Reimbursement

In order to encourage employee development beyond what is required for their position, the City provides tuition reimbursement for employees pursuing college courses that are related to the employee’s current position or future career goals with the City. To qualify for this reimbursement, the employee’s supervisor must concur that the course is job-related.

Tuition reimbursement for college courses caps at \$500 per year, per employee, and is dependent on the employee’s completion of the course with a passing grade. If the employee fails to furnish the City with evidence of successful completion of the course, the City will not provide reimbursement for that course.

Tuition reimbursement will apply to college courses only, and not courses taken through another organization or business. If an employee is not sure whether the course they are planning to take qualifies for tuition reimbursement, they should speak with their supervisor, Human Resources, or the Director of Finance.

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CHAPTER 7 – OTHER PROVISIONS

7.1 EMPLOYMENT RECORDS

Personnel Files

Official personnel files are maintained for all City employees by the Human Resources department. These records are the property of the City and are kept confidential to the maximum extent allowed by law. Personnel records may include, but are not limited to, an employee’s offer letter, personnel action forms, performance evaluations, disciplinary actions, training confirmations, and such other records as may be deemed necessary.

The employee(s) that have access to information in personnel files may vary depending on how confidential the information is. Aside from Human Resources, the employee’s supervisor or department director, and the City Manager may access personnel records if necessary and as appropriate. Employees may review their own personnel file upon formal request and in the presence of HR staff. Employees or former employees will not be allowed to remove or alter any information maintained in the personnel file, but if an employee disagrees with anything in the file, a statement of disagreement may be added to the file. Employees are responsible for ensuring that their personal information on file with the City is kept current (e.g., address, phone, dependents, beneficiaries, etc.).

Other Employee Files

Some personal information related to an employee may be filed separately from the personnel file due to specific retention schedules or security requirements that may differ from what is required for personnel files. Examples of the information or documents kept separately include; medical information including leave paperwork, information related to background checks, payroll and benefits forms and information, I-9 forms, and worker’s compensation related documents.

Supervisors may also keep temporary files with information regarding an employee’s performance for use during performance evaluations. When completed, supervisors should turn all supporting documents in to HR along with the employee’s performance evaluation.

Release and Destruction of Personnel Records

Confidential personnel records will only be released with the written consent of the employee, or in response to court orders, subpoenas, public records or government requests if approved by the City Attorney.

Archival and destruction of personnel files and records will be managed based primarily on the Common Records Retention Schedule (CORE) guidelines issued by the Washington State Archives, Office of the Secretary of State.

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Employment Verification and References

Finance/payroll and/or Human Resources department staff is authorized to respond to requests for verification of employment for current and former employees.

Only the following information will be given, unless the employee has provided the City with a written release to provide specific additional information:

- Dates of employment
- Current job title, or job title at date of termination
- Department and division employed
- Current or final salary

Official responses to requests for employment references, which typically deal with employee performance, should come from the employee's supervisor. Supervisors may not respond to a reference inquiry without coordinating the response with Human Resources to ensure compliance with legal procedures. Copies of official reference documents should be kept in the employee's personnel file.

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CHAPTER 7 – OTHER PROVISIONS

7.2 RELEASE OF CONFIDENTIAL INFORMATION

All City employees are expected to maintain appropriate confidentiality of work related issues, including but not limited to customer, employee and City information and records. As part of their official duties with the City, employees may have access to information and official records, most of which are public, but some of which are confidential. Public information that is not considered to be confidential may be given out in the daily course of City operations as necessary to accomplish City business. Employees shall not disclose confidential City information to any unauthorized person, nor shall employees use such information for their personal gain or benefit. If an employee receives a request and is unsure if the information is confidential information, they should refer the requestor to the City Clerk's Office to facilitate a Public Records Act request. All requests for employee or personnel information should also be forwarded to the Human Resources department.

Examples of information that would be considered confidential includes, but is not limited to, the following:

- Personnel files of City employees
- Home addresses and telephone numbers of City employees
- Employee social security numbers
- Test questions, scoring keys and other examination data used to administer employment examinations
- Lists of individuals requested for commercial purposes
- Employee doctor's notes or medical information

If an employee releases confidential information wrongfully, or is careless in the security of confidential information (including careless use or treatment of software or devices containing confidential information), they may be subject to disciplinary action up to and including termination.

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CHAPTER 7 – OTHER PROVISIONS

7.3 INCLEMENT WEATHER OR EMERGENCY CLOSURE

If City Hall is Closed

In the event that conditions are so severe that the safety of City employees would be jeopardized by reporting to or remaining at work, the City Manager may allow non-essential personnel to leave early or arrive late. The City Manager may also determine at that time if it is necessary to close City Hall to the public.

Employees who normally would have worked during the impacts to City Hall, who are not permitted to work due to the nature of the weather or other event (and are not authorized to work from home), shall not have paid time off deducted for hours missed due to the closure. Employees who are authorized to work from home should do so if they are able.

Employees who must report to work during inclement weather, emergency, or City Hall closure due to the responsibilities of their position are considered “essential” employees. Different positions may be considered “essential” depending on the nature of the event (Police are generally always considered to be “essential”).

Essential employees who are unable to report to work as scheduled must cover any missed hours by:

- Using available annual leave
- Using compensatory time off
- Using an available floating holiday
- Taking the time as unpaid leave (if approved)
- Making up the time missed within the same work period (if approved)

Employees (essential or non-essential) who were already scheduled to be off work (due to a leave, vacation, “flex” day, or otherwise) will be paid as normal.

If City Hall is Not Closed

In the event of inclement weather or other circumstance where City Hall operations can generally continue as normal, but where an employee may choose to stay home (for example; due to road conditions in that employee’s neighborhood), the employee must cover any missed hours by:

- Using available annual leave
- Using compensatory time off
- Using an available floating holiday
- Taking the time as unpaid leave (if approved)
- Making up the time missed within the same work period (if approved)

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CHAPTER 7 – OTHER PROVISIONS

7.4 VOLUNTEER AND INTERN PROGRAMS

Volunteers

The City of Mill Creek values volunteers who offer their time and their talents to help make Mill Creek a better place to live, work, and visit. Volunteer opportunities offer community members the chance to partner with their local government to provide services to the community and implement the mission and programs of the City. This can also serve to fulfill community service requirements that a citizen may have.

Volunteers are unpaid workers who elect to perform a service for the city either on a one-time basis or an ongoing basis. The City defines which opportunities and projects are open for volunteers, and volunteers must apply for and complete the pre-volunteering requirements for any opportunities as set forth in the Volunteer Program Guidelines prior to providing a service to the City. This is to ensure the safety of volunteers, City workers, and the public, as well as to ensure compliance with all collective bargaining agreements. Volunteer work is not to be used to displace work that should normally be performed by paid City employees.

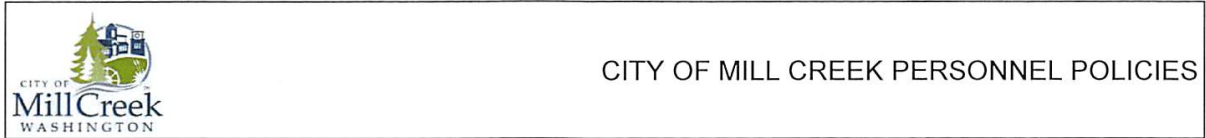
The City's volunteer program will be coordinated and facilitated by the Communications and Marketing Department, Human Resources, and the department with whom the volunteer is working to provide a service.

Interns

The City of Mill Creek offers internships periodically to provide an opportunity for career exploration, development, and growth. While interns should provide a service to the City, similar to volunteers, the focus of an internship should be on the educational aspects of the intern's work, and the career development opportunities that the City can provide.

Interns are defined as non-employee workers who elect to perform a service for the City in exchange for school credit, educational growth, or career advancement. Interns may be paid or unpaid. Internship opportunities should be provided for as set forth in the Intern Program Guidelines. Potential interns should apply for and complete the pre-internship requirements for the internship program they are interested in. This is to ensure the safety of interns, City workers, and the public, as well as to ensure compliance with all collective bargaining agreements. Internship opportunities may be focused on a single project, a single department or multiple departments, and a start date and end date should be defined prior to the start of the internship.

The City's internship program will be coordinated and facilitated by Human Resources, and will be limited in scope by the time and resources available in the department(s) the intern is working in.



Subject PERSONNEL POLICIES	Index: Human Resources Number: 400-01
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Effective Date: December 11, 2018	Supersedes: CCP 97-005 February 11, 1997 CCP 08-002 June 10, 2008 CCP 09-001 January 1, 2009 CCP <u>2012-002</u> January 1, 2013 Repeals and Replaces: Res. 2003-325 March 11, 2003 Res. 91-135 December 17, 1991	Staff Contact: Human Resources	Clerk ID Number:	Approved By and Date:
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1.0 PURPOSE:

1.1 Adoption of Personnel Policies. In accordance with the City of Mill Creek’s Municipal Code, [Chapter 1.24](#), the City Manager has determined, based on the authority of the City Council to approve the City’s budget and define financial priorities, that the policy statements contained in this policy (400-01 *City of Mill Creek Personnel Policies*) related to wages and benefits should be presented to and approved by the City Council.

In the event that the City Manager determines that changes to these Personnel Policies are appropriate, the City Manager will so advise the City Council and present proposed revisions for Council consideration and approval. In the event immediate changes are necessary to respond to State or Federal law, the City Manager may implement the required changes immediately and advise the Council of the changes made.

- 1.2 Personnel Administration Manual. The City Manager is authorized to, based on the direction provided by the policy statements contained in this policy (400-01 *City of Mill Creek Personnel Policies*), approve administrative procedures and guidelines as required for the good governance and human resource management of the City and as may otherwise be required by State or Federal law. Any time this policy (400-01) is updated, the City Manager shall also provide to the City Council the updated section(s) of the Personnel Administration Manual as a reference document. At no time shall the Personnel Administration Manual be inconsistent with the policy statements contained in this policy (400-01).
- 1.3 Collective Bargaining Agreements. The City Council may authorize policies or procedures which are inconsistent with this policy (400-01) for positions in a bargaining unit through the collective bargaining process. These alternative policies or procedures will be documented in the applicable Collective Bargaining Agreement (CBA). In the event of any inconsistency between this policy and a CBA, the CBA will supersede the policy statement for represented employees covered under that CBA.
- 1.4 The Personnel Policies and the Personnel Administration Manual apply to all individuals employed by the City of Mill Creek with the exception of the following officers and individuals: members of Council, members of commission and boards and persons providing contract services.

2.0 ORGANIZATIONS AFFECTED:

All City departments/divisions.

3.0 EMPLOYMENT STATUS:

- 3.1 All employees have a designated employment status which is used to determine pay, benefits, and other eligibility. The following four employment statuses are referred to throughout this policy.
- 3.2 Casual. An employee hired to work on an intermittent or as-needed basis, or is regularly scheduled to work less than twenty (20) hours per week.
- 3.3 Full-Time Regular. An employee hired into a position for an indefinite period of time and regularly scheduled to work at least forty (40) hours per week.
- 3.4 Part-Time Regular. An employee hired into a position for an indefinite period of time and regularly scheduled to work at least twenty (20) hours per week and less than forty (40) hours per week.
- 3.5 Temporary. An employee hired to fill a position with a defined end date. The length of a temporary position will generally not exceed six (6) months.

4.0 PAY AND CLASSIFICATION PLAN:

- 4.1 All employee positions are subject to available funding. The City Council shall establish, through approval of the City's biennial budget, salary grades, corresponding pay range assignments, and authorized full-time equivalent (FTE) count for all positions within the City. This shall include approval of any cost of living increases to be applied on January 1st of each year not previously approved, such as during union contract negotiations.
- 4.2 Each salary grade in the current salary plan shall be placed at 5% above the grade below it. Each step within a salary grade shall be placed at 4% above the step below it.
- 4.3 Annually the City Council shall consider adjustments to position classifications and/or the assignment of salary grades to positions to be effective January 1st of each year based on the recommendation of the City Manager.
- 4.4 The City Manager in conjunction with Human Resources shall determine the appropriate placement of personnel within those salary ranges as well as the progression within a certain salary range or grade. For represented employees, the City Manager's decision shall be in line with all applicable clauses of that employee's contractual bargaining agreement. No employee shall be placed in-between steps in their assigned grade.
- 4.5 If it becomes necessary to reclassify a position mid-year, the City Council may, with the City Manager's recommendation, approve a mid-year adjustment to a position's salary grade. Mid-year adjustments to a position's assigned salary grade must be supported in the biennial budget.
- 4.6 No employee shall earn less than the bottom step of the approved salary grade for their position (excluding incentives and premiums). Employees earning less than the bottom of their current salary grade shall have their wages adjusted to no less than the bottom of the salary range. This may occur in situations such as promotions or position reclassifications.
- 4.7 No employee shall earn more than the top step of the approved salary grade for their position (excluding incentives and premiums). Employees earning more than the top step of their current salary grade shall have their wages adjusted to fall within the range of their position's salary grade. This may occur in situations such as demotions or position reclassifications.
- 4.8 In cases where a reclassification, demotion, or other action causes an employee's pay to fall above the approved salary grade for their position, excluding incentives and premiums, the City Manager may approve freezing that employee's salary at its current rate above the approved salary grade subject to the City's approved budget. In this case, the employee will not be eligible for any annual increase or

cost of living increase until their current salary falls within the approved salary grade for their position.

5.0 INCENTIVES AND PREMIUMS:

5.1 As a retention strategy, and to acknowledge long term employees for their years of service to the City, the City Council authorizes longevity premiums awarded to employees commencing on the seventh (7th) anniversary of their hire date, and at certain other milestone anniversary dates, provided that their work performance maintains an acceptable level, according to the schedule below:

No. Years	Longevity Premium (provided performance maintains acceptable level)
> 7	2%
>10	3%
>15	4%
>20	5%

5.2 All longevity premiums are calculated on the employee's base pay and are not cumulative, and must be supported in the City's budget. The City Manager shall approve, through the Personnel Administration Manual, the appropriate performance measures and a process by which to calculate an employee's years of service when there are breaks in service.

5.3 An employee's base pay is their base wage or salary absent all applicable premium or incentive pays. Normally, an employee's base pay corresponds to a step in their position's assigned salary grade.

6.0 LEAVE AND PAID TIME OFF:

6.1 Observed Holidays. The City formally observes the following holidays:

- New Year's Day
- Martin Luther King Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Native American Heritage Day (Friday after Thanksgiving)
- Christmas Eve Day
- Christmas Day

If a holiday falls on a Sunday, it shall be observed on the following Monday. If a

holiday falls on a Saturday, it shall be observed on the preceding Friday. Holidays shall be considered as 8 hour days for regular full time employees, and prorated based on FTE for regular part time employees.

- 6.2 Floating Holidays. Employees shall accrue a number of floating holidays based on years of service as shown in the table below. Floating holidays are awarded on January 1 of each year, and expire if unused on December 31 of each year. Holidays shall be considered as 8 hour days for regular full time employees, and prorated based on FTE for regular part time employees.

Years of Service	Floating Holidays Awarded
Less than 10	1.0
10 to 20	2.0
20 and above	3.0

- 6.3 Annual Leave. Annual Leave is also referred to as "Vacation." Regular full time employees shall accrue annual leave (vacation) hours per pay period based on their years of service as shown in the tables below. Regular part time employees shall accrue annual leave pro-rated based on their assigned FTE. Temporary and Casual employees are not eligible for annual leave.

Department Directors

Length of Continuous Service	Annual Accrual (Hours)
All years of service	176

All Other Employees

Years of Continuous Service	Annual Accrual (Hours)
0 to less than 5	96
5 to less than 10	128
10 to less than 13	152
13 to less than 16	160
16 to less than 20	168
20 and above	176

A maximum of 200 hours of annual leave may be carried over from December 31 of one year to January 1 of the next year.

- 6.4 Donation of Annual Leave. The City Council authorizes the City Manager to approve the donation of annual leave from one employee to another for the purposes of aiding a fellow City employee who is suffering from, or has an immediate family member suffering from, an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate his/her employment with the City.

Any and all donations of annual leave shall be voluntary, and no other type of leave (ex: sick leave) shall be donated in any circumstance.

6.5 Exempt Leave. To acknowledge that exempt employees will regularly be required to work overtime hours without additional compensation, exempt leave is provided to FLSA exempt employees as a bank of 40 hours on January 1 of each year. These hours expire if unused on December 31 of each year.

6.6 Sick Leave. Employees shall accrue sick leave hours each pay period depending on their employment status as shown in the table below:

Employment Status	Annual Accrual (Hours)
Full-Time Regular	96
Part-Time Regular	(96 * assigned FTE)
Casual or Temporary	1 hour per every 40 hours worked

A maximum of 1040 hours of sick leave may be carried over from December 31 of one year to January 1 of the next year.

6.7 Employment Offers. In some cases it may be necessary to offer paid time off in addition to what this policy provides to new hires for the purposes of filling a hard to fill position. The City Council authorizes the City Manager to approve additional annual leave or exempt leave to be offered to a candidate at the time of hire at his/her discretion, provided that the new hire's leave accruals stay consistent with this policy. For example, the City Manager may authorize a candidate to start their employment with 40 hours of annual leave pre-loaded into their bank.

6.8 Pay-out upon Separation. Upon separation, some or all of an employee's accrued but unused paid time off balance(s) may be paid out based on criteria approved by the City Manager in the Personnel Administration Manual.

6.9 Paid Family Leave. The Washington State Family and Medical Leave Program (~~RCW 50A.04~~) provides paid benefits for employees who need to take unpaid leave when they welcome a new child into their family, are struck by a serious illness or injury, need to take care of an ill or ailing relative and for certain military connected events. Although self-insurance is an option to fund benefits, the City is choosing to participate in the program administered by the Employment Security Department using the statutory default payroll deductions beginning January 1, 2018. Benefits from this program become effective January 1, 2020, and employees seeking to apply for paid family and medical leave will apply through the Employment Security Department.

6.10 Bereavement Leave. Employees may request bereavement leave for up to three regularly scheduled work days or shifts upon the death of a member of the employee's family. In the event the employee needs to travel out of state to attend a funeral or make other arrangements related to their family member's death, leave may be allowed up to five days.

Up to one day or shift of leave may be allowed to attend services related to the death of a co-worker.

7.0 BENEFITS:

7.1 Eligibility for Benefits. Benefits eligibility is determined by an employee's employment status. All regular full-time and regular part-time employees are eligible for healthcare benefits coverage for themselves and for their eligible dependents. Casual and Temporary employees are not benefits eligible.

7.2 Section 125 Plan. The City of Mill Creek maintains a Section 125 plan that allows for any premium payments made in accordance with that plan to be made on a pre-tax basis. The plan also allows participants to redirect salary dollars pre-tax into health or dependent care flexible spending accounts. The City Manager is authorized to update health plan and elective options to ensure compliance with the Section 125 Plan, and to update the Plan when necessary.

7.3 Flexible Benefit Dollars. The City sponsors a program designed to share benefit cost savings with eligible employees. Employees hired on or before August 1st, 2017 who decline health insurance coverage through City sponsored health plans for themselves and/or their eligible dependents may receive a credit of 50% of the amount that the City would have contributed towards the coverage. To be eligible, employees must certify that they those not covered on the City's plan(s) have provide evidence of alternative comprehensive coverage. These "flexible benefit dollars" may only be used for purposes defined in the City's Section 125 Plan document and Personnel Administration Manual. The "flexible benefit dollars" may not be taken as cash.

7.4 Health Insurance. The City provides medical, dental, and vision insurance coverage options for benefits eligible employees and their dependents.

7.4.1 Medical Premiums. Insurance premiums for medical insurance (if an eligible employee selects medical coverage) for employees and their eligible dependents are shared between the employee and the City based on the employee's FTE status as shown in the chart below:

FTE	Equivalent Weekly Hours	% Paid by Employee	% Paid by City
1.0	40	10%	90%
0.9	36	10%	90%
0.8	32	20%	80%
0.75 or less	30 or less	25%	75%

7.4.2 Dental Premiums. Insurance premiums for dental insurance (if an eligible employee selects dental coverage) for employees and their eligible dependents are shared between the employee and the City based on the employee's FTE status as shown in the chart below:

FTE	Equivalent Weekly Hours	% Paid by Employee	% Paid by City
1.0	40	0%	100%
0.9	36	10%	90%
0.8	32	20%	80%
0.75 or less	30 or less	25%	75%

7.4.3 Vision Premiums. Insurance premiums for vision insurance (if an eligible employee selects vision coverage) for employees and their eligible dependents are paid for 100% by the City.

7.5 Health Savings Account. Employees enrolled in a High Deductible Health Plan (HDHP) are also eligible to enroll in a Health Savings Account. The City sponsors a program designed to share the cost savings of a HDHP with the employee. The City will contribute 50% of the cost savings between the HDHP and the City's other medical plan offering(s) to the enrolled employee's Health Savings Account each pay period. This cost savings may not be taken as cash or used for any other purpose.

7.6 Life, Accidental Death and Dismemberment, Long Term Disability, and Survivor. The City provides Life, AD&D, LTD, and Survivor insurance to all regular full time and regular part time employees at no cost to the employee, deducted from the employer's portion of ~~through~~ the City's Municipal Employees Benefit Trust MEBT plan (Social Security replacement) contributions.

7.7 Employee Assistance Program. The City provides ~~an~~ Employee Assistance Programs to all regular full time and regular part time employees at no cost to the employee, deducted from the employer's portion of ~~through the City's Municipal Employees Benefit Trust MEBT plan~~ (Social Security replacement) plan contributions ~~and from to benefit coverage s to eligible employees through AWG City participating health plans.~~

7.8 Optional Health, Wellness, and Retirement Plans. The City facilitates enrollment in other optional health, wellness, and retirement plans (such as Flexible Spending Accounts or AFLAC insurance) for benefits eligible employees. All voluntary plans or accounts are funded entirely at the employee's own cost. Enrollment is dependent on the eligibility requirements specified in the individual plan or account's documents.

8.0 EMPLOYEE RECOGNITION-DEVELOPMENT AND

DEVELOPMENT-RECOGNITION

8.1 Performance Management Program. The purpose of an effective performance management program is for employees to have a clear understanding of the work expected from them, to receive ongoing feedback regarding how they are performing relative to expectations, to identify development opportunities, and to address performance that does not meet expectations. A comprehensive

performance management program empowers employees to have greater input to their personal career progression and will enable managers to provide more meaningful feedback based upon an agreed set of performance criteria.

The City strives to provide an environment where all employees understand the impact their contributions have on the achievement of City goals and are provided the opportunity for ongoing personal growth. To accomplish this objective, the City will develop and maintain a strong performance based review program that culminates in an annual performance review of employees.

- 8.24 Wellness Program. The City maintains a Wellness Program to educate, promote, and encourage health awareness and healthy lifestyle choices by City employees. Participation in this program may earn the City discounts on the cost of health benefits.

The City Council authorizes, through the biennial budget, the funds necessary to allow the Wellness Committee to effectively operate and promote participation in this program. Additionally, the City Council supports one “wellness day off” per employee per year if earned through program participation as defined in the Personnel Administration Manual.

- 8.32 Employee and Volunteer Recognition. To promote employee and volunteer engagement and to recognize employees and volunteers for their service, significant achievements, and modeling the City's STAR Values of Service, Teamwork, Accountability, and Respect, the City Council authorizes funds for recognition through the biennial budget to be used in a manner consistent with the Business Expense Policy; sections 8.11 and 8.12.

- 8.43 Tuition Reimbursement. To support employee growth and development, as well as incentivize continued education that benefits the City, the City Council authorizes tuition reimbursement for college courses up to \$500 per year per employee as described in the Personnel Administration Manual Chapter 6.8.

9.0 SAFETY

- 9.1 The intent of the City is to provide a safe working environment and keep injuries to the absolute minimum, thus protecting its most valuable asset – its employees. The City Council will support the City's Accident Prevention Program and the operation of a Safety Committee as described in WAC 296-80-130 and ensure that adequate resources such as employee time, funds for safety equipment and training, and commitment to the program from management are available.
- 9.2 The City Council shall authorize, through the approval of the biennial budget, at least \$10 per employee (per year) to be used for safety projects, activities, and awards/prizes related to the City's safety program.



Agenda Item # G
Meeting Date: January 8, 2019

CITY COUNCIL AGENDA SUMMARY

City of Mill Creek, Washington

AGENDA ITEM: 2019 COMMUNITY EVENTS

PROPOSED MOTION:

None at this time – for discussion purposes only.

KEY FACTS AND INFORMATION SUMMARY:

The Communication and Marketing team organizes the City’s annual events throughout the year that are offered to the community. The Communications and Marketing team has reviewed the events from 2018, including community attendance, staff time, sponsorship involvement and sustainability when reviewing the events. In addition, events must help with the City’s Civic Pride goal, which is to achieve strong community spirit by promoting active civic participation. Based on the review, following is the review of 2018 events and staff’s recommendation for 2019 community events.

Teen Flashlight Egg Hunt

This event serves the teen population on the Friday before the Eggstravaganza (the day before Easter). The Teen Flashlight Egg Hunt is an egg hunt in the Heatherwood Middle School Gym with candy and eggs scattered throughout the gym. Some of the eggs have prize egg coupons stuffed inside of them, which are used to collect prizes in the cafeteria that are given away on a first-come-first serve basis. However, the donations for the event have been decreasing over the past couple of years. The attendance to the event varies between 50 – 125 teens based on the date of the event, which occasionally falls during the week of Spring Break. The set-up and prep for the event require more staff time than the actual duration of the event.

Recommendation for 2019: It is the staff recommendation to not continue this event moving forward.

Eggstravaganza

The Eggstravaganza event is a huge community event held on the Saturday before Easter at Heatherwood Middle School’s football and softball field. The City partners with the Redemption Church to host egg hunts for ages 1 year old to fifth grade. The event features 18,000 stuffed eggs with candy with approximately 4,000 people in attendance. The event has face painting, bouncy houses, balloon artists, sponsors attend with activities for kids, and a food canned drive collection for the Mill Creek Food Bank. The City has secured an additional partnership with Canyon Creek Church to add new activities to enhance the quality of the experience when attending the Eggstravaganza. New activity ideas include things such as adding a petting zoo, an enhanced Easter Bunny photo booth, and interactive games for families.

Recommendation for 2019: It is the staff recommendation to continue this popular

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community event. It will be held on Saturday, April 20, at Heatherwood Middle School fields starting at 10 a.m.

Memorial and Veterans Day Events

The Memorial Day and Veterans Day Commemorative Ceremony and Parades are relatively new events. The Commemorative Ceremony honors those who have served in the U.S. Armed Forces at the Veterans Monument at Library Park. Following the Commemorative Ceremony is the Parade which takes place on Main Street heading south starting at LA Fitness and ends at the City Hall North parking lot. The parade has grown each year, starting with 12 participating groups to more than 50 groups with over 700 individual participants. The estimated attendance of the parade is 4,500 spectators that line the parade route. A large part of the event's success is due to the contracted event manager, Lt. Col. Jon Ramer. He has been able to secure fly-bys, honor guards and other military bases to attend including the 1st Corp Army Band from Joint Base Lewis-McChord. The events have brought great pride to the community and honor and recognize the military service members that have served and are currently serving.

However, the Memorial and Veterans Day events are similar to one another. Despite great weather, staff and other bystanders are noticing a decline at these events and attribute the decline to generally redundant events. Staff does not want the meaning and significance of the events to fade overtime by having virtually the same event held twice a year. Further, staff has received feedback from other military members that Memorial Day should be a day of remembrance and more somber; they feel it is more respectful to just have a commemorative ceremony and not hold a parade. Veterans Day is more of a celebration to recognize all veterans.

Memorial Day Recommendation for 2019: Staff recommends shifting the focus on the Memorial Day to be solely the Commemorative Ceremony. This affirms the purpose – to remember those who have made the ultimate sacrifice. The team will research stories from Mill Creek soldiers and tell their story to the community. A local group called Fallen Soldiers is comprised of loved ones from local soldiers who have fallen while serving our country; they will be invited to attend the ceremony. These new aspects of the event will create a local connection with a more personal and intimate event to honor the purpose of the day. The Commemorative Ceremony will be held on Monday, May 27, at 9 a.m. at the Veterans Monument at Library Park.

Veterans Day Recommendation for 2019: Staff recommends that the Veterans Day events remain the same, with the Commemorative Ceremony at the Veterans Monument at 9 a.m., followed by the Parade on Main Street at 11 a.m. The events will take place on Monday, November 11. The event will continue to be contracted by the event coordinator, Lt. Col. Jon Ramer. The Veterans Day events will focus on the collaborative community approach to honoring our veterans with the continued growth of military groups in the parade. The popular military displays and vehicles will continue to be displayed for participants to visit along the parade route. The City will continue to plan the parade as biggest and best Veterans Day celebration north of Seattle.

Farmers Market

The City launched its inaugural Mill Creek Farmers Market in 2018. The Farmers Market was held on Fridays, May 25 through Aug. 24 from 12-5 p.m. in the City Hall North Parking lot. The market was organized by Market Manager Sarah Jensen. Through her experience and

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connections Jensen was a valuable asset in securing quality vendors and musicians throughout the duration of the market. The Farmers Market also featured a free Power of Produce (POP) Kids Club to help kids ages 4-13 to learn about local food sources and encourage them to make healthy choices both in their diets and with physical activity. While well-received by the community, the day of week and time of day selected for the Farmers Market provided challenges for people who work to participate.

Recommendation for 2019: Staff recommends changing the Farmers Market day to Tuesdays from 3-7 p.m. The season will run June 18 through Aug. 20. Adjusting the length of the season will help with availability of produce at the market. The earlier end date will eliminate the competition of vendors and customers attending the Evergreen State Fair. The new time will also open up available parking spaces to community members since businesses will not need to save parking for their clients after they close for the day at 5 p.m. Staff is working with businesses adjacent to City Hall to ensure their parking lots are open for event parking after their business hours. During the Farmers Market season, four Council meetings are slated to occur; parking will be reserved for the City Council on those nights.

Party in the Parks

The Party in the Park events were launched in 2018 and were very successful and engaging. Events were slated for Buffalo Park, Heron Park and Cougar Park on the third Tuesday of the month in July, August and September from 5-7 p.m. Due to poor air quality from regional fires, the Heron Park event was cancelled due to unsafe levels of smoke in the air. The events included games, music, food, and sponsor booths with free activities for the community. This event provided an opportunity to increase engagement of City staff with community members to foster a better sense of community and civic pride. Community members really enjoyed these events and appreciated the staff bringing an event to their neighborhood park, making it convenient for them to attend with their families. A secondary purpose of these events was to showcase local parks by rotating event locations through the City park network.

Recommendation for 2019: Staff recommends continuing the Party in the Parks events. However, since the Farmers Market is planning to move days from Friday to Tuesday, it is necessary to move the day of the week for Party in the Parks from Tuesdays to Thursdays. The fourth Thursdays of the summer months are the best days and do not compete with the Town Center events (e.g., the Summer Concert Series which is held each Wednesday during the summer, or Art Walks, which are held the second Thursday of the month). The planned park locations for 2019 will be Highlands Park on Thursday, June 27; Mill Creek Sports Park on Thursday, July 25; and Heron Park on Thursday, August 22. Staff will reach out to additional community members to increase involvement from healthcare providers, outdoor/athletic providers and other businesses that provide engaging activities for kids.

3-on-3 Basketball Tournament

The City partners with Stars Unlimited to continue its annual 3-on-3 Basketball Tournament for youth and adults. It is open to youth in grades 3-12 and adults of all ages. Teams are limited to four players. Each team is guaranteed a minimum of three games. The tournament occurs the same weekend as the annual Mill Creek Festival and attracts about 60 teams.

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Recommendation for 2019: Staff recommends continuing this event, which will take place on July 13-14.

Trunk or Treat

The City of Mill Creek partners with Canyon Creek Church to host the annual Trunk or Treat event each year on Halloween from 6:30-8 p.m. in the City Hall North Parking lot. Kids converge upon a parking lot full of approximately 40 cars and booths decorated by volunteers and event sponsors that are filled with candy for kids that go car to car "trunk-or-treating." This event continues to be a huge success for sponsors and community members with approximately 4,000 people in attendance. The Youth Advisory Board members help distribute candy to all the cars and decorate a booth alongside the Police Department. Due to the success of this event, community members begin to line-up to enter the event an hour before it begins. The line has gone all the way up to Tablas (in Town Center) and people spill into Main Street as they wait in line, creating a safety issue. The line is formed from people leaving the Town Center's Treats on Main Street which runs from 4:30-6:30 p.m. in Mill Creek Town Center.

Recommendation for 2019: Staff recommends continuing Trunk or Treat. However, due to the safety concerns and logistics planning for the Police Department, the staff members are in discussion with the Town Center merchants and Canyon Creek Church to combine the Treats on Main and Trunk or Treat events into a single, large event. The Town Center merchants are able to push back the start time thirty minutes to 5-7 p.m. and the volunteers with Canyon Creek Church are looking into moving the start time for Trunk or Treat from 6:30-8 p.m. to 5:30-7 p.m. This start time will allow volunteer members extra time to come from work and will allow for the City operations to close at regular time without being impacted by having to close early for the event. This proposed idea will create a unified event where community members are able to go from one event to another. This will also ease the burden on the Police Department to allow for a more concise road closure plan and ensure safety of all participants at the event. The event will take place on Thursday, October 31.

Tree Lighting

The Tree Lighting event is a festive event that follows the Santa Parade on Main Street organized by the Town Center businesses. The Jackson High School drumline kicks off the Tree Lighting festivities by playing cadences for people in the audience in the City Hall South parking lot. Following the drumline, a local chorale leads the community in singing several holiday carols. The countdown with Santa to light the tree is enjoyed by everyone in the audience. Families enjoy taking their photos in front of the light tree. Coffee, hot chocolate and cookies for decorating are donated from local merchants for participants to enjoy at the event. The event has grown in attendance with approximately 400-500 people. Sponsors enjoy this event as it builds a sense of community and gives them an opportunity to engage with the community members. Although this event is a fun community celebration to kick off the holiday season there is a concern of continuing the Tree Lighting ceremony since the tree is outgrowing the capacity of the city vehicles to reach the top of the tree for decorating.

Recommendation for 2019: Staff recommends continuing a holiday celebration on the first Saturday in December. Staff is discussing ideas for a holiday light show or creating other festivities in place of this event.

New Event: Mill Creek Days

In lieu of a Memorial Day parade and in the interest of broadening community participation, staff also is proposing a new event called Mill Creek Days that will run May 11-18. The concept is supported by Mill Creek Town Center and additional support would be solicited from other businesses and partners. The event will celebrate Mill Creek with various activities and events. It will start off with a community fitness activity in the morning on Saturday, May 11, followed by the Town Center’s Wine and Art Walk in the evening. Other proposed activities throughout the week include opportunities for Mill Creek’s businesses to participate, such as Health Care Day, Finance Day and a Car Show. The City plans to conclude the weeklong event with a parade on Saturday, May 18, called Celebrate Your Community. Local community and cultural groups, such as the Hispanic Heritage group, will be invited to participate in the parade. Community members will then be encouraged to close out the week by volunteering in the Day of Hope hosted by Gold Creek Church on Saturday, May 18, and Sunday, May 19, to support various activities throughout the community. This event is intended to bring a sense of community and celebration to Mill Creek. Further, with the event held during the tourism “shoulder season,” it doesn’t compete as much with other events in Snohomish County and provides more opportunity for grant funding. With these changes, the City expects to see increased community participation and increased sponsorship from local businesses.

City of Mill Creek 2019 City-Produced Events			
April	Date	Time	Location
Eggstravaganza	Saturday, April 20	10:30 a.m. - 12:00 p.m.	Heatherwood M.S.Field
May	Date	Time	Location
Mill Creek Days	Saturday, May 11 - Saturday, May 18	Various	Various in Mill Creek
Memorial Day Commemorative Ceremony	Monday, May 27	9:00 a.m.	Library Park
June	Date	Time	Location
Mill Creek Farmers Market	Tuesdays, June 18 and 25	3:00 p.m. - 7:00 p.m.	City Hall North Parking Lot
Party in the Park	Thursday, June 27	5:00 p.m. - 7:00 p.m.	Highlands Park
July	Date	Time	Location
Mill Creek Farmers Market	Tuesdays, July 2, 9, 16, 23, 30	3:00 p.m. - 7:00 p.m.	City Hall North Parking Lot
3-on-3 Basketball Tournament	Saturday, July 13 - Sunday, July 14	12:00 p.m.	City Hall North Parking Lot
Mill Creek Farmers Market	Tuesdays, August 6, 13, and 20	3:00 p.m. - 7:00 p.m.	City Hall North Parking Lot
Party in the Park	Thursday, July 25	5:00 p.m. - 7:00 p.m.	Mill Creek Sports Park
August	Date	Time	Location
National Night Out	Tuesday, August 6	5:30 p.m. - 8:30 p.m.	TBD
Party in the Park	Thursday, August 22	5:00 p.m. - 7:00 p.m.	Heron Park
October	Date	Time	Location
Trunk or Treat	Thursday, October 31	5:30 p.m. - 7:00 p.m.	City Hall North Parking Lot
November	Date	Time	Location
Veterans Day Commemorative Ceremony	Monday, November 11	9:00 a.m.	Library Park
Veterans Day Parade	Monday, November 11	11:00 a.m.	Main Street in Town Center
December	Date	Time	Location
Community Holiday Event	Saturday, December 7	TBD	TBD

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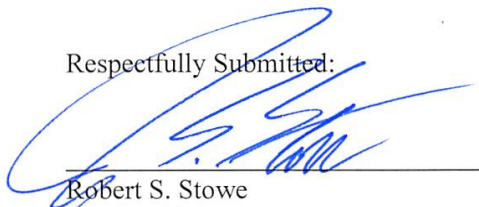
CITY MANAGER RECOMMENDATION:

Approve the City's community events at a future meeting.

ATTACHMENTS:

N/A

Respectfully Submitted:



Robert S. Stowe
Interim City Manager



Agenda Item # H
Meeting Date: January 8, 2019

CITY COUNCIL AGENDA SUMMARY

City of Mill Creek, Washington

AGENDA ITEM: COMMUNITY FUNDING DISCUSSION

PROPOSED MOTION:

None at this time – For Discussion Purposes Only

KEY FACTS AND INFORMATION SUMMARY:

During the budget adoption process, Council requested a future meeting and discussion about a potential policy or policy direction related to funding community programs. This matter was initially identified as part of the request for additional funding by the Mill Creek Senior Center. During the budget adoption process, Council directed that a onetime amount \$2,500 be provided to the Mill Creek Senior Center from the Council Contingency Fund in addition to the \$25,000 already included in the 2019-2020 Budget for the Mill Creek Senior Center.

Historically the City has provided both space and funding to support Mill Creek Seniors. Attachment 1 is a summary of Senior Center location at the Vintage made possible by the City’s Development Agreement with the developer of that project.

Because the City has limited or no experience with funding other outside groups, Attachment 2 is a report prepared for the City of Bainbridge Island describing the approaches used by several cities (most in King County) to funding non-profit social service groups or neighborhood organizations.

Additionally, the City has received requests for use of City facilities that Council may want to incorporate into any policy discussion. Attachment 3 is the City’s current Facility Use Policy.

CITY MANAGER RECOMMENDATION:

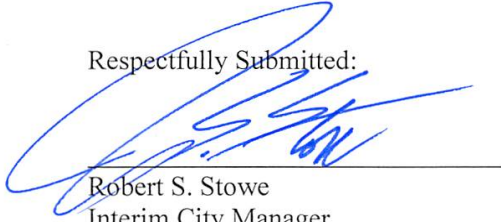
The purpose of this agenda matter during the Study Session is to allow Council the opportunity to discuss various community funding options and provide appropriate direction and therefore, no recommendation is provided at this time.

ATTACHMENTS:

- Attachment 1: Senior Center at Vintage City of Mill Creek Webpage
- Attachment 2: Regional Human Services Funding Report - 2016
- Attachment 3: City of Mill Creek Facility Use Policy

City Council Agenda Summary
Page 2

Respectfully Submitted:



Robert S. Stowe
Interim City Manager

12/31/2018

Senior Center at Vintage - City of Mill Creek

Home / City Government / Communications & Marketing /
Trending Topics / **Senior Center at Vintage**

Senior Center at Vintage

Common Issues/Concerns Raised about the New Senior Center Space at Vintage at Mill Creek.

Space Comparisons

The Mill Creek Senior Center (also known as the Northshore Senior Center) currently utilizes space in City Hall North. The lease provides 2,362-square-feet of space on the building's second floor for free, a value of \$42,500 annually. In addition, the Senior Center is provided access to other facility space for programming needs, depending on availability based on City operational needs. Parking at the facility is on a first-come, first-park basis; there is no designated parking.

The new Senior Center space at Vintage includes more than 2,800-square-feet of modern and diverse space to accommodate the Senior Center's activities. There will be dedicated parking spaces available for Senior Center and commercial use.

Parking

The [parking management plan](#) shows the distribution of parking spaces between Vintage residents and commercial/senior center users. It shows 66 spaces reserved for commercial/senior center use marked with blue dots. In late January 2018, the City was informed of rumors that the parking plan had changed. However, the

https://www.cityofmillcreek.com/city_government/communications_and_marketing/trending_topics/senior_center_at_vintage

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Senior Center at Vintage - City of Mill Creek

City has not been made aware of any issues about parking at the Vintage at Mill Creek, specifically the allocation identified for commercial/Senior Center users. Further, the development has not yet been issued the final certificate of occupancy, which is the mechanism by which the City will ensure that all the terms of the development agreement have been met. If there is a specific issue, the City encourages residents to reach out directly to the City for information. As with all citizen issues or requests, people can submit information at www.cityofmillcreek.com/requesttracker.

Police Satellite Office

In late January 2018, concerns were shared that the development agreement, which included 500 square feet of space that would be designated for the City's police satellite office, had been changed without proper approval. While the space preliminarily identified as being the location of the police satellite office has been reassigned to the Senior Center, it does not mean that the agreement has changed (just the space initially designated for such space). The City is not yet to a point of developing the plan for the Police Satellite Office, but the space requirement for the development still stands.

Improvements Provided to Senior Center at Developer's Cost

When Ryan Patterson, the developer of Vintage at Mill Creek, agreed to terms with the City in 2015, he agreed to provide a rent-free space for the Senior Center at 4111 133rd Place SE in Mill Creek. The Development Agreement signed with the City required Vintage at Mill Creek to provide walls, flooring, utility outlets, paint, door and trim

https://www.cityofmillcreek.com/city_government/communications_and_marketing/trending_topics/senior_center_at_vintage

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Senior Center at Vintage - City of Mill Creek

for the space.

The developer has gone well above and beyond the Development Agreement in providing service to the Senior Center. At his own cost, the developer provided a full kitchen, which includes an oven, sinks, dishwasher, microwave, pantry and bar counter. A dining space is adjacent to a large, versatile space that can be separated into two classrooms or opened up into a grand room for bigger events. The space also features a computer room, social worker's office, manager's office, two bathrooms, welcoming reception area, and ample closet space.

The buildout has cost the developer upward of \$200,000. Further, the market value of the ground-floor space, which otherwise would be used for retail space, has a value of more than \$60,000 annually. The developer has voluntarily made the decision to invest in the community, and has noted that the Senior Center can remain in the space as long as they desire.

On November 13, 2017, Mill Creek Senior Center staff, board members, and members visited the new Senior Center space at Vintage. Following the hard-hat tour of the space, which was still under construction, Senior Center staff expressed disappointment in the amount of space and design elements provided to the Senior Center. They also shared concerns about limited access to some of the features at the property.

A Senior Center staff member addressed the City Council on November 14 in the public comment portion of the meeting. She noted the space was small, but they had been looking forward to using other amenity space at Vintage, including a gym, media room, community kitchen and other areas. She noted that those amenities had been

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Senior Center at Vintage - City of Mill Creek

moved upstairs and were no longer available to the Senior Center. As a result, the staff member noted, they would have to cancel several dozen classes that they have regularly offered to members. While some of those amenities had indeed moved as allowed by the Development Agreement, Senior Center users toured and still will be able to use other Vintage amenities, including the fitness center, a hair salon, and an outdoor patio/garden area. Further, the designated Senior Center space at Vintage is larger than the existing designated space in City Hall North.

Following the Senior Center's feedback, the City met with the developer, Northshore Senior Center CEO Brooke Knight, and a Northshore Senior Center board member to understand concerns and build consensus among all parties. As part of that discussion and further demonstrating its commitment to the Senior Center, the City relinquished 500 square feet of space that would have been a new Police precinct. The space will now serve as a bonus room for the Senior Center and includes an additional sink/counter area.

Grand Opening Event

A grand opening event, also funded by Vintage, is scheduled for April 12, 2018, to show off the new space. The community is invited to tour the new Senior Center between 11 a.m. and 2 p.m. and learn more about its services. The developer is holding a charity event in conjunction with the grand opening to help the Senior Center raise funds for new furniture, equipment and supplies. As a non-profit service, the Senior Center largely has used second-hand furnishings. The developer provided the Senior Center with access to his designers so they can

https://www.cityofmillcreek.com/city_government/communications_and_marketing/trending_topics/senior_center_at_vintage

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Senior Center at Vintage - City of Mill Creek

identify and purchase furnishings that complement the look and style of Vintage at Mill Creek. Northshore Senior Center CEO Brooke Knight estimated the furnishings will cost about \$10,000, and the equipment and supplies for upgrading some computing and telephone equipment and other needs will be about \$15,000.



REGIONAL HUMAN SERVICES
FUNDING



Prepared for the City of Bainbridge Island City Council
Jenna Boyd, Management Intern
January 2016



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OVERVIEW

The following report details the human services funding approach and practices for 40 regional cities and Kitsap County. Cities were chosen initially based on similarity in population or demographics to Bainbridge Island. Following the discovery of two human service collaborations, the scope of the report was expanded to include all of the cities within the collaborations as well. The information is grouped into four sections: Kitsap County and its cities, the Sharelapp collaborative and its cities, the Community in Partnership collaborative and its cities, and selected other comparable cities.

Cities approach human services funding in a variety of different ways. The annual funding amount can be based on a historical amount, City Council and staff discussion, a per capita amount, or a percentage of the General Fund revenues, expenditures, or sales tax. Many cities which do not currently utilize a funding formula are considering doing so in order to create a more stable, predictable funding pool. Of the cities surveyed that offer human services funding, the median per capita contribution is \$5.73 (Bainbridge Island, \$14.87), the median total funding amount is \$226,750 (Bainbridge Island, \$347,922), and the median percentage of the General Fund dedicated to human services is 0.7% (Bainbridge Island, 2.9%).

Some cities choose not to provide any funding for human services or are in the process of phasing out (Port Angeles) or decreasing their existing funding (Kenmore, Woodinville). Others (Lynnwood) are in the process of implementing human services funding for the first time. At least one city (Mercer Island) chooses to provide direct support with service providers and therapists on staff. The majority of the cities that provide funding for human services do so through a competitive grant application process with outside service providers, which is detailed further within their respective sections of the report.

While most cities do not require that service providers be located within city limits, they must demonstrate how they serve community residents. Quite a few cities have minimum grant amounts established (Bellingham, Renton) or preferred (Federal Way, Issaquah, Kent, Shoreline) due to the burden of work required for both the city and the applicants. While not as common, some cities (Bellingham, Renton, Sammamish) cap the amount of funding an individual organization can receive. One city (Sammamish) offers an alternative short application for agencies requesting smaller amounts. A few cities offer organizations the opportunity to apply for capital projects, but this is not typical. The median grant size is \$7,500.

Staffing levels to oversee the administration of human services vary dramatically from city to city, often with additional assistance and input provided by citizen advisory committees. The duties of these committees can range from application review and funding recommendations to understanding, communicating, and promoting the human service needs of the community. Rating tools or scorecards are typically used to provide guidance and emphasize any funding goals, priorities, or strategies outlined by the City Council or city staff. Some cities rely on internally generated community needs assessments for direction (Bellingham, Mercer Island, Renton).

Funded agencies are often required to submit performance reports whether it be quarterly, biannually, or annually. For many of the cities, continued funding is contingent on maintaining adequate performance levels. Some of the cities follow up with site visits throughout the year or agency presentations to the City Council.



KITSAP COUNTY



Kitsap County								
City	Human Services Funding	Pop.	Median HH Income	Staff	Per Capita	% GF	# of Agencies	Median Grant
Bainbridge Island	\$347,922	23,390	\$95,481	◆	\$14.87	2.9%	11	\$23,685
Kitsap County	\$128,081	258,200	\$62,413	0.95 FTE	\$0.50	0.2%	8	◆
Bremerton	\$0	39,410	\$43,183	◆	◆	◆	◆	◆
Port Orchard	\$0	13,510	\$55,243	◆	◆	◆	◆	◆
Poulsbo	\$0	9,950	\$58,975	◆	◆	◆	◆	◆

Kitsap County
 2015 General Fund: \$85,113,280* Population: 258,200† Median HHI: \$62,413‡

Funding Amount & Administration: For 2015, Kitsap County allocated \$128,081 of the General Fund for human service grants, excluding the amount allocated for staff support. This equates to 0.2% of the General Fund or a \$0.50 per capita contribution. The majority of funding, 90%, for the County’s human services is provided through state and federal funds. The total amount of funding does not vary from year to year other than fluctuations due staff compensation.

There is a Human Services Department which administers and oversees the disbursement of all funds, with a total budget upwards of \$66M. Specific to services funded by the General Fund, there is staff support totaling 0.95 FTE: 0.10 FTE Finance Director, 0.15 FTE Human Services Director, 0.20 FTE Office Manager, 0.10 FTE Homeless Veterans’ staff, and 0.40 FTE Youth Commission staff.

Application Process: There is not an application process for human services supported by the General Fund. There is, however, a detailed application process for other funded programs like CDBG, DSHS, and HUD.

Allocation Determination: Human service grants for 2015 were distributed across eight agencies. The agencies and amounts are pre-established and rollover from year to year. The largest awards, totaling \$77,921, are provided to support victims and survivors of sexual assault. The smallest awards, totaling \$18,000, are provided to various youth services.

* General Fund figures exclude any non-operating expenditures such as debt service, capital equipment and projects.
 † Population estimates come from the Washington State Office of Financial Management April 1, 2015 official population estimates.
 ‡ Median household incomes are derived from the American Community Survey, 2009-2013.

City of Bainbridge Island

2015 General Fund: \$11,816,739 Population: 23,390 Median HHI: \$95,481

Funding Amount & Administration: The City of Bainbridge Island allocated \$347,922 of the General Fund in 2015 for human services. This amounts to 2.9% of the General Fund or a \$14.87 per capita contribution. The total amount of funding is based on a historical figure which has seen little variation from year to year. Currently, City staff is limited to contract administration and billing support for human services funding.

Application Process: Prior to the 2016 human services funding cycle, there has not been an application process since 2011.

Allocation Determination: Previously, applications were received and reviewed by a community nonprofit, the Health, Housing and Human Services Council. With the dissolution of HHHS in 2011 and no formal staff support at the City, funding for the same eleven agencies has simply rolled forward with minimal increases in awards based on the total amount available.

For 2015, the largest grant for \$113,000 was awarded to Helpline House, while the two smallest grants for \$4,180 were awarded to Elder and Adult Day Services and Washington Smile Partners. The median grant was \$23,685.

Aside from the City of Bainbridge Island, no other cities in Kitsap County currently provide funding for human services from the General Fund.

City of Bremerton

2015 General Fund: \$36,934,195 Population: 39,410 Median HHI: \$43,183

City of Port Orchard

2015 General Fund: \$9,779,384 Population: 13,510 Median HHI: \$55,243

City of Poulsbo

2015 General Fund: \$9,789,427 Population: 9,950 Median HHI: \$58,975

SHARE1APP

The vision of a coordinated, low-cost, easy and efficient process to allocate and manage municipal human services funds began more than a decade ago. It has evolved over the years to what it is today: a common online funding application for 16 cities across King County, with common reporting forms, and performance measures that all of the cities agreed upon. Additionally for many agencies, there is one contract with a lead city, rather than multiple contracts with several cities. City staff also participate in joint monitoring, rather than scheduling site visits individually.

Participating cities independently allocate their human services funding. The 16 cities came together as one alliance to receive funding applications every other April through a joint online program called Share1app. Each city pays a proportional share of the total cost, and the City of Kent is the fiscal agent.

The HSFC worked collaboratively to align their application questions and reporting criteria, including agency staff in the discussion to gain insight from their perspective. A separate committee worked to develop a common contract monitoring tool. A long-term subcommittee of six city staff from Bellevue, Kent and Redmond (called G4) was formed to work as the technical team responsible for researching online application systems to further streamline the process. The system provides jurisdictions with the flexibility of using their individual rating tools to score applications online.

Funded agencies submit quarterly reports with their reimbursement requests through the Share1app portal and must hit at least 80% of their target to receive funding. Each city can view the applicant organizations and requested grant amounts for all of the other cities. This transparency minimizes the risk of agencies asking for more funding simply based on an individual city's available funding and encourages them to focus on detailed cost per service and budget explanations.

Share1app Cities								
City	Human Services Funding	Pop.	Median HH Income	Staff	Per Capita	% GF	# of Agencies	Median Grant
Bellevue	\$3,117,067	135,000	\$90,333	5.60 FTE	\$23.09	1.8%	42	\$36,630
Tukwila	\$365,170	19,300	\$43,331	2.0 FTE	\$18.92	0.7%	28	\$5,000
SeaTac	\$510,000	27,650	\$46,328	1.0 FTE	\$18.44	1.6%	28	\$10,000
<i>Bainbridge Island</i>	<i>\$347,922</i>	<i>23,390</i>	<i>\$95,481</i>	◆	<i>\$14.87</i>	<i>2.9%</i>	<i>11</i>	<i>\$23,685</i>
Redmond	\$799,151	59,180	\$96,183	1.75 FTE	\$13.50	0.9%	28	\$12,242
Kirkland	771623	83,460	\$87,480	1.0 FTE	\$9.25	0.9%	39	\$8,990
Issaquah	\$291,000	33,330	\$86,865	1.00 FTE	\$8.73	0.8%	32	\$5,000
Kenmore	\$159,100	21,500	\$82,334	0.10 FTE	\$7.40	1.6%	14	\$6,250
Kent	\$872,866	122,900	\$57,553	3.50 FTE	\$7.10	1.2%	26	\$11,000
Covington	\$126,551	18,520	\$90,280	0.50 FTE	\$6.75	1.7%	16	\$5,000
Auburn	\$476,500	75,545	\$55,483	4.38 FTE	\$6.31	0.1%	30	\$10,000
Shoreline	\$315,953	54,500	\$64,096	1.30 FTE	\$5.80	0.9%	12	\$4,958
Renton	\$567,038	98,470	\$64,141	4.35 FTE	\$5.76	0.7%	39	\$6,000
Federal Way	\$516,000	90,760	\$55,872	2.50 FTE	\$5.69	1.2%	27	\$10,000
Burien	\$275,000	48,810	\$50,805	0.25 FTE	\$5.63	1.2%	19	\$8,000
Sammamish	\$178,500	49,980	\$143,919	0.15 FTE	\$3.57	0.4%	35	\$3,150
Des Moines	\$80,000	30,100	\$59,799	0.15 FTE	\$2.66	0.4%	14	\$3,400

City of Auburn

2015 General Fund: \$52,487,737

Population: 75,545

Median HHI: \$55,483

Funding Amount & Administration: The City of Auburn designates approximately 1% of its general fund revenues for human services grants. For 2015, this equated to \$476,500 (excluding CDBG funds), a \$6.31 per capita contribution. Human services falls under the Community Services division of the Administration Department. Currently, the division is composed of 4.38 FTEs which support human services in addition to the Director of Administration; however, a good portion of this is covered by CDBG funds and work.

Application Process: While organizations are not required to be physically located in the City of Auburn, they must demonstrate how they serve Auburn residents. The City’s Community Services Assistant reviews all of the quarterly reports to ensure that their deliverables are on track, that they have filled out the reports correctly and in a timely manner, and that they provide narratives. The Human Services Committee performs site visits to the funded agencies.

Allocation Determination: The Human Services Committee, an 11-member citizen advisory group with three year terms, reviews the applications using a rating tool and prepares a recommendation for funding. The Mayor and City Council make the final funding decision during their review and approval of the City of Auburn’s Consolidated Plan and Annual Action Plan. The Mayor, City Council, and the Human Services Committee established priorities for funding agencies which improve access to healthcare, reduce poverty and meet basic needs, provide services for victims of domestic violence and sexual assault, and increase services to abused and neglected children.

For 2015, the Committee allocated funds across 39 programs from 30 organizations. The majority of funding went to abused and neglected children (\$170,000) and poverty reduction (\$161,500); the remainder, to domestic violence and sexual assault (\$88,000) and physically, mentally fit and substance abuse (\$57,000). The largest single grant was \$85,000 for youth resources, while the smallest were for \$3,000 to a crisis clinic and an elderly/adults with disabilities assistance program. The median grant was \$10,000.

City of Bellevue

2015 General Fund: \$177,851,000

Population: 135,000

Median HHI: \$90,333

Funding Amount & Administration: For 2015, the City of Bellevue allocated \$3,117,067 (excluding CDBG funds), a \$23.09 per capita contribution or 1.8% of the General Fund, for human service grants. Bellevue uses a per capita formula to calculate the annual funding based on inflation plus population growth. Human services grants are administered by 5.6 FTEs whose time is divided with CDBG funding as a division of the Parks & Community Services Department.

Application Process: Most applicants receive a series of follow-up questions after applications are submitted. They have the opportunity to comment on preliminary recommendations during a public hearing before the recommendations are finalized. Any applications for new programs not currently funded by the City of Bellevue need to be prefaced by a meeting with City staff to determine if the proposal aligns with the City’s focus areas.

Following application submittal, a subsequent review is completed by the Human Services Commission from May-July. A public hearing on the funding recommendations is held at the end of July, followed by City

Council discussion and ultimate decision October-December. The minimum funding amount considered is \$5,000 and is not available to programs operated by the City. Applications from City-related programs will only be accepted if a non-profit organization acts as the prime sponsor.

Bellevue has a condition built into all contracts that funded agencies need to meet 90% of their service unit goals in order to be paid, although there are exceptions made at the discretion of the Human Services Manager in consultation with the Grant Coordinator.

Allocation Determination: Applications are reviewed by the Bellevue Human Services Commission, a seven-member citizen group. The City of Bellevue completes a biennial Human Services Needs Update to serve as the primary basis for developing funding goals and focus areas. Applicants are strongly advised to cite this source in their application.

The funding goals are: 1) Food to eat and a roof overhead (\$860,078 for 2015). 2) Supportive relationships (\$590,299 for 2015). 3) A safe haven from all forms of violence and abuse (\$338,055 for 2015). 4) Health care (\$496,742 for 2015). 5) Education and job skills (\$831,892 for 2015). The 2015 focus areas are: 1) Housing with services, particularly for those moving from homelessness, including prevention programs that intervene early to stabilize people at risk of homelessness. 2) Support for employment and those skills and services that promote a productive workforce. 3) Services that allow older adults to remain secure in the community.

Other considerations given priority in reviewing applications include contract performance, leveraged funds, alignment with regional initiatives, cultural competence, and formal partnerships. In 2015, grants were awarded to 73 programs from 42 agencies. The grants ranged in size from \$5,170 for an ESL program to \$161,595 for child care financial assistance with a median grant of \$36,630.

City of Burien		
2015 General Fund: \$22,659,860	Population: 48,810	Median HHI: \$50,805

Funding Amount & Administration: For the 2015-2016 funding cycle, the Burien City Council approved increasing the amount allocated for human services from 1% of General Fund expenditures to 1.25%. This increase designated \$275,000 for human services in 2015, a \$5.63 per capita contribution. Currently, a Management Analyst provides the sole human services support at approximately 0.25 FTE.

Application Process: There are currently no restrictions on grant amounts or recipients other than the funds must be used to serve Burien residents.

Allocation Determination: Application review and allocation recommendations are completed by a team of City staff comprised of a Management Analyst, the City Manager’s Executive Assistant, the Economic Development Manager, the Parks Department Recreation Manager, and the City Manager. No formal rating tools are used in the process. The quarterly performance reports are also reviewed by City staff to ensure the agency is meeting performance measures. Performance is acceptable as long as the performance measures are balanced and not all below target.

Funds for 2015 were distributed across 22 programs from 19 organizations. Grants were allocated based on 8 human services goals: 1. Self-sufficiency (\$91,500) 2. Housing & homelessness (\$87,500) 3. Youth (\$35,000) 4. Domestic violence (\$18,500) 5. School readiness (\$15,000) 6. Early intervention (\$11,000) 7. Sexual assault

& violence (\$7,500) 8. Community engagement (\$1,500). The remaining \$7,500 was set aside for a contingency fund. The largest single grant was for \$22,000 for a youth and family services program. The smallest single grant was for \$1,000 for a teen crisis program. The median grant size for 2015 was \$8,000.

City of Covington

2015 General Fund: \$7,299,483	Population: 18,520	Median HHI: \$90,280
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Funding Amount & Administration: The City of Covington provided \$126,551 from the General Fund for human service programs in 2015. This amount is the equivalent of a \$6.75 per capita contribution or 1.7% of the General Fund. The City’s comprehensive plan ideal goal is to give 2% of the budget to human services. One City staff member from the Executive department is dedicated 0.5 FTE as a Personnel and Human Services Analyst to support the human services program responsibilities.

Application Process: Currently, the City of Covington has no restrictions related to funding amounts or recipient location. Following an application review by the Human Services Commission, funding recommendations are made to City Council in September. The City Council takes final action on the human services funding as part of the city budget process, which is adopted in December. The Commission is responsible for evaluating and reviewing the performance reports of funded organizations.

Allocation Determination: Applications are reviewed by a seven-member citizen Human Services Commission. The members include three adults residing or working within the City of Covington, two adults residing within a three-mile radius of the City, and two youth members between the ages of 14-18 residing within a three-mile radius of the City. The adults serve three-year terms while youth serve one-year terms with the option to renew for an additional year. As a guideline, appointments are balanced with at least two members employed at a business in the community, a member of the religious community, a representative of a regional human service planning organization like the United Way or South King County Council of Human Services, and a service club representative.

Following the initial review of the application, the Commission may also hold interviews with agency directors. Each program receives a rating score based on application content, interview, priority need for the community, and cost-effectiveness. Scores are placed in rank-order for final recommendation to City Council.

The Commission outlined priorities for the 2015 funding cycle of meeting community basics, increasing self-reliance, strengthening families, increasing senior services, supporting a safe community, and improving health and well-being. The grants were disbursed among 22 programs from 16 organizations. The largest grant was \$15,000 for a food bank and emergency services, while the smallest grant was \$2,000 for domestic violence advocacy. The median grant was \$5,000.

City of Des Moines

2015 General Fund: \$18,276,907	Population: 30,100	Median HHI: \$59,799
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Funding Amount & Administration: For 2015, the City of Des Moines set aside \$80,000 of General Funds for human service programs. This equates to 0.4% of the General Fund or a \$2.66 per capita contribution. The City has a goal of contributing 1% of the prior year’s General Fund budget, although this has not been achieved as of yet.

Health and Human Services falls under the Parks, Recreation & Senior Services Department. The Senior Services Manager dedicates approximately 0.15 FTE to manage the application and allocation process.

Application Process: The Human Services Advisory Committee reviews all applications and makes recommendations to the City Council which makes a final decision in the fall. There are no restrictions related to the recipients or grant amounts.

Allocation Determination: The Human Services Advisory Committee is comprised of six citizens, the Senior Services Manager, and the Parks and Recreation Director. The Committee is responsible for determining the priorities of human service needs, evaluating and recommending funding for human service requests, and evaluating and reviewing the performance of the individual human service organizations and agencies.

The City of Des Moines provides funding to address the goals of meeting basic & emergency needs; preventative programs promoting healthy, violence-free families & self-dependence; maintaining & enhancing the quality of life in persons whose basic needs are already met. For 2015, Des Moines disbursed grants to 16 programs across 14 agencies. The grants ranged in size from three \$1,000 for a poison center, community services and senior transit services up to \$31,500 for a food bank with a median grant of \$3,400.

City of Federal Way		
2015 General Fund: \$42,385,068	Population: 90,760	Median HHI: \$55,872

Funding Amount & Administration: The City of Federal Way allocated \$516,000 for human services in 2015. This amount equates to 1.2% of the General Fund or a \$5.69 per capita contribution. The Human Services General Fund budget has remained a consistent \$516,000 for the past several years; there is not specific formula on which it is based.

Human services is part of the Community Services Division housed within the Community Development Department. The program is supported with a staff of 2.5 FTEs (Community Services Manager, Human Services Coordinator and Housing Repair Program Coordinator) although their time is divided with CDBG funding as well.

Application Process: There are not currently any formal restrictions on grants or recipients. Generally, grants are not funded for less than \$5,000, and commissioners prefer agencies to be located in the City.

Allocation Determination: Allocation recommendations are made by the Human Services Commission, which is comprised of nine Federal Way residents, to the Mayor and City Council. The Commission is further tasked with coordinating with other human service groups and agencies, determining priorities of human service needs, evaluating and reviewing agency performance, and reviewing city actions which may affect availability and quality of human service delivery.

The City Council established four goal areas on which the Commission bases their funding recommendations: basic needs (\$247,778 for 2015), public safety (\$68,722 for 2015), special needs populations (\$87,000 for 2015), and low-income families with children (\$112,500 for 2015). Federal Way’s Human Services Commission further evaluates applications using a 100-point rating tool: program description (30 points), accessibility and diversity (15 points), service system coordination (10 points), program outputs and service units (5 points), outcomes (15 points), budget tables (15 points), and budget summary (10 points).

2015 grants were distributed across 39 programs representing 27 agencies. The smallest grants for \$3,000 went to a teen crisis clinic and legal services. The largest single grant for \$38,000 was awarded to emergency shelter and transitional housing although the median grant was \$10,000.

City of Issaquah		
2015 General Fund: \$36,409,190	Population: 33,330	Median HHI: \$86,865

Funding Amount & Administration: For 2015, Issaquah allocated \$291,000 from the General Fund for human service grants. This comprises 0.8% of Issaquah’s General Fund and equates to an \$8.73 per capita contribution. The City of Issaquah has a long-term goal of spending \$10 per capita on human services, which they have not met as of yet.

Human services is supported by a dedicated Human Services and Social Sustainability Coordinator at 1.0 FTE as part of the Office of Sustainability department. Some limited additional assistance is provided by others in processing contracts and invoices and participating in regional human service forums.

Application Process: To be eligible for funding, programs must serve the residents of the City of Issaquah. A request for increased funding over a prior year must show need or increase and/or improvement in outcomes. While there is currently no set minimum, Issaquah may set an informal \$1,000 minimum due to the administrative burden of each grant for both the City and the grant recipient.

Allocation Determination: The Issaquah Human Services Commission is comprised of seven regular members with four-year terms and two alternates with two-year terms. The HSC and City staff ultimately make a recommendation to the Issaquah City Council in November. Applications are reviewed by the HSC using a 100-point system: program needs and description (35 points), outputs and outcomes (35 points), budget and budget narrative (10 points), service system coordination (10 points), program staff descriptions (5 points), and cultural competency (5 points).

For 2015, funding was awarded to 42 programs from 32 agencies. The smallest grant for \$1,500 was awarded to a mentoring program; the largest grants for \$20,000 were awarded to a resident services program and a community advocacy program with a median grant of \$5,000.

City of Kenmore		
2015 General Fund: \$9,730,223	Population: 21,500	Median HHI: \$82,334

Funding Amount & Administration: Starting in 2013, the City of Kenmore reduced human services funding following a review of programs to implement Priority Based Budgeting. The City subsequently also compared what they were paying to what other regional cities were paying on a per capita basis and have further lowered their contribution closer to the average per capita spending of \$6.30 in 2014. The City of Kenmore allotted \$159,100 for human services in 2015. This works out to 1.6% of the General Fund or approximately a \$7.40 per capita contribution. Previously, the City calculated funding as 3% of the estimated revenues.

The Community Relations Manager within the City Manager’s Office oversees the human services funding, dedicating approximately 0.10 FTE. Kenmore participates in a NE Funders Group along with Bellevue, Bothell, Issaquah, Kirkland, Redmond, Sammamish, Shoreline and Woodinville, which allows them to stay

up to date on human service issues. The group has monthly meetings with guest speakers from regional human service agencies.

Application Process: All applicants must demonstrate how they provide direct services to Kenmore residents, have an established process for generating alternative sources of funding or services, do not duplicate service delivery, charge fees based on ability to pay, and have the ability to provide annual year-end evaluation of the funded program. Any criteria not demonstrated through the application must be explained. Kenmore does not accept applications for capital funding.

The City Council reviews the applications during the budget discussions in October following scoring by City staff. There is no public hearing scheduled to coincide with the funding allocations.

Allocation Determination: Applications are reviewed and scored against the adopted City Council priorities by an interdisciplinary staff team, consisting of the Community Relations Manager and the Assistant City Manager. The following service criteria are used to evaluate the applications in order of priority: 1) Provide basic emergency services to City residents. 2) Provide appropriate solutions to an identified need in the area. 3) Promote self-sufficiency and independent living. 4) Provide services which are accessible to the elderly, physically and developmentally disabled, teens, and low-income residents. 5) Provide services benefitting low- and moderate-income residents.

Funding for 2015 was disbursed across 20 programs from 14 agencies. The awards ranged in size from \$2,000 (homeless child care, teen crisis clinic and homeless youth services) to \$22,000 (senior center) with a median grant of \$6,250.

City of Kent		
2015 General Fund: \$75,238,332	Population: 122,900	Median HHI: \$57,553

Funding Amount & Administration: While historically Kent allocated 1% of the General Fund to human services, this strategy proved unstable during the economic downturn. After researching and reviewing other funding strategies, the Human Services Commission recommended switching to a per capita funding approach which is more predictable and stable from year to year. The base per capita rate is adjusted using a CPI escalator increase every funding cycle. Kent has used this formula since 2012 with the CPI escalator increase added in 2015. For 2015, Kent allotted \$872,866 for human services. This amount is equivalent to 1.2% of the General Fund or a \$7.10 per capita contribution.

The City of Kent’s Housing & Human Services falls under the Parks, Recreation and Community Services Department. The Housing and Human Services divisions consists of 9.0 FTE, 5.5 of which are funded through CDBG funds. The staff dedicated to General Fund human services include 1.0 FTE Human Services Manager, 1.0 FTE Senior Human Services Coordinator, 1.0 FTE Human Services Coordinator, and 0.5 FTE Accounting Services Assistant III.

Application Process: The City of Kent requires any agency applying for funding to submit their non-discrimination policy for employment and program participants. Applications are reviewed by the Human Services Commission, which makes a funding recommendation in mid-June. The recommendation is forwarded to the Mayor in July as part of the 2015 budget process. Kent generally prefers not to fund under \$10,000 unless they are looking to show regional support for a program.

Allocation Determination: The City of Kent’s Human Services Commission is comprised of eight citizens, including two youth commissioners. In addition to their responsibilities of reviewing human service issues and funding requests, the Commission also takes an active part in promoting community awareness and education on human service issues.

Funding is distributed based on six categories: meeting community basics, increasing self-reliance, strengthening children and families, building safer communities, improving health and well-being, and improving and integrating systems. These categories are overseen by six guiding principles: healthy communities, self-reliance, collaborations, equal access, respect and dignity, and accountability.

In 2015, Kent awarded grants to 29 programs from 26 organizations. The smallest grants for \$5,000 went to a crisis clinic, education, human services capacity building, and a neighbor-to-neighbor grants program. The largest grant for \$146,000 went to housing services, but the median grant was \$11,000.

City of Kirkland		
2015 General Fund: \$88,313,783	Population: 83,460	Median HHI: \$87,480

Funding Amount & Administration: The City of Kirkland allocated \$771,623 for human services grants in 2015. This amounts to 0.9% of the General Fund or a \$9.25 per capita contribution. Kirkland does not use a formula to determine the annual allocation. Funding is comprised of both dedicated ongoing funding for human services as well as one-time allocations which must be reviewed with each budget.

The Parks and Community Services Department oversees human services through the support of 1.0 FTE, a combination of a Human Services Coordinator and a Human Services Office Specialist. Additional funding for the Office Specialist position is provided through CDBG grants.

Application Process: Applications are reviewed by Kirkland’s Human Services Advisory Committee. The Committee conducts informal public hearings during the summer to gain a better understanding of the applications which all applicants are invited to attend. The funding recommendations are made to the City Council in October. The Council takes final action on the funding as part of the City budget process with final approval in December.

Applicant organizations must serve City of Kirkland residents, have nonprofit status, demonstrate nondiscriminatory policies, and cannot be the legal responsibility of another public agency or funding source unless the City chooses to augment the source. Any requests for proposed increase in funding must be based upon compelling and demonstrated need. Funding avoids the duplication of services. Agencies with a successful operational history and an established process for generating alternative sources of funding are also looked upon favorably.

Allocation Determination: The Human Services Advisory Committee is a five-member group of citizens appointed by the City Council to guide the City’s human services policy and funding. Priority is given to agencies providing basic emergency services but preventative services are also eligible. Priority is also given to agencies which promote self-sufficiency and independent living, provide direct services and an appropriate solution to a documented need or identified problem, demonstrate a reasonable cost per unit of service or a high cost/benefit ratio, provide a good identification of client population particularly in regard to City residents, services benefitting low and moderate income residents, and charge fees based on the ability to pay. Services should be accessible to elderly, physically and developmentally disabled, and low-income residents.

For 2015, funding was disbursed across 64 programs representing 39 agencies. The grants ranged in size from \$1,000 for services for adults with disabilities to \$48,542 for a community advocacy program. The median grant was \$8,990.

City of Redmond		
2015 General Fund: \$87,144,263	Population: 59,180	Median HHI: \$96,183

Funding Amount & Administration: The City of Redmond provides human services funding based on a per capita allocation which is adjusted depending on population estimates and inflation. In 2015, Redmond designated \$799,151 for human services, excluding CDBG funds. This works out to a \$13.50 per capita contribution or 0.9% of the General Fund. Human services support staff consists of 1.75 FTEs through two Senior Human Services Planners and 0.25 FTE from their manager within the Planning and Community Development Department; this also includes time dedicated to CDBG funding.

Application Process: Following application review by the Redmond Human Services Commission, the Commission may request in-person interviews for clarification of proposals from applicants. Funding recommendations are completed by September with consideration by City Council planned for October. Final award amounts are approved and adopted as part of the City budget, anticipated by late November. Following approval, City staff will notify agencies of awarded funds.

To be eligible for funding from the City of Redmond, agencies must provide services to Redmond residents, have nonprofit status, meet minimum insurance requirements, be willing and able to accept reimbursement for funds, and regularly track and submit required reports regarding services and demographics.

Allocation Determination: Redmond’s Human Services Commission is a seven-member, mayor appointed volunteer board, including two youth advisors. Commissioners must either live, work or attend school (if a youth advisor) within city limits. In addition to making funding recommendations to the City Council for the disbursement of human service funds, the Commission is responsible for advising the Council on general issues related to human services.

The City of Redmond favors programs that support the broad continuum of need while being responsive to changing priorities and emerging needs, strengthen children and families moving individuals and families from poverty toward self-sufficiency, balance the need for crisis response and interventions with proven prevention strategies, ensure that services are accessible to the increasingly diverse needs of the community, and that effectively leverage resources. Applications are grouped, reviewed, and rated within the following categories: food to eat and roof overhead; supportive relationships within families, neighborhoods, and communities; safe haven from all forms of domestic violence; healthcare to be as physically and mentally fit as possible; and education and job skills to lead an independent life.

For 2015, awards were granted to 49 programs from 28 organizations. The smallest grant for \$3,215 went to senior food services, while the largest grant for \$68,974 went to youth intervention services. The median grant was \$12,242.

City of Renton

2015 General Fund: \$82,190,932

Population: 98,470

Median HHI: \$64,141

Funding Amount & Administration: For 2015, the City of Renton designated \$567,038 for human service grants. This amount equates to 0.7% of the General Fund or a \$5.76 per capita contribution. Renton does not use a formula to determine funding; instead, the amount is based on historical funding levels.

The Community Services Department oversees the human services funding through the Human Services Division, which is composed of 4.35 FTE: a Human Services Manager, Human Services Coordinator, Housing Coordinator (for the City’s housing repair program), Facilities Technician (for housing repairs), and administrative support provides 0.35 FTE processing housing repair applications and work orders.

Application Process: The City of Renton does not provide capital funding through the human service grants. The minimum request for funding is \$5,000, and the maximum funding amount for any new program is \$7,500. Following application review and funding recommendations from the City of Renton Human Services Advisory Committee, the City Council will make the final funding decisions as part of the annual budgetary process in November or December.

Allocation Determination: The Human Services Advisory Committee is composed of 11 City of Renton residents, including one youth representative under 21 years of age. Committee members are appointed by the Mayor and have a term of three years. The Committee serves in an advisory capacity to the City in the disposition of human services and allocation of funds to specific programs and projects and assists in developing policies related to human services affecting Renton residents. Members strive to understand the human service needs of Renton residents and to keep current on community-wide actions that may affect the availability and quality of human services provisions in Renton. The City’s first Community Needs Assessment for Human Services and Housing was completed in January 2015.

Through development of a human services strategic plan, the City identified various shares of the funding pool: 10% for investing in capacity building and shared resources for stakeholders; 10% for smaller human service organizations; 25% for basic survival needs; 20% for available, quality housing; 10% for health and wellness; 5% for neighborhood opportunity; and 20% for economic opportunity. The goals of the funding strategy are to focus Renton’s funding on basic needs, prevention and providing stability for those in crisis; respond to changing needs shown in the Community Needs Assessment; align to regional priorities; and ensure that the funding is large enough to impact the associated need indicators. A 100-point rating tool is used to score the application with 60 points based on need, 25 for outputs/outcomes, and 15 for financial/budget. Grant applications are prioritized based on score and funded in order as available funding in each category allows.

For 2015, the grants were disbursed among 55 programs from 39 agencies. The smallest grants for \$4,000 were awarded to college and job preparation, a food and clothing bank, food services, youth services, and a transitional housing program. The largest single grant for \$44,000 was awarded to a homeless shelter; however, the median grant was \$6,000.

City of Sammamish

2015 General Fund: \$41,174,755

Population: 49,980

Median HHI: \$143,919

Funding Amount & Administration: For 2015, the City of Sammamish designated \$178,500 for human service grants. The dollar amount is set by City Council as part of the budget process and is based on historical grant request information with slight increases. For comparison, in 2009, the amount of funds granted was \$158,000. The 2015 amount equals 0.4% of the General Fund or a \$3.57 per capita contribution. The Sammamish Human Service grants are overseen by the Administrative Services Department, specifically the City Clerk, at approximately 0.15 FTE.

Application Process: The City of Sammamish focuses on funding services provided directly to residents, services that are not duplicated by other agencies, and the organization’s ability to provide volunteer opportunities for Sammamish residents. Applicants must have nonprofit status and provide a current certificate of insurance.

For those applicants requesting grants of \$1,000 or less, there is an alternate short application, which does not go through the Sharelapp portal, as there are less stringent reporting requirements for these smaller amounts. Otherwise, grants are capped at \$10,000 per agency even if an agency submits requests for multiple programs.

Allocation Determination: The City of Sammamish Human Services Grants staff, consisting of three Councilmembers, the City Manager and City Clerk, review all applications and prepare a funding recommendation for City Council. City Council makes final funding decision in November, but the awards are contingent upon adoption of the budget.

A 50-point rating tool is used to assess the applications based on need, outputs and outcomes, budget and capacity, accessibility, and volunteer opportunities for City residents. Factors which are viewed favorably include diversity of funding, successful track record with public funds, and leverage potential.

For 2015, Sammamish awarded grants to 41 programs across 35 agencies. The awards varied in size from \$500 for a preschool program to five \$10,000 awards for community advocacy, youth and senior services with a median grant of \$3,150.

City of SeaTac

2015 General Fund: \$31,297,970

Population: 27,650

Median HHI: \$46,328

Funding Amount & Administration: The City of SeaTac designates 1.5% of the prior year’s General Fund operating expenditures for Human Service grants. For 2015, this equated to \$510,000, an \$18.44 per capita contribution or 1.6% of the 2015 General Fund, for grants. The City Manager’s Office oversees the human service grants through the Human Services Manager, a dedicated 1.0 FTE.

Application Process: Following the awarding of funds, the Human Services Manager meets with each agency to complete a service agreement and discuss the scope of work. Generally, duplication of services is avoided due to the broad and varied needs of the community. Agencies are rarely funded deeply, and applications from agencies located within the City are viewed more favorably. The City of SeaTac does not often fund start-ups and can utilize a 30 day out clause if any organization shows signs of mismanagement.

Allocation Determination: The SeaTac Human Services Advisory Committee, which is comprised of five members with three-year terms, reviews each application against six results based accountability measures

with associated strategies: 1) Residents are healthy, physically and mentally. 2) Residents are educated and have necessary life skills. 3) Residents are employed in living-wage jobs. 4) Residents are safe from all types of violence. 5) Residents have adequate, secure housing. 6) Residents feel a sense of community and belonging. Fund allocation is based on the strategies used and how well the agency can address the results using those strategies. Agencies that address more than one result and multiple strategies are ranked higher than those that do not.

For 2015, funding was awarded to approximately 37 programs representing 28 organizations. Funding was divided by categories: support for self-sufficiency (\$208,391), safety net/urgent basic needs (\$181,200), positive and healthy relationships (\$111,600), and information and referral (\$16,309). The largest grant for \$47,000 went to medical services, while the smallest for \$1,500 went to transitional housing.

City of Shoreline		
2015 General Fund: \$35,172,537	Population: 54,500	Median HHI: \$64,096

Funding Amount & Administration: The City of Shoreline allocated \$315,953 from the General Fund for human service grants in 2015, equating to 0.9% of the General Fund or a \$5.80 per capita contribution. The allotted amount is set historically with periodic adjustments.

Shoreline’s Community Services Department manages the human services funding. Staffing consists of 1.18 FTE dedicated to the General Fund human services, which includes a Community Services Manager at 0.5 FTE, a Community Diversity Programs Coordinator at 0.5 FTE, and a Grants Manager at 0.18 FTE. An additional 0.12 FTE is provided through administrative support.

Application Process: All currently funded agencies that meet performance goals are anticipated to have funding renewed following reapplication. New applicants are encouraged to contact the Community Services Division prior to applying for funding. There are no restrictions associated with the funded amount, although City staff would like to implement a lower limit of \$5,000 based on the amount of associated work.

Since Shoreline funds only a portion of any agency’s program, generally the funds only cover services for Shoreline residents. Agencies do not need to be located within City limits; however, they must demonstrate that their services are accessible to the Shoreline community. The City of Shoreline also accepts capital applications for human service grants.

Allocation Determination: All human service grant applications are reviewed by City staff (Community Services Manager, Community Diversity Programs Coordinator, and Budget Analyst), followed by a funding recommendation to the City Manager. Applications are evaluated against a 100-pt scorecard. The evaluation criteria include local needs (25 pts), accessibility (15 pts), outcomes (20 pts), collaboration (10 pts), feasibility (15 pts), and funding (15 pts). A public hearing on the final funding decision is held in August.

2015 human service grants were awarded to 23 programs representing 12 agencies. The smallest grant for \$2,975 went to a senior community dining program, and largest grant for \$65,680 (excluding CDBG funds) went to a senior center. The median grant was \$4,958. More than half of the total funds were split between two agencies: senior services and a human services center for counseling, substance abuse, and family support programs.

City of Tukwila

2015 General Fund: \$51,568,987

Population: 19,300

Median HHI: \$43,331

Funding Amount & Administration: For 2015, Tukwila provided \$365,170 of the General Fund for human service grants. This is the equivalent of 0.7% of the General Fund or an \$18.92 per capita contribution. The total funding amount is based on a historical figure and has not changed much since they began the program. Human services funding is administered by the Mayor’s Office within the Executive Department. Currently, 2.0 FTEs, a Human Services Manager and a Human Services Coordinator, oversee General Fund human services in addition to managing a CDBG funded Minor Home Repair program.

Application Process: Agencies that have not previously received funding are urged to gain some understanding about the Tukwila community prior to submission of the application. Programs should not duplicate existing services for residents. Applicants seeking to provide onsite services at any school which is part of the Tukwila School District must submit a letter of support signed by the Director of English Language Learners and Student Services. Funding recommendations from City staff are presented to City Administration, then reviewed by City Council Committee and the entire Council.

Experienced organizations which actively partner with other service providers, accommodate to serve culturally diverse populations, submit customized programs to meet Tukwila’s specific needs, and have a successful track record with the City will be viewed favorably.

Allocation Determination: All applications are reviewed by the Human Services Advisory Board comprised of three Tukwila residents and one representative each from the education, business, health, and faith communities serving one to three year terms. The Board assists in monitoring and assessing the need for human services, provides recommendations for prioritizing human service needs, and recommends policies and programs for funding. Any awards greater than \$40,000 require Council authorization for the Mayor’s signature.

Applications are categorized in the areas of support for self-sufficiency, information and referral, positive and healthy family relationships, and safety net for urgent and basic needs. The City of Tukwila is specifically interested in services that contribute to more stable and improved incomes for low-income residents, support residential stability, promote equitable access, and utilize collaborative efforts to increase capacity and service effectiveness.

Tukwila awarded grants for 2015 to 36 programs representing 28 agencies. The smallest grant for \$1,500 went to a teen support program. The largest grant for \$55,000 went to school based mental health counseling; however, the median grant was \$5,000.



THURSTON COUNTY: COMMUNITY IN PARTNERSHIP

The Health and Human Services Council (HHSC) was formed in 1988 to address unmet human service needs and included Thurston County, the City of Lacey, the City of Olympia, and, since 1992, the City of Tumwater. Each member provides 0.5% of sales tax revenue to address needs as determined by elected members of the jurisdictions. In 2013, the HHSC members, United Way Chair and Board members created the Community in Partnership (CIP), joining resources and enabling the partners to address common health and human service needs within the region.

Thurston County is the CIP contract administrator and receives 10% of the total amount provided by the HHSC for administrative costs. A single RFP is issued in February by the County with priorities selected by the CIP Steering Committee, which includes a representative from each of the participating cities, to address specific Thurston Thrives priorities. Review committees comprised of interested community members meet with agencies and read all of the applications. The CIP Steering Committee reviews the applications and funding recommendations from the citizen panels. Selected projects are forwarded to the Board of County Commissioners for review and approval. Contracts are issued in June for a period of one year. The Housing and Community Renewal division of Public Health and Social Services monitors the contracts.

For the 2014-2015 funding cycle, there was \$593,030 of available funding from the CIP members, excluding the administrative costs. Of the total funding provided, \$400,000 came from The United Way. Funded projects fell into three priority goal areas: promote healthier choices and behaviors (\$137,170), prepare children and youth to be resilient (\$220,241), and promote financial and residential stability (\$235,619).

The CIP Steering Committee selected 14 indicators to measure progress towards the desired outcomes outlined in Thurston Thrives. Each applicant was asked to connect their outcomes to the indicators and desired outcomes. Many of the outcomes can be connected to several different indicators and, as a result, show the greatest collective impact for the dollar. Funds were disbursed across 34 programs operated by 24 agencies. The smallest grants for \$7,500 were awarded to a variety of health and youth services. The largest grant, \$51,970, went to a food bank.

Thurston County Community in Partnership Cities								
City	Human Services Funding	Pop.	Median HH Income	Staff	Per Capita	% GF	# of Agencies	Median Grant
<i>Bainbridge Island</i>	\$347,922	23,390	\$95,481	◆	\$14.87	2.9%	11	\$23,685
Lacey	\$85,294	46,020	\$58,835	◆	\$1.85	0.3%	2	\$22,322
Tumwater	\$35,000	19,100	\$62,366	minimal	\$1.83	0.2%	4	\$2,500
Olympia	\$73,834	51,020	\$51,902	◆	\$1.45	0.1%	◆	◆

City of Lacey

2015 General Fund: \$32,557,856 Population: 46,020 Median HHI: \$58,835

For 2015, the City of Lacey allocated \$85,294 for funding human services, which equates to 0.3% of the General Fund or a \$1.81 per capita contribution. Of this, \$40,650 went toward the Thurston County CIP, while \$42,644 subsidizes roughly 0.5 FTE for a victim advocate program within the court system. The remaining \$2,000 is an annual contribution for a nonprofit which partners with youth and low-income people to educate and help build sustainable food systems.

City of Olympia

2015 General Fund: \$61,058,255 Population: 51,020 Median HHI: \$51,902

The City of Olympia does not provide any human services funding beyond those contributed to the Thurston County CIP. For 2015, Olympia allocated \$73,834 of its General Fund for the CIP, which equates to 0.1% or a \$1.45 per capita contribution.

City of Tumwater

2015 General Fund: \$20,469,830 Population: 19,100 Median HHI: \$62,366

Funding Amount & Administration: The City of Tumwater allocated \$35,000 for human services in 2015; historically, Tumwater allocates \$10,000 annually to local human services and \$25,000 to regional human services. This total amount is established in the budget and only varies year to year in regard to the individual awards. Based on the biennial budget, this amount equates to approximately 0.2% of the General Fund or a \$1.83 per capita contribution. The human services funding is administered by the Executive Assistant/Deputy City Clerk within the Executive Department.

Application Process: Tumwater funds regional human services through the Thurston County CIP program in addition to setting aside funds for agencies which directly benefit Tumwater residents. There are no specific restrictions related to the grant amounts or recipients.

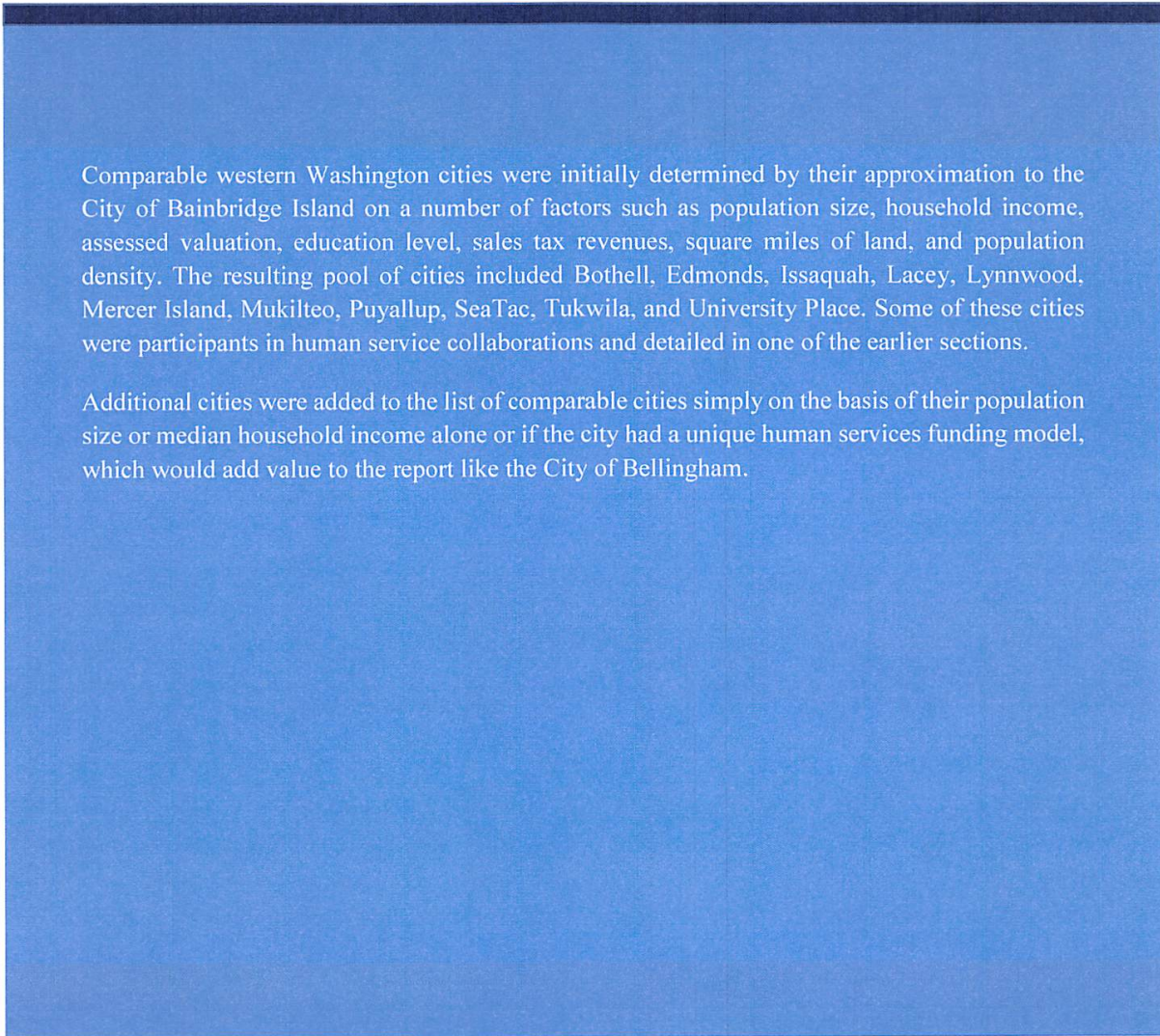
City of Tumwater applications are accepted during the month of August each year. Organizations requesting funds make a presentation before the Budget and Finance Committee September-October. Following the presentations, the Budget and Finance Committee makes a funding recommendation to the City Council to be incorporated into the next year's budget.

Allocation Determination: The Budget and Finance Committee makes their funding recommendation based on agency applications and presentations without a rating tool. For 2015, local grants were awarded to four agencies. The grants ranged in size from \$2,000-3,000 for a dispute resolution center, youth and family services.





OTHER COMPARABLE CITIES



Comparable western Washington cities were initially determined by their approximation to the City of Bainbridge Island on a number of factors such as population size, household income, assessed valuation, education level, sales tax revenues, square miles of land, and population density. The resulting pool of cities included Bothell, Edmonds, Issaquah, Lacey, Lynnwood, Mercer Island, Mukilteo, Puyallup, SeaTac, Tukwila, and University Place. Some of these cities were participants in human service collaborations and detailed in one of the earlier sections.

Additional cities were added to the list of comparable cities simply on the basis of their population size or median household income alone or if the city had a unique human services funding model, which would add value to the report like the City of Bellingham.

Other Comparable Cities								
City	Human Services Funding	Pop.	Median HH Income	Staff	Per Capita	% GF	# of Agencies	Median Grant
Mercer Island	\$350,000	23,480	\$126,359	20.5 FTE	\$14.91	1.4%	◆	◆
<i>Bainbridge Island</i>	<i>\$347,922</i>	<i>23,390</i>	<i>\$95,481</i>	◆	\$14.87	2.9%	11	\$23,685
Bothell	\$290,500	42,640	\$74,769	◆	\$8.19	1.7%	\$6.81	\$4,945
Woodinville	\$65,000	11,240	\$96,933	0.10 FTE	\$5.78	0.5%	11	\$4,500
Bellingham	\$426,100	83,580	\$40,648	0.15 FTE	\$5.10	0.6%	18	\$25,000
Puyallup	\$174,000	38,950	\$61,362	minimal	\$4.47	0.6%	11	\$7,500
Lynnwood	<i>\$160,000⁵</i>	36,420	\$49,931	◆	\$4.39	0.3%	◆	◆
Port Angeles	\$46,350	19,140	\$39,577	◆	\$2.42	0.2%	1	◆
Mount Vernon	\$61,300	33,530	\$48,240	◆	\$1.83	0.3%	3	\$3,000
Maple Valley	\$30,000	24,700	\$96,462	◆	\$1.21	0.3%	2	\$15,000
Oak Harbor	\$20,500	22,000	\$48,955	◆	\$0.93	0.1%	2	\$10,250
University Place	\$6,000	31,720	\$57,591	◆	\$0.19	0.2%	2	\$3,000
Edmonds	\$0	40,490	\$72,244	◆	◆	◆	◆	◆
Lake Stevens	\$0	29,900	\$72,451	◆	◆	◆	◆	◆
Mountlake Terrace	\$0	21,090	\$59,007	◆	◆	◆	◆	◆
Mukilteo	\$0	20,900	\$93,717	◆	◆	◆	◆	◆
Wenatchee	\$0	33,230	\$47,944	◆	◆	◆	◆	◆

⁵Anticipated funding amount for 2016, not yet finalized.

City of Bellingham

2015 General Fund: \$67,671,644

Population: 83,580

Median HHI: \$40,648

Funding Amount & Administration: The total amount of General Fund support for the City of Bellingham’s human services is determined through the budgeting process. For 2015, the City allotted \$426,100, equating to roughly 0.6% of the General Fund or a \$5.10 per capita contribution. This amount can vary greatly from year to year; for comparison, the City allocated \$378,110 in 2014, \$182,835 in 2013 and a previous high of \$396,325 in 2008. The citizen advisory board has been advocating the Mayor and Council to create an index which would allow for the General Fund contribution to stabilize and increase with inflation or another metric and is being considered for the next biennium budget, 2017-2018.

In addition to General Fund support, Bellingham also utilizes CDBG, HOME, and a local housing levy for funding sources. All human services are supported by the Planning and Community Development Department. The Block Grant Program Manager manages the application process, awards, contract management, and paying invoices. Additional staff within the department provide limited assistance to various parts of the process. The total staff support for allocation of the General Fund grants is roughly 0.15 FTE.

Application Process: Funding is not guaranteed based on previous awards; all applications are evaluated equally. A RFP is issued detailing current funding priorities based on the most recently published Human Service Statement of Need compiled by the Planning and Community Development division. Bellingham has a biennial funding cycle with second year contracts prorated based on the availability funding as long as the prior year’s contractual requirements have been met.

All services funded must be delivered within the City of Bellingham. The maximum annual grant the City awards is \$35,000, and the minimum, is \$5,000. The normal range for grant awards is between \$10,000 and \$25,000. The services funded must be either a new service or a quantifiable increase in the level of service above that which was provided the prior year. Projects must demonstrate that the funding applied for would not merely replace other state or local funding for an existing services. Services that were originally funded by the City are eligible for continued funding and may request increased funding if they are able to demonstrate a quantifiable increase in the level of service, demonstrate loss of other funding or increased costs for service delivery.

Applicants must plan to use funds to deliver services to a minimum of 51% low- and very-low income individuals. Both new and existing programs can be funded if the applicant demonstrates the applicable experience and capacity. Applicants must comply with the financial and administrative requirements of the Office of Management and Budget circulars 110 (administrative requirements for grants with nonprofit organizations), 122 (cost principles for nonprofit organizations), and 133 (audits of nonprofit organizations). Funding is not available for construction, property acquisition, political activities, individuals, or families.

Allocation Determination: All applications are reviewed by the City’s Community Development Advisory Board who also advise allocation of CDBG and HOME funds. The Board is comprised of fifteen member appointed by the major for a term of three years with no more than two consecutive terms. Within the Board, one member should have professional expertise financing, construction or real estate; one member should have experience low and moderate income housing concerns or social service needs; one member should be from each of the Wards of the City; and one member should be from the City Housing Authority Board or staff.

Low income, minority, handicapped, or elderly populations shall also be represented. Board members must have lived in the City of Bellingham for at least two years.

Applications are evaluated against three criteria totaling 95 points: City priorities, 45 points (priority is given to activities that provide solutions to high priority needs in the City); population served, 25 points (priority is given to activities that serve families, medically fragile and those with disabilities, youth, people re-entering from institutions, elderly, victims of domestic violence, and any of the above populations with incomes 50% the area median income or less); and collaboration, 25 points (priority is given to activities that leverage volunteers, community partnerships, and promotes integration and coordination between different system). The City requires quarterly and annual reports which document the number of persons and households served, income of persons and households, total number of persons benefitted, race and ethnicity, and location of the services.

Grants were disbursed across 18 agencies for 2015. The amount awarded ranged in size from \$10,000 for a literacy program to \$35,000 for a job readiness program with a median grant of \$25,000.

City of Bothell		
2015 General Fund: \$41,100,226	Population: 42,640	Median HHI: \$74,769

Funding Amount & Administration: For the 2015, the City of Bothell allocated \$290,500 of the General Fund for human services. This equates to 0.7% of the General Fund or a \$6.81 per person contribution. Since 2007, Bothell committed to a per capita allocation of \$7 to determine the annual funding amount.

Bothell’s human services are overseen by the Executive Department; however, there is no formally dedicated staff.

Application Process: The City of Bothell offers grant funding to nonprofits which provide services within the City limits. Applications for human services funding are available during the month of May every other year and due in early June. The Council Human Services Committee reviews all applications and submits a funding recommendation to the full City Council in November or December prior to passage of the new budget for the following biennium. Second year funding is contingent on contract performance and program outcomes.

Allocation Determination: The Human Services Committee is a three-member City Council Committee. Following an initial application review and funding recommendation by the Assistant City Manager, the Committee uses five criteria to evaluate applications: 1) equal access to services for Bothell residents and coordination with other human service providers, 2) history of service to Bothell residents, 3) ability to provide appropriate solutions for identified community problems, 4) avoidance of duplication of services, and 5) clear and established program outcomes. Additionally, current and prior contract performance is reviewed for all agencies, which previously received City funding.

2015 grants were allocated to 35 programs representing 25 agencies. The smallest grants for \$951 went to an immigrant integration project and a senior meals program. The largest grant for \$28,527 went to a family support program. The median grant was \$4,945.

City of Edmonds

2015 General Fund: \$38,705,643 Population: 40,490 Median HHI: \$72,244

Other than a \$60,000 annual subsidy for the Senior Center, the City of Edmonds does not currently provide any funding for human services from the General Fund.

City of Lake Stevens

2015 General Fund: \$8,330,876 Population: 29,900 Median HHI: \$72,451

The City of Lake Stevens does not currently provide any funding for human services from the General Fund.

City of Lynnwood

2015 General Fund: \$51,123,643 Population: 36,420 Median HHI: \$49,931

The City of Lynnwood does not currently provide any funding for human services from the General Fund. However, due to the large need demonstrated by local faith-based organizations and mounting political support within City Hall, the City anticipates setting aside \$160,000 for human service grants in 2016, half of which has been earmarked for the YWCA to address homelessness. This represents a \$4.39 per capita contribution or roughly 0.3% of the 2015 General Fund.

The City is currently determining the process for allocating future human service funds. In November, the City began recruiting members for its new Human Services Commission. No City staff are formally dedicated to support human services yet, other than an assigned staff liaison from the Community Development Department.

City of Maple Valley

2015 General Fund: \$11,655,100 Population: 24,700 Median HHI: \$96,462

Funding Amount & Administration: The City of Maple Valley allocated \$30,000 from the General Fund for supporting local human service agencies in 2015. This is the equivalent of 0.3% of the General Fund or a \$1.21 per capita contribution. For new applicants, the City Manager determines whether or not to include them in the proposed budget. No City staff are formally dedicated to support human services funding.

In addition to the human service grants, Maple Valley also grants the local community center \$192,500 annually. This amount serves as direct support for operating costs of the associated youth center, senior center, children and family programs as well as the insurance and surface water management fees.

Application Process: Funding requests are solicited from local human service agencies annually. There are no restrictions other than the funds must be used to assist the poor and infirm or contracts for services which the City would otherwise provide.

Allocation Determination: The City Manager reviews the applications upon receipt, making the determination of whether and how much to allocate to the programs. Regardless of the City Manager’s decision, a copy of the applications is forwarded to the City Council for their information. Human service grants for the poor and infirm were provided to two agencies for 2015. A food bank and emergency services organization was awarded \$15,000, and housing assistance program was also awarded \$15,000.

City of Mercer Island

2015 General Fund: \$25,775,920

Population: 23,480

Median HHI: \$126,359

Funding Amount & Administration: For 2015, the City of Mercer Island allocated \$350,000 from the General Fund to support human services. This equates to 1.4% of the General Fund or a \$14.91 per capita contribution. Mercer Island has a dedicated Youth and Family Services Department which provides a broad range of human and community services. The City Council receives a recommendation during the budgeting process for the amount of General Fund support and ultimately determines how much to subsidize the department.

Youth and Family Service has regular staff of 15.5 FTEs and contracted staff of 5.0 FTEs for a total of 20.5 FTEs. This includes all administrative staff and service providers. General Fund support, which constitutes only 14% of the department’s budget, is supplemented with intergovernmental grants, revenues from service fees, donations, and sales from the department’s thrift shop.

Application Process: Mercer Island does not have an application for human service funds.

Allocation Determination: Youth and Family Services funds are allocated through the department’s budget and based on community needs assessments, key informant interviews, feedback from the Youth and Family Services Advisory Board, and cross-tabulation of intern surveys, outcomes, and professional expertise and research. The department staff reports outcomes to the City Council as well as to external grantors like King County.

In addition to the services provided directly through the Youth and Family Services Department, small grants are disbursed from the department’s fund for regional services that they do not provide residents. These services include legal assistance and domestic violence programs.

City of Mount Vernon

2015 General Fund: \$21,225,983

Population: 33,530

Median HHI: \$48,240

The City of Mount Vernon allocated \$61,300 from the General Fund in 2015 for human services. This amount equates to 0.3% of the General Fund or a \$1.83 per capita contribution. Instead of a competitive application process, the City has three designated organizations whose funding rolls forward from year to year with little variation. The largest grant, \$55,500, goes towards senior services. The remaining \$5,800 is split between homeless services and a domestic violence program. The median grant amount is \$3,000.

City of Mountlake Terrace

2015 General Fund: \$14,278,475

Population: 21,090

Median HHI: \$59,007

The City of Mountlake Terrace does not currently provide any funding for human services from the General Fund. The City did previously provide limited support for a seniors group.

City of Mukilteo

2015 General Fund: \$12,569,188

Population: 20,900

Median HHI: \$93,717

The City of Mukilteo does not currently provide any funding for human services from the General Fund; however, the City does offer \$10,000 annually for community support grants through a competitive application

process. These grants typically go towards events or organizations which promote community engagement such as a community garden or National Night Out.

City of Oak Harbor

2015 General Fund: \$13,668,694 Population: 22,000 Median HHI: \$48,955

The City of Oak Harbor provided \$20,500 to fund two human service organizations in 2015. This equates to 0.1% of the General Fund or a \$0.93 per capita contribution. The recipient organizations initiated the funding requests, and the City Council chose to grant the amounts requested in full. \$18,000 was disbursed to support senior services, and the other \$2,500 was granted to alcohol abatement services above the state requirement. The agencies report back to City Council with a presentation on how the funding was utilized.

City of Port Angeles

2015 General Fund: \$20,064,500 Population: 19,140 Median HHI: \$39,577

The City of Port Angeles contributed \$46,350 of General Fund dollars to the United Way in 2015. This amounts to 0.2% of the General Fund or a \$2.42 per capita contribution. While this amount was an increase from \$30,000 in 2013, the City Council ultimately decided to phase out this contribution entirely over the next three years during a Priority Setting process. By 2019, the support for United Way will be reduced to \$0.

City of Puyallup

2015 General Fund: \$30,739,819 Population: 38,950 Median HHI: \$61,362

Funding Amount & Administration: The City of Puyallup allocated \$174,000 of the General Fund for human services in 2015. This is the equivalent of 0.6% of the General Fund or a \$4.47 per capita contribution. Puyallup does not calculate the total funding amount using a formula. The amount has risen from \$51,500 in 2011 to the current level of \$174,000 in 2014. The City Clerk provides general administrative support for the human services funding but no staff hours are formally dedicated to oversight.

Application Process: Human service funding requests are reviewed each summer by an ad-hoc committee of three council members, and they draft a funding recommendation. Agencies must maintain nonprofit status, demonstrate at least 50% of budget comes from sources other than the City, and have provided program services as described in the application for at least one year. Preference is given to organizations which will leverage City funds to obtain additional resources and provide necessary, cost-effective services to Puyallup residents.

Allocation Determination: The ad-hoc City Council committee makes a funding recommendation to the full City Council. Grant recipients are required to submit biannual performance reports in July and at the end of January the following year.

For 2015, grants were disbursed across 11 agencies. The awards ranged in size from \$1,000 for a food pantry and at-risk youth services to \$60,000 for a program dedicated toward ending family homelessness with a median grant of \$7,500.

City of University Place		
2015 General Fund: \$3,867,552	Population: 31,720	Median HHI: \$57,591

Funding Amount & Administration: For 2015, the City of University Place provided \$6,000 from the General Fund for human service grants. This amount has remained unchanged for years and equates to 0.2% of the General Fund or a \$0.19 per capita contribution. No City staff directly support human services.

Application Process: University Place does not use an application for human services funding.

Allocation Determination: City Council designated two specific agencies to receive City funding. These organizations were deemed to have a direct benefit to University Place residents with the ability to report on their service to City residents. The agencies provide annual performance reports for the City Council. University Place awarded \$3,000 grants to a program for individuals with disabilities and a domestic violence program.

City of Wenatchee		
2015 General Fund: \$21,294,920	Population: 33,230	Median HHI: \$47,944

The City of Wenatchee does not currently provide any funding for human services from the General Fund.

City of Woodinville		
2015 General Fund: \$14,366,000	Population: 11,240	Median HHI: \$96,993

Funding Amount & Administration: The City of Woodinville provided \$65,000 from the General Fund in 2015 for human service grants. This amount represents 0.5% of the General Fund or a \$5.78 per capita contribution. There is no specified direction or criteria on the funding amount from year to year. Funding has decreased from more than \$100,000 in 2008 to the current \$65,000 since 2010. Woodinville is currently in the process of reviewing how the City funds human services. Oversight of the human services program comes from 0.10 FTE, a Management Analyst, within the Executive Department.

Application Process: Human service grant awards are a part of the City’s biennial budget process. In October, grant applications are accepted from agencies, and in January, the grants are awarded by City Council for a period of two years.

Agencies which provide basic human needs such as emergency shelter, food, and medical care are given preference. Applicants must demonstrate a nondiscriminatory policy, obtain and maintain all required insurance coverages, permits, and licenses before funding is released. Services should not be duplicative and partnerships with other organizations are viewed favorably.

Allocation Determination: Applications for the 2015/2016 biennium were reviewed by the Emergency Preparedness and Public Safety Commission which made a funding recommendation to the City Council. The funding priority goals of the City include basic human needs, gainful employment, social support and interaction, and access to available services through transportation, information, or referral.

Agencies will be funded by line item or service units per their contract, which includes a description of the measurable outcomes. Progress reports are submitted quarterly with the associated reimbursement request. The City visits a few of the funded agencies each year to ensure that service unit reporting is accurate.

Awards for 2015 were disbursed to 12 programs from 11 agencies. The largest grant (\$13,400) was given to a senior day center, while the two smallest (\$2,000 each) were given to domestic violence services and a family and student meal program. The median grant was \$4,500.



City	Human Services Funding	Pop.	Median HH Income	Staff	Per Capita	% GF	# of Agencies	Median Grant
Bellevue*	\$3,117,067	135,000	\$90,333	5.60 FTE	\$23.09	1.8%	42	\$36,630
Tukwila*	\$365,170	19,300	\$43,331	2.0 FTE	\$18.92	0.7%	28	\$5,000
SeaTac*	\$510,000	27,650	\$46,328	1.0 FTE	\$18.44	1.6%	28	\$10,000
Mercer Island	\$350,000	23,480	\$126,359	20.5 FTE	\$14.91	1.4%	♦	♦
Bainbridge Island	\$347,922	23,390	\$95,481	♦	\$14.87	2.9%	11	\$23,685
Redmond*	\$799,151	59,180	\$96,183	1.75 FTE	\$13.50	0.9%	28	\$12,242
Kirkland*	\$771,623	83,460	\$87,480	1.0 FTE	\$9.25	0.9%	39	\$8,990
Issaquah*	\$291,000	33,330	\$86,865	1.00 FTE	\$8.73	0.8%	32	\$5,000
Kenmore*	\$159,100	21,500	\$82,334	0.10 FTE	\$7.40	1.6%	14	\$6,250
Kent*	\$872,866	122,900	\$57,553	3.50 FTE	\$7.10	1.2%	26	\$11,000
Bothell	\$290,500	42,640	\$74,769	♦	\$6.81	1.7%	25	\$4,945
Covington*	\$126,551	18,520	\$90,280	0.50 FTE	\$6.75	1.7%	16	\$5,000
Auburn*	\$476,500	75,545	\$55,483	4.38 FTE	\$6.31	0.1%	30	\$10,000
Shoreline*	\$315,953	54,500	\$64,096	1.30 FTE	\$5.80	0.9%	12	\$4,958

City	Human Services Funding	Pop.	Median HH Income	Staff	Per Capita	% GF	# of Agencies	Median Grant
Woodinville	\$65,000	11,240	\$96,933	0.10 FTE	\$5.78	0.5%	11	\$4,500
Renton*	\$567,038	98,470	\$64,141	4.35 FTE	\$5.76	0.7%	39	\$6,000
Federal Way*	\$516,000	90,760	\$55,872	2.50 FTE	\$5.69	1.2%	27	\$10,000
Burien*	\$275,000	48,810	\$50,805	0.25 FTE	\$5.63	1.2%	19	\$8,000
Bellingham	\$426,100	83,580	\$40,648	0.15 FTE	\$5.10	0.6%	18	\$25,000
Puyallup	\$174,000	38,950	\$61,362	minimal	\$4.47	0.6%	11	\$7,500
Lynnwood	\$160,000	36,420	\$49,931	♦	\$4.39	0.3%	♦	♦
Sammamish*	\$178,500	49,980	\$143,919	0.15 FTE	\$3.57	0.4%	35	\$3,150
Des Moines*	\$80,000	30,100	\$59,799	0.15 FTE	\$2.66	0.4%	14	\$3,400
Port Angeles	\$46,350	19,140	\$39,577	♦	\$2.42	0.2%	1	♦
Lacey**	\$85,294	46,020	\$58,835	♦	\$1.85	0.3%	2	\$22,322
Mount Vernon	\$61,300	33,530	\$48,240	♦	\$1.83	0.3%	3	\$3,000
Tumwater**	\$35,000	19,100	\$62,366	minimal	\$1.83	0.2%	4	\$2,500
Olympia**	\$73,834	51,020	\$51,902	♦	\$1.45	0.1%	♦	♦

City	Human Services Funding	Pop.	Median HH Income	Staff	Per Capita	% GF	# of Agencies	Median Grant
Maple Valley	\$30,000	24,700	\$96,462	♦	\$1.21	0.3%	2	\$15,000
Oak Harbor	\$20,500	22,000	\$48,955	♦	\$0.93	0.1%	2	\$10,250
Kitsap County	\$128,081	258,200	\$62,413	0.95 FTE	\$0.50	0.2%	8	♦
University Place	\$6,000	31,720	\$57,591	♦	\$0.19	0.2%	2	\$3,000
Bremerton	\$0	39,410	\$43,183	♦	♦	♦	♦	♦
Edmonds	\$0	40,490	\$72,244	♦	♦	♦	♦	♦
Lake Stevens	\$0	29,900	\$72,451	♦	♦	♦	♦	♦
Mountlake Terrace	\$0	21,090	\$59,007	♦	♦	♦	♦	♦
Mukilteo	\$0	20,900	\$93,717	♦	♦	♦	♦	♦
Port Orchard	\$0	13,510	\$55,243	♦	♦	♦	♦	♦
Poulsbo	\$0	9,950	\$58,975	♦	♦	♦	♦	♦
Wenatchee	\$0	33,230	\$47,944	♦	♦	♦	♦	♦
Median Per Capita Funding Amount (excl. Cities with no funding)					\$5.73			
* = Share1app Cities, ** Community in Partnership Cities								

**STATEMENT OF POLICY FOR USE OF CITY OF MILL CREEK
INDOOR FACILITIES**

City Policy No.: CCP 07-002
Effective: September 12, 2007
Amended: Originally passed by City Council 01/10/95
Revised by City Council 07/09/02 and 9/11/07

1. **PURPOSE:**
The City of Mill Creek has three rooms that are available for use by the public. In order to be consistent in granting use of these rooms, identifying priority user groups, specifying deposit and fee schedules, and establishing administrative rules, the following policy applies.

2. **USERS:**
- a. **First Priority**
 - (1) City-sponsored or co-sponsored activities/and or meetings shall have priority of use for rooms at all times.

 - b. **Second Priority**
 - (1) Activities sponsored by other governmental jurisdictions; such as the library, city or county agencies, or Everett Public Schools.

 - (2) Mill Creek 501(c)3 non-profit organizations, Mill Creek homeowner associations, educational, recreational, or community service activities or organizations (documentation may be required).

 - (3) Educational, recreational or community service activities offered by private schools within a five-mile radius of the City.

 - (4) Meetings of or by ad-hoc groups of Mill Creek residents for which no fee is charged for participation.

 - c. **Third Priority**
 - (1) Business meetings or functions sponsored by a private group or individual where no fee is charged for participation. This includes Non-Profits not based in Mill Creek.

 - (2) Activities for which a fee is charged for participation.

 - (3) Others not qualifying for first or second priority.

3. **ROOM RESERVATIONS:**
The City of Mill Creek designates the following facility areas as available to the public:
- Smaller Community Room Maximum Capacity 43
 - Larger Community Room Maximum Capacity 120
 - Council Chambers Maximum Capacity 74

To reserve a room, a reservation form, available at the front counter at City Hall, must be completed, signed and returned with the appropriate fee no later than one (1) week prior to the scheduled event. If two (2) reservations are received at the same time, for the same date, the priority ranking will prevail. No first time reservations will be made or accepted by telephone or fax. Applicants must be at least 21 years of age. Proof of age may be required.

First Priority users may schedule use of a room up to six (6) months prior to the event.-Second Priority users may schedule use of a room up to three (3) months in advance. Third Priority users may schedule use of a room up to two (2) months in advance.

4. RENTAL FEES/DAMAGE DEPOSITS:

All Rental fees and/or damage deposits must be paid in full at the time the reservation form is submitted to the City. Fees are listed below:

- a. **First priority** users pay no rental fee or damage deposit.
- b. **Second priority** users will be charged:

Rooms Rates	Daytime *	After Hours
Small Community Room	\$24.00 per hour	\$40.00 per hour
Large Community Room	\$36.00 per hour	\$56.00 per hour
Council Chambers	No Charge **	No Charge **

(*8:00 a.m. to 5:00 p.m. Monday through Friday)

** Council Chambers not suitable for use with children.

- < Refundable damage/cleaning deposit of \$75.00 or
- < Refundable damage/cleaning deposit of \$150.00 if group is serving food and/or beverages.

- c. **Third priority** users will be charged:

Rooms Rates	Daytime *	After Hours
Small Community Room	\$30.00 per hour	\$45.00 per hour
Large Community Room	\$50.00 per hour	\$70.00 per hour

(*8:00 a.m. to 5:00 p.m. Monday through Friday)

- < Refundable damage/cleaning deposit of \$75.00; or
- < Refundable damage/cleaning deposit of \$150.00 if group is serving food and/or beverages.

5. LIABILITY INSURANCE:

In most circumstances the City will require that all third priority groups obtain Tenant/User Program liability insurance, with a \$1 million per occurrence limit. Depending on the activities, first and second priority groups may be required to obtain tenant/user liability insurance. If you do not have liability insurance for your event, the City can assist you in making application for this coverage.

6. ADMINISTRATIVE RULES:

- a. Use/possession of alcoholic beverages and/or narcotics is prohibited in City facilities.
- b. Smoking is prohibited in and within twenty-five feet of City facilities.
- c. Persons who are loud, disorderly and/or abusive to other users of the facility, equipment, or the facility itself will be asked to leave.
- d. Users are responsible for bringing their own linen (unless previously arranged), coffee pots, dishes, utensils, and other equipment.

- e. Users are responsible for their own setup and cleanup, which includes wiping down and returning tables and chairs to their pre-event location, sweeping floors, cleaning spills, and removing trash. Reasonable cleaning supplies and trash receptacles will be provided. All setup and cleanup must be completed within the time designated of the rental.
- f. Animals and pets are not allowed (exceptions: service animals, or when scheduled for recreation/activity programs).
- g. The City reserves the right to waive, reduce or increase rental fees, damage deposits, or liability insurance as determined necessary by the City Manager to carry out the purpose and intent of this policy and/or safeguard City personnel, property and facilities.

7. OTHER PROVISIONS:

- a. If you cancel your event, please notify City Hall as soon as possible so the room can be made available for another group.
- b. The City reserves the sole right to deny requests for room use due to maintenance or security concerns, inappropriate use of City facilities, or other reasons as appropriate. For additional information about this policy, please contact the Recreation Supervisor at (425) 745-1891.
- c. Disclaimer – Permission to use Mill Creek City Hall facilities does not constitute support for or an endorsement of any sort concerning the user or any affiliated group.

Adopted this 11th day of September 2007 by a vote of _____ for, _____ against, and _____ abstaining.

APPROVED:

MAYOR DONNA MICHELSON

ATTEST/AUTHENTICATED:

CITY CLERK KELLY M. CHELIN

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
SHORT CRESSMAN & BURGESS



Date: January 8, 2019

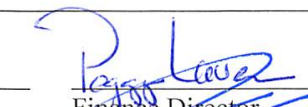
A/P Check Batches		
Dated	Check Numbers	Amount
12/13/2018	ACH-Union 76 Fleet-Nov	\$4,857.04
12/14/2018	59549-59621	\$1,192,479.40
12/28/2018	59622-59685	\$179,437.01
Total		\$1,376,773.45

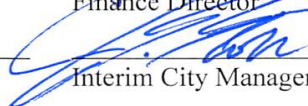
Voided Checks	
Numbers	Explanation

CLAIMS APPROVAL

We, the undersigned Finance/Audit Committee of the City of Mill Creek, recommend approval of check numbers 59549 through 59685, and ACH in the amount of \$1,376,773.45.

We recommend approval of the above stated amount with the following exceptions:

Councilmember 
Finance Director

Councilmember 
Interim City Manager

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RptBatchSumViewForm

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ACH Cash Pro Online

City of Mill Creek

Report Date: 12/12/2018

Report Time: 02:42:46 PM

Batch Summary Report by ID Number

Company Name: City of Mill 01 Effective Date: 12/13/2018
 ACH ID: 2911225895 Batch Sequence: 1
 Application Name: CCD Payments and Collections Database Name: 76
 Batch Status: Released Created By: SANKOTTKE
 Released By: SANKOTTKE

Name	ID	Amount	D/C	Bank ID	Account #	Acct Type	Trace #
76 FLEET WEX BANK	0201-00-1059153	\$4,857.04	C	071000288	4539508	C	

Total Amount in Batch

Total Count in Batch

Debits	\$0.00	0
Credits	\$4,857.04	1
Prenotes	\$0.00	0

Grand Total Amount

Grand Total Count

Debits	\$0.00	0
Credits	\$4,857.04	1
Prenotes	\$0.00	0

Accounts Payable

Checks by Date - Detail by Check Date

User: Jodieg
 Printed: 1/3/2019 2:31 PM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
59549	SEADAIJ 3342357 3342357a	Daily Journal of Commerce BC: Exploration Park 11/16 BC: Exploration Park 11/21	12/14/2018		184.00 184.00
Total for Check Number 59549:				0.00	368.00
59550	3SISECUR 0000598166	3SI Security Systems Inc 3SI Annual Usage-Tracking Device	12/14/2018		216.00
Total for Check Number 59550:				0.00	216.00
59551	911SUPPL 68137 68349	911 Supply Inc 1 Cap Officer Mack, 3 Caps-Replenish Stock 2 Polo Shirts w/Embroidery-T Marks	12/14/2018		124.70 144.60
Total for Check Number 59551:				0.00	269.30
59552	ADI PV770T01	ADI High Gain Directional Antenna-CHS Alarm Pan	12/14/2018		251.47
Total for Check Number 59552:				0.00	251.47
59553	ADPLLC 525834822	ADP, LLC Payroll Processing Chgs-Workforce Now 11/30	12/14/2018		399.00
Total for Check Number 59553:				0.00	399.00
59554	ALLPLAY 2018-066	Allplay Systems LLC Replacement Speedway Trolley-Cougar Park	12/14/2018		653.57
Total for Check Number 59554:				0.00	653.57
59555	INTEGRA 15728041	Allstream T-1 Monthly Chgs-Dec	12/14/2018		677.97
Total for Check Number 59555:				0.00	677.97
59556	AMTESTIN 108117	Am Test, Inc 5-Fecal Coliform Analysis	12/14/2018		125.00
Total for Check Number 59556:				0.00	125.00
59557	ANARESIN 1803373	Analytical Resources, Inc Street Sweeping - Disposal Testing	12/14/2018		560.00
Total for Check Number 59557:				0.00	560.00
59558	ARENASPO Refund 2018 SWM	Arena Sports Refund 2018 SWM Fee Calculation	12/14/2018		1,291.12
Total for Check Number 59558:				0.00	1,291.12

AGENDA ITEM #1.

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
59559	BHCCONS 0010414	BHC Consultants, LLC Bldg Insp & Plan Review Services 09/29-10/26	12/14/2018		12,055.31
			Total for Check Number 59559:	0.00	12,055.31
59560	BlinkNet INV-02622R4P4Y7	Blink Network LLC 2 Replacement Screens-Vehicle Charging Station	12/14/2018		345.54
			Total for Check Number 59560:	0.00	345.54
59561	BLUFLAME Rec# 172951	Blue Flame Heating, Air & Electric Refund 80% Mechanical Permit B2018-0663-Cu	12/14/2018		68.80
			Total for Check Number 59561:	0.00	68.80
59562	CARLSONJ 6964	Jessica Carlson Adventures in Art-Fall 3 11/16-12/14 #6964	12/14/2018		264.60
			Total for Check Number 59562:	0.00	264.60
59563	CBRDDYN 1305	cBoard Dynamic Displays System Use & Service Dec-March Lobby Info S	12/14/2018		200.00
			Total for Check Number 59563:	0.00	200.00
59564	CDW QCG3686	CDW Government SanDisk USB Flash Drive 2- 64GB/2-128 GB	12/14/2018		117.02
			Total for Check Number 59564:	0.00	117.02
59565	CINTAS 4012690315 4012690315a 4013324801 4013324801a	Cintas Corporation Loc. #460 Floor Mat Service 11/21 Floor Mat Service 11/21 Floor Mat Service 12/07 Floor Mat Service 12/07	12/14/2018		96.19 56.03 96.19 56.03
			Total for Check Number 59565:	0.00	304.44
59566	CIEDMOND RGG-180076	City of Edmonds Domestic Violence Coordinator-Dec	12/14/2018		1,116.85
			Total for Check Number 59566:	0.00	1,116.85
59567	CITYLYN 14939	City of Lynnwood Jail Room & Board - Oct 2018	12/14/2018		726.00
			Total for Check Number 59567:	0.00	726.00
59568	COMCAST 0724345	Comcast Internet for ITS 12/14-01/13	12/14/2018		106.40
			Total for Check Number 59568:	0.00	106.40
59569	COPIETC AR36910	Copiers Etcetera, Inc. Repairs & Maint-Copy Machines	12/14/2018		2,028.42
			Total for Check Number 59569:	0.00	2,028.42
59570	FELDMAJ November 2018	Feldman & Lee, P.S. Public Defender Contract Flat Fee-Nov	12/14/2018		9,000.00
			Total for Check Number 59570:	0.00	9,000.00

AGENDA ITEM #1.

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
59571	GTEORTH 425 745-6974	Frontier CC Line, Fax 11/19-12/18	12/14/2018		160.17
				Total for Check Number 59571:	0.00 160.17
59572	GRYOSBRN 8	Gray & Osborne Inc Prof Serv -35th Ave Recon CM & Insp 10/14-11.	12/14/2018		80,491.50
				Total for Check Number 59572:	0.00 80,491.50
59573	HORIZON 2M077887 2M077962	Horizon Distributors Inc Spark Plugs & Bar and Chain Oil 1 - Wheat Straw Wattle	12/14/2018		71.55 30.50
				Total for Check Number 59573:	0.00 102.05
59574	HUIK 7004 7011	Kelly Hui Ballet: Creative 10:30am 11/17-12/15 #7004 Ballet: Beginning 12:00pm 11/17-12/15 #7011	12/14/2018		235.20 268.80
				Total for Check Number 59574:	0.00 504.00
59575	KPFFCON 238534	KPFF Consulting Engineers Prof Serv 35th Ave Recon Proj 10/01-10/26	12/14/2018		3,407.23
				Total for Check Number 59575:	0.00 3,407.23
59576	LESSCHW 30400342702	Les Schwab 2 - Beaconlite 5.5, 1 Pro-Tech Headache Rack-P	12/14/2018		925.78
				Total for Check Number 59576:	0.00 925.78
59577	NELSONM 6945 6946	Melissa Nelson Music For Preschool-Nov 11/30-12/14 #6945 Music For Preschool-Nov 11/30-12/14 #6946	12/14/2018		409.50 409.50
				Total for Check Number 59577:	0.00 819.00
59578	OMWATT 817640 817640a 818743 818744 818745 818745a 818745b 818745c 818746 818747 818748 818750 818751 818752	Ogden Murphy Wallace Attorneys Prof Legal Services-City Clerk-Oct Prof Legal Services-Police-Oct Prof Legal Services-Council-Oct Prof Legal Services-Council-CED-Oct Prof Legal Services-SW-Oct Prof Legal Services-35th Ave SE Reconstruction Prof Legal Services-MCSP Turf & Lighting-Oct Prof Legal Services-PW-Oct Prof Legal Services-Exec-Oct Prof Legal Services-Martin Request/Annex Spac Prof Legal Services-Fire Contractl-Oct Prof Legal Services-Police-Oct Prof Legal Services-City Clerk/PRA-Oct Prof Legal Services-RP Investigations/Complain	12/14/2018		650.00 1,560.00 1,902.50 1,187.50 897.00 192.00 2,048.00 952.50 1,257.50 65.00 357.50 1,067.50 112.50 23,922.50
				Total for Check Number 59578:	0.00 36,172.00
59579	OLBRECAS November 2018 October 2018	Olbrechts & Associates PLLC Hearing Examiner Services - November 2018 Hearing Examiner Services - October 2018	12/14/2018		1,344.00 736.00
				Total for Check Number 59579:	0.00 2,080.00

AGENDA ITEM #1.

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
59580	OREILLY 2986185321 2986185949 2986-186062	O'Reilly Automotive Inc Steering Wheel Spinner-PW 10 2 Gaskets, EGR Valve-PW 9 Fuel Filter - PW9 & PW10	12/14/2018		14.34 485.42 27.40
			Total for Check Number 59580:	0.00	527.16
59581	PACFIRSE 64453	Pacific Fire and Security, Inc. Fire Alarm Panel Replacement-CHS	12/14/2018		4,294.56
			Total for Check Number 59581:	0.00	4,294.56
59582	PACDETD 884369-00	Pacific Power Group, LLC Complete Generator Service-CHS	12/14/2018		1,744.32
			Total for Check Number 59582:	0.00	1,744.32
59583	PACTOP 1-T1072554 1-T1073547	Pacific Topsoils, Inc. Med Bark-Medium Grade-Library Med Bark-Medium Grade	12/14/2018		82.80 29.53
			Total for Check Number 59583:	0.00	112.33
59584	ELLITIRE 064462004979	PepBoys-Remittance Dept Wheel Alignment, Spark Plugs, LOF-Car #41	12/14/2018		391.33
			Total for Check Number 59584:	0.00	391.33
59585	PHILPUB 438	Philips Publishing Passport Ad-Lynnwood Parks & Rec	12/14/2018		340.00
			Total for Check Number 59585:	0.00	340.00
59586	PILCHVT 221940	Pilchuck Vet Hospital Rx: Apoquel Tab 16mg Tab-Bagira	12/14/2018		160.42
			Total for Check Number 59586:	0.00	160.42
59587	PITNEYB 3307614953	Pitney Bowes Global Financial Services Lease Postage Machine, Meter & Scale 09/30-12	12/14/2018		472.02
			Total for Check Number 59587:	0.00	472.02
59588	SNOCPUD 201353968 201663515 201669280 201752961 201781135 201898053 202959052 203028121 203388152 220612410	PUD No. 1 of Snohomish County 15728 Main St 11/02-12/05 14600 16th Ave Se 11/01-12/03 16110 1/2 29th Dr SE 10/25-11/26 15429 1/2 Bothell Everett Hwy 11/03-12/07 2701 155th St SE 10/26-11/29 1700 Mill Creek Rd 10/24-11/21 4842 SAC 11/03-12/07 4560 SAC 11/02-12/06 15429 Bothell everett Hwy 11/03-12/07 15601 22nd Ct SE 10/26-11/29	12/14/2018		1,614.47 25.95 23.06 20.60 42.33 82.87 93.95 71.80 32.93 26.60
			Total for Check Number 59588:	0.00	2,034.56
59589	PUGETSO 200004765331 200004765463	Puget Sound Energy 15720 Main St 10/17-11/15 15728 Main St 10/17-11/15	12/14/2018		151.82 455.91

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 59589:	0.00	607.73
59590	RAMERJ 2018-11	Jon Ramer Consulting Services-Veterans Day Parade	12/14/2018		2,000.00
			Total for Check Number 59590:	0.00	2,000.00
59591	SNOCOSHO 1000486754 1000486786	Snohomish County Sheriff's Office SRDTF JAG Grant Contribution July-Sept 2018 Range Use-10 Hours 10/02	12/14/2018		1,314.00 580.00
			Total for Check Number 59591:	0.00	1,894.00
59592	SILVERL 14112-27585 14737-19068 17679-27345 17684-27596 24079-27593 32140-27632 32141-27633 35995-27914 35996-27914 35997-27914 35998-27914 35999-27914 36000-27914 36016-27914 36025-27914 36026-27914 36365-27593 37034-30017 37680-27914 40191-27914	Silverlake Water District 132nd & SR 527 Irrig 11/01-11/30 13617 28th Dr SE Irrig 11/01-11/30 15429 1/2 Bothell Everett Hwy 11/01-11/30 15429 Bothell Way-Irrig 11/01-11/30 Silver Crest Park 11/01-11/30 13903 N Creek Dr-Irrig 11/01-11/30 13903 jn Creek Dr 11/01-11/30 SR 527-Irrig 11/01-11/30 14600 SR 527-Irrig 11/01-11/30 13800 N SR 527-Irrig 11/01-11/30 1600 SR 527-Irrig 11/01-11/30 15200 SR 527-Irrig 11/01-11/30 15100 N SR 527-Irrig 11/01-11/30 SR 527 & Trillium Blvd-Irrig 11/01-11/30 14600 SR 527-Irrig 11/01-11/30 SR 527 & Dumas Rd-Irrig 11/01-11/30 Dumas Rd Irrig 11/01-11/30 14721 12th Ave SE-Irrig 11/01-11/30 0 33rd Dr & Northpointe Circle-Irrig 11/01-11/30 13315 45th Ave SE-Restroom 11/01-11/30	12/14/2018		7.60 7.60 7.60 7.60 7.60 7.60 72.05 7.60 7.60 7.60 7.60 7.60 7.60 7.60 7.60 7.60 7.60 22.30 37.60 7.60 65.05
			Total for Check Number 59592:	0.00	318.60
59593	SIPDIPND 6998	Sip Dip-n-Doodle LLC Canvas Painting Class: Elfin' Around 12/01 #695	12/14/2018		140.00
			Total for Check Number 59593:	0.00	140.00
59594	SMARSH INV00436739 INV00436739A	Smarsh Inc Text Archiving Platform-Verizon Monthly 11/01- Use Tax Text Archiving Platform-Verizon Month	12/14/2018		273.72 -10.92
			Total for Check Number 59594:	0.00	262.80
59595	SCFIRDS MC-18-04	Sno County Fire District #7 Fire Interlocal Agreement-4th Qtr	12/14/2018		930,227.25
			Total for Check Number 59595:	0.00	930,227.25
59596	SNOCOM 976	Snohomish County 911 Dispatch Service-December	12/14/2018		30,014.58
			Total for Check Number 59596:	0.00	30,014.58
59597	SNOCOC 2018-4755	Snohomish County Corrections Jail Service Fee-Oct	12/14/2018		17,201.53

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 59597:	0.00	17,201.53
59598	SNOCOPW 1000486816	Snohomish County Public Works RR6155-Luminaires-Oct	12/14/2018		776.72
	1000486816a	RR6156-Traffic Projects-Oct			295.73
	1000486816b	RR7552-Dumas Rd/Park Rd-Oct			517.89
	1000486816c	RR7554-164th SE/9th SE/MC Blvd-Oct			595.69
	1000486816d	RR7864-Dumas @ No Crk Dr-Oct			227.15
	1000486817	RR7797-Aid Agreement-Vactor 10/01-10/31			224.69
	1000486817a	RR7797-Aid Agreement-RPM Paint 10/01-10/31			6,483.75
			Total for Check Number 59598:	0.00	9,121.62
59599	SNOCOSHI 2018-4735	Snohomish County Treasurer Inmate Medical Billing-Sept	12/14/2018		143.97
	2018-4774	Inmate Medical Billing-Oct			285.26
			Total for Check Number 59599:	0.00	429.23
59600	SNDPUBIN 7884290	Sound Publishing Inc Ad 11/19-Supervising Engineer	12/14/2018		299.00
	EDH834714	BC: Exploration Park Construction			168.56
	EDH834733	Notice of Public Hearing 2019-2020 Biennial Bt			82.56
	EDH837402	Pub of Ord No. 2018-841			27.52
	EDH837404	Pub of Ord No. 2018-839			29.24
			Total for Check Number 59600:	0.00	606.88
59601	SDISTCRT 1000489848	South District Court Filing Fees SD Court-Nov	12/14/2018		5,450.34
	1000489848a	Interpreter Costs-Nov			232.20
	1000489848b	Electronic Monitoring-Nov			245.00
			Total for Check Number 59601:	0.00	5,927.54
59602	STAND 600156-0001	Standard Ins. Company RA Life, AD&D & LTD Prem-MEBT-ER Paid-Dec	12/14/2018		3,683.19
			Total for Check Number 59602:	0.00	3,683.19
59603	STAND2 600156-0002	Standard Ins. Company RA Survivor Prem-MEBT-ER Paid-Dec	12/14/2018		1,959.40
			Total for Check Number 59603:	0.00	1,959.40
59604	STAPLEAD 1621926401	Staples Advantage Inkjet Yellow Cartridge-PW	12/14/2018		95.08
	1621926401a	2-Dymo Black on Clear Tape-Patrol			18.52
			Total for Check Number 59604:	0.00	113.60
59605	STERICYC 3004497064	Stericycle Inc Biomedical Waste Services-Monthly Fee	12/14/2018		10.36
			Total for Check Number 59605:	0.00	10.36
59606	WDFRMT 112177	The Wide Format Company 4 Rolls - Plotter Paper-PW	12/14/2018		173.24
	112177a	2 Rolls - Plotter Paper-Rec			86.62
			Total for Check Number 59606:	0.00	259.86

AGENDA ITEM #1.

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
59607	TRAMMELI 6978	Lori Trammel Cupcake Class: Pullapart Wreath 12/08 #6978	12/14/2018		122.50
			Total for Check Number 59607:	0.00	122.50
59608	TRANSUN 11810161	Trans Union LLC Basic Service Monthly Fee-Credit Checks 10/26	12/14/2018		44.16
			Total for Check Number 59608:	0.00	44.16
59609	TRANOUTS 6353	Transcription Outsourcing, LLC Law Enforcement Transcription Services-Nov	12/14/2018		76.53
			Total for Check Number 59609:	0.00	76.53
59610	TLOLLC 839489	TransUnion Risk and Alternative Background/Identity Investigations-Nov	12/14/2018		27.61
			Total for Check Number 59610:	0.00	27.61
59611	UNWAYSNC 12/10/18	United Way of Snohomish County United Way EE for December 2018	12/14/2018		220.00
			Total for Check Number 59611:	0.00	220.00
59612	USBANK XXXXXXXX139	US Bank NA - Custody Investment Custody Charges 11/01-11/30	12/14/2018		32.00
			Total for Check Number 59612:	0.00	32.00
59613	USIC 307658 307658a	USIC Locating Services, LLC 107 NC Locates/104 Ticket Locates 107 NC Locates/104 Ticket Locates	12/14/2018		1,237.64 1,237.65
			Total for Check Number 59613:	0.00	2,475.29
59614	UULC 8100189 8100189a 8110189 8110189a	Utilities Underground Location Center On-Call Location Service-153 Locates On-Call Location Service-153 Locates On-Call Location Service-107 Locates On-Call Location Service-107 Locates	12/14/2018		98.69 98.68 69.02 69.01
			Total for Check Number 59614:	0.00	335.40
59615	VERIZON 9818756017 9818756017a	Verizon Wireless Access & Usage Chgs 10/21-11/20-City Cell Ph Cell Phone-K9 Officer N Lerma	12/14/2018		2,107.38 165.59
			Total for Check Number 59615:	0.00	2,272.97
59616	WALTNELS 681033 681033a 681034	Walter E. Nelson Co. Lnr,Ice Melter,Twl Roll, TT-Janitorial Supplies- Lnr,Ice Melter,Twl Roll, TT-Janitorial Supplies- Lnr,Wiping Rags,Soap,Gloves-Janitorial Supplie	12/14/2018		553.39 553.39 986.36
			Total for Check Number 59616:	0.00	2,093.14
59617	WAALARM 449544	Washington Alarm CHS Fire Panel Repair	12/14/2018		1,548.70
			Total for Check Number 59617:	0.00	1,548.70
59618	WASTPAT	Washington State Patrol	12/14/2018		

AGENDA ITEM #1.

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
	119003707	Background Checks-Nov			60.00
			Total for Check Number 59618:	0.00	60.00
59619	WESTENTR 4295	Western Entrance Technology Supply & Install Record 8100 Motor-ADA Door	12/14/2018		2,318.40
			Total for Check Number 59619:	0.00	2,318.40
59620	AFSCME November	WSCCCE, AFSCME, AFL-CIO Union Dues-AFSCME-Nov	12/14/2018		1,137.82
			Total for Check Number 59620:	0.00	1,137.82
59621	ZAC&THOM 18-MCR0011	Zachor & Thomas, Inc., P.S. Monthly Prosecution Legal Retainer-Nov	12/14/2018		9,053.47
			Total for Check Number 59621:	0.00	9,053.47
			Total for 12/14/2018:	0.00	1,192,479.40
59622	ADPLLC 526683053	ADP, LLC Payroll Services 12/15 & Workforce Now HCM	12/28/2018		1,287.58
			Total for Check Number 59622:	0.00	1,287.58
59623	ALDWTR 00320003-01 01100176-01 01300169-01 01550006-01 02170002-01 02460002-01 02470001-01 03050003-01 03095000-01 03805002-01 03865000-01 04900159-01 05400166-01 05590004-02 05600177-03 05700181-01 05702001-01 05705005-01 06900173-02 07850004-01 07855001-01 07895001-01 07900155-01 08000152-01 08300050-01 08800024-01 08900020-01 09000017-01 09080000-01 09100016-01 13233000-01 25703000-01 26070000-01	Alderwood Water District Seattle Hill Rd I/R 09/18-11/29 Median 4 & 5 09/18-11/29 1901 Mill Fern Dr SE I/R 09/18-11/29 16011 28th Dr SE I/R 09/18-11/29 Seattle Hill Rd I/R 09/18-11/28 155 Village Grn Dr I/R 09/18-11/29 155 Vlg Grn Dr/Heron Pk 09/18-11/29 15933 29th Dr SE I/R 09/18-11/29 16220 27th Dr SE I/R 09/18-11/29 16217 27th Dr SE I/R 09/18-11/28 16205 25th Dr SE I/R 09/18-11/29 Seattle Hill Rd I/R 09/18-11/29 Median Number 6 I/R 09/18-11/29 15720 Mill Creek Blvd D/C 09/19-11/30 15720 Main Street 09/19-11/30 15728 Main St I/R 09/19-11/30 15728 Main St D/C 09/19-11/30 15728 Main St 09/19-11/30 1300 156th Pl SE I/R 09/18-11/30 16101 Highland Blvd/Restr 09/18-11/29 16101 28th Dr SE I/R 09/18-11/29 16021 28th Dr SE I/R 09/18-11/29 Seattle Hill Rd I/R 09/18-11/29 Seattle Hill Rd I/R 09/18-11/29 3310 157th Pl SE I/R 09/18-11/29 Seattle Hill Rd I/R 09/18-11/29 Seattle Hill Rd I/R 09/18-11/29 Seattle Hill Rd I/R 09/18-11/29 14600 Mill Creek Blvd I/R 09/18-11/29 Seattle Hill Rd I/R 09/18-11/29 15200 Mill Creek Blvd I/R 09/18-11/29 14725 32nd Dr SE I/R 09/18-11/29 15803 32nd Ave SE 09/18-11/29	12/28/2018		69.86 69.86 211.97 69.86 69.86 134.45 192.60 69.86 69.86 69.86 31.11 69.86 134.45 14.62 565.07 134.45 14.62 452.87 31.11 187.68 134.45 69.86 69.86 69.86 69.86 31.11 69.86 31.11 69.86 119.06 69.86 69.86 69.86 31.11 31.11 69.86 187.68

AGENDA ITEM #1.

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
	26467000-01	1900 164th St SE 09/18-11/29			69.86
	26468000-01	1900 164th St SE I/R 09/18-11/29			69.86
	33254000-01	14725 32nd Dr SE 09/18-11/29			187.68
	34493000-01	15720 Main St I/R 09/18-11/29			31.11
			Total for Check Number 59623:	0.00	4,084.68
59624	ALLBATRY 800-10042842	All Battery Sales & Service RFB Battery	12/28/2018		175.25
			Total for Check Number 59624:	0.00	175.25
59625	AMTESTIN 107285	Am Test, Inc 5-Fecal Coliform Analysis	12/28/2018		125.00
			Total for Check Number 59625:	0.00	125.00
59626	BANKCARI	Bank of America	12/28/2018		
	1	Canine Liability 360-N Lerma			265.00
	10	Facebook Ad & Event Posting 11/07-11/10			117.66
	11	Christmas Light Plug Adapters, Space Wires, X-			73.79
	12	Fee-Job Posting PMI -Engineer			25.00
	13	Registration WSHNA Conf-T Marks			240.00
	14	2 Packages-Nylon Cable Zip Ties-Property Roor			22.06
	15	Postage-Operation Paperback			52.97
	16	Postage-Operation Paperback			76.14
	17	30 Boxes - Nitrile Gloves			222.55
	17a	Use Tax-30 Boxes - Nitrile Gloves			-20.05
	18	Postage-Operation Paperback			137.27
	19	Shipping Tags, 100 Tags-Property Room			13.24
	2	Postage-PM Exp 2-Day			24.70
	20	Black Cable Ties, Heavy Duty Tape, PJS 3 Wire			35.42
	21	Licensing Fees Dump Trailer Lic#60567D			42.75
	22	Red Velvet Bows-Christmas Decorations			39.72
	23	Large Shatterproof Ornaments-Tree Lighting De			70.39
	24	Plates & Red & Green Sprinkles-Cookie Decora			9.41
	25	Glitter Bows, Candy Cans, Large Bells, Mesh Ri			12.13
	26	Tablecovers-Cookie Decorating-Tree Light Even			14.34
	27	14 Large Tree Decorations-Tree Lighting Event			88.02
	28	GM Fuel Filter Housing			499.94
	29	Tree Decorations-Large Bulbs-Tree Lighting Evt			35.21
	3	Facebook Ad & Event Posting 10/28-11/08			750.00
	30	Furry Friend Food Drive-Wellness Event			39.24
	31	Survey Monkey-Annual Wellness Survey			37.00
	32	Toll Charges-Staff Car-Bars Class-P Lauerman			11.50
	33	Light Mounts-PW1			38.12
	4	2 Verbatin CD/DVD Paper Sleeves			8.80
	5	Spigen Rugged Armor Moto Phone Case-N Lern			12.13
	6	Aluminum-Framed Cork Bulletin Board 24 x 36			14.66
	7	Batteries for Encrypted Radio			191.01
	7a	Uese Tax-Batteries for Encrypted Radio			-17.21
	8	WSNIA Open Source Intelligence Class- S Laro:			49.00
	9	WSNIA Open Source Intelligence Class- T Eiker			49.00
			Total for Check Number 59626:	0.00	3,280.91
59627	BANKCR16	Bank of America	12/28/2018		
	1	Parking 11/08-PAC Mtg-T Rogers			6.00
	2	APA Annual Membership-T Rogers			698.00
	3	Mill Creek Rotary Mtg 11/14-T Rogers			17.00
	4	Providing Excellent Customer Service-Permit Ct			35.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
	5	Mill Creek Rotary Meeting 11/28-T Rogers			17.00
	6	Holiday Decoration-Development Services			14.34
			Total for Check Number 59627:	0.00	787.34
59628	BENEAD 1812514	Benefit Administration Co, LLC Section 125 Flexible Benefits Plan-Dec	12/28/2018		113.10
			Total for Check Number 59628:	0.00	113.10
59629	BHCCONS 0010515	BHC Consultants, LLC Bldg Insp & Plan Review Services 10/27-11/30	12/28/2018		5,587.02
			Total for Check Number 59629:	0.00	5,587.02
59630	BRIDPETS PO# 00078 PO# 00089 PO# 00093	Bridges Pets Food Roll, Salmon Oil, 1 Bag Victor Pro-Bagira 1 Bag Victor Pro-Bagira 1 Bag Victor Pro-Bagira	12/28/2018		103.61 65.45 65.45
			Total for Check Number 59630:	0.00	234.51
59631	BUILDEX 1060728 1060728a	Builders Exchange of Washington Inc Publish Projects Online-Exploration Park Publish Projects Online-MCSP Improvement Prc	12/28/2018		113.75 1.00
			Total for Check Number 59631:	0.00	114.75
59632	BANKCR20 1 2 3 4 5	Business Card Steel Rebar Pin/Concrete-Bench Install Nickel C Wood Handle Cultivator-Sweeper Tool Fuel Injection Pump/Vacuum Pump/Glow Plugs- Christmas Lights-CHS Conveyer Chain & Spinner Disc-Sander Parts	12/28/2018		20.49 17.64 4,481.95 35.05 1,106.38
			Total for Check Number 59632:	0.00	5,661.51
59633	BANKCR23 1 2	Business Card Lodging-G Elwin Artificial X-Mas Trees-CHN & CHS/Storage Ba	12/28/2018		313.59 360.96
			Total for Check Number 59633:	0.00	674.55
59634	BANKCR25 1 2 2a 3 4	Business Card Lunch 11/06-MCBA Board Mtg-J Kirk 600-Wristbands- Youth Basketball Use Tax-600-Wristbands- Youth Basketball MCBA Lunch Mtg 11/20-J Kirk 6 - 32oz Holiday Frosting Containers-Cookie De	12/28/2018		8.50 367.07 -33.07 10.00 69.48
			Total for Check Number 59634:	0.00	421.98
59635	BANKCR26 1 2	Business Card Mill Creek Tourism.com Domain Renewal VIP Refreshments-Veterans Day	12/28/2018		16.75 16.27
			Total for Check Number 59635:	0.00	33.02
59636	BANKCR27 1 2 3	Business Card Mail Evidence-WSP Crime Lab Carbon Monoxide CO Detector Lodging WASPC Conf 11/12-11/14-S Eastman	12/28/2018		93.25 551.45 313.59

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
	4	Coffee-Map Your Neighborhood			18.71
	5	Refreshments-Map Your Neighborhood			13.59
					<hr/>
				Total for Check Number 59636:	0.00 990.59
59637	CANNONR 6953	Rosario Cannon Circle Time with Friends 12/03-12/17 #6953	12/28/2018		203.00
					<hr/>
				Total for Check Number 59637:	0.00 203.00
59638	CHIEFSU 133918 133918a	Chief/Law Enforcement Supply 6 LED Traffic Wands/3 Lithium Batteries Use Tax-6 LED Traffic Wands/3 Lithium Batteri	12/28/2018		154.93 -13.96
					<hr/>
				Total for Check Number 59638:	0.00 140.97
59639	CINTAS 4013973380 4013973380a	Cintas Corporation Loc. #460 Floor Mat Service 12/20 Floor Mat Service 12/20	12/28/2018		96.19 56.03
					<hr/>
				Total for Check Number 59639:	0.00 152.22
59640	COMCAST 0457011	Comcast High Speed Internet Fee 12/18-01/17	12/28/2018		191.40
					<hr/>
				Total for Check Number 59640:	0.00 191.40
59641	COPIETC AR37300	Copiers Etcetera, Inc. Repairs & Maint-Copy Machines	12/28/2018		1,210.75
					<hr/>
				Total for Check Number 59641:	0.00 1,210.75
59642	FCSGROUP 2923-21812013	FCS Group Prof Serv-Surface Water Rate Study Rendered to	12/28/2018		7,817.44
					<hr/>
				Total for Check Number 59642:	0.00 7,817.44
59643	GTENORTH 425316032611080 425745697408189	Frontier Alarm System Line Chgs-Cook House 12/16-01/ CC Line, Fax 12/19-01/18	12/28/2018		53.84 169.17
					<hr/>
				Total for Check Number 59643:	0.00 223.01
59644	GRYOSBRN 7a	Gray & Osborne Inc Balance Prof Serv-35th Recon CM & Inspec 09/	12/28/2018		10,633.13
					<hr/>
				Total for Check Number 59644:	0.00 10,633.13
59645	Infrasou 018356	Infrasource Services LLC Refund Overpayment Extra Duty Services	12/28/2018		528.00
					<hr/>
				Total for Check Number 59645:	0.00 528.00
59646	INTSTBAT 1905701048467	Interstate All Battery Center Batteries-Emergency Light-CHN	12/28/2018		56.91
					<hr/>
				Total for Check Number 59646:	0.00 56.91
59647	WSCJTC 201131642	Wa State Criminal Justice Training Commis Property & Evidence Training 11/26-11/30	12/28/2018		100.00
					<hr/>
				Total for Check Number 59647:	0.00 100.00

AGENDA ITEM #1.

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
59648	LESSCHW 39500422900	Les Schwab Flat Repair-Sweeper-PW #9	12/28/2018		40.85
			Total for Check Number 59648:	0.00	40.85
59649	Liftoff 3524	Liftoff, LLC Microsoft Office 365 Migration Consulting	12/28/2018		5,000.00
			Total for Check Number 59649:	0.00	5,000.00
59650	MARYTOW 72679	Mary's Towing, Inc. Car Impounded/Storage-Case #2018-15946	12/28/2018		317.67
			Total for Check Number 59650:	0.00	317.67
59651	MAYBERM 7043 7047 7051	Mitch Mayberry Tiny Tiger Martial Arts 11/02-12/21 #7043 Tiger Martial Arts: Beg 11/02-12/21 #7047 Tiger Martial Arts: Clr 11/02-12/21 #7051	12/28/2018		470.40 336.00 268.80
			Total for Check Number 59651:	0.00	1,075.20
59652	MIGSVR 0056356	MIG/SvR Prof Serv North Pointe Pk/Exploration Pk Final :	12/28/2018		39,950.52
			Total for Check Number 59652:	0.00	39,950.52
59653	KIDZLOVS 7018 7024 7030 7035 7040	North American Youth Activities, LLC KLS Soccer: Mommy & Me 11/13-12/18 KLS Soccer: Tot-Soccer 11/13-12/18 KLS Soccer: Pre-Soccer 11/13-12/18 #7030 KLS Soccer: 1 11/13-12/18 #7035 KLS Soccer: Soccer 2 11/13-12/18	12/28/2018		147.00 196.00 392.00 245.00 294.00
			Total for Check Number 59653:	0.00	1,274.00
59654	OMWATT 818749	Ogden Murphy Wallace Attorneys Prof Legal Services-Martin Suit-Oct	12/28/2018		877.50
			Total for Check Number 59654:	0.00	877.50
59655	PACAIR 16654	Pacific Air Control, Inc. HVAC Repairs-Library	12/28/2018		354.38
			Total for Check Number 59655:	0.00	354.38
59656	PACRIMC 08-2018 09-2018	Pacific Rim Code Services, Inc Prof Service-Plan Reviews 07/18-08/22 Prof Service-Plan Reviews 09/05-10/01	12/28/2018		3,500.52 6,391.75
			Total for Check Number 59656:	0.00	9,892.27
59657	PACTOP 1-T1076360	Pacific Topsoils, Inc. Brush Dump	12/28/2018		36.75
			Total for Check Number 59657:	0.00	36.75
59658	Peckman 1	Peckham & McKenney Fee Retainer-City Manager Search	12/28/2018		7,500.00
			Total for Check Number 59658:	0.00	7,500.00
59659	ELLITIRE	PepBoys-Remittance Dept	12/28/2018		

AGENDA ITEM #1.

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
	064462003926	WA state Tire Fee-Car #42			1.00
	064462005074	R & R Blender Actuator-PSO Truck-Car #32			567.96
			Total for Check Number 59659:	0.00	568.96
59660	PERTEET 20160281.019-1	Perteet Inc Prof Serv Kassiep Short Plat 10/23-12/02	12/28/2018		1,263.75
			Total for Check Number 59660:	0.00	1,263.75
59661	PITNEYB 1010682169	Pitney Bowes Global Financial Services 3-DM300C/400C Red Ink Cartridges-Postage M	12/28/2018		364.77
			Total for Check Number 59661:	0.00	364.77
59662	PLANTSCP 47616E 47616Ea 47616Eb 47616Ec	Plantscapes Horticultural Services Landscape Maintenance-CHS/Public Library-De Landscape Maintenance-Parks-Dec Landscape Maintenance-CHN-Dec Landscape Maintenance-ROW/Interior Medians/	12/28/2018		193.62 2,522.18 43.66 1,394.26
			Total for Check Number 59662:	0.00	4,153.72
59663	PLATT T957810 T957811	Platt Electric Supply, Inc Electrical Supplies-Street Lighting Electrical Supplies-Street Lighting	12/28/2018		96.01 348.44
			Total for Check Number 59663:	0.00	444.45
59664	PRETURFE 12088-38102 12088-38102a	Precision Turf Equipment 2-Redmax Blower SN#20182100822 & 201821C 1-Redmax Stroke Strato SN#20183901603	12/28/2018		1,001.77 566.27
			Total for Check Number 59664:	0.00	1,568.04
59665	PUBSAF 2018-8888	Public Safety Testing 4th Qtr Subscription Fees - Oct-Dec 2018	12/28/2018		264.00
			Total for Check Number 59665:	0.00	264.00
59666	SNOCPUD 200101434 200154458 200743599 200797223 201345386 201898053 201948601 202212361 202230108 202461042 202529210 202570776 202624391 202667499 202693008 202767935 202852059 202909941 202926333 203164694 203211552	PUD No. 1 of Snohomish County 2725 Seattle Hill Rd 11/08-12/10 2720 Seattle Hill Rd 11/08-12/10 Street Lights-189 Lights-200W 11/01-11/30 3401 148th St SE 11/17-12/19 2501 147th Pl SE 11/20-12/19 1700 Mill Creek Rd 11/22-12/21 13903 N Creek Dr 11/14-12/14 928 Dumas Rd 11/15-12/14 1900 164th St SE 11/06-12/07 15803 32nd Ave SE 11/08-12/10 Street Lights-386 Lights-100W 11/01-11/30 Street Lights-87 Lights-250W 11/01-11/30 Street Lights-841 Lights-100W 11/01-11/30 2024 Seattle Hill Rd 11/08-12/10 15720 Main St 11/14-12/14 Street Lights-21 Lights-400W 11/01-11/30 15720 Main St 11/14-12/14 Street Lights-6 Lights-150W 11/01-11/30 14729 12th Ave SE 10/26-11/27 13510 N Creek Dr 11/15-12/14 13628 N Creek Dr 11/14-12/17	12/28/2018		17.82 17.82 1,736.91 129.55 52.59 89.39 817.84 135.85 31.00 107.76 1,389.60 942.21 6,021.56 38.15 1,812.24 625.80 365.84 28.98 17.82 49.43 89.31

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
	203251632	15510 Village Green Dr	10/26-11/29		18.90
	203348081	14810 35th Ave SE	11/07-12/07		63.00
	204717524	Street Lights-8 Lights-200W	11/01-11/30		47.68
	204717532	Street Lights-38 Lights-250W	11/01-11/30		285.38
	204717540	Street Lights-39 Lights-400W	11/01-11/30		441.48
	205087232	Street Lights-17 Lights-100W	11/01-11/30		52.87
	205495328	Street Lights-49 Lights-20W	11/01-11/30		17.15
	220317390	Street Light-1 Light-240W	11/01-11/30		7.94
	220763510	13332 44th Ave SE	11/01-12/05		15.94
	221293111	Street Light-1 Light-160W	11/01-11/30		5.18
	221897242	14100 35th Ave SE	11/06-12/10		180.10
			Total for Check Number 59666:	0.00	15,653.09
59667	PUGETSO 200004765331 200004765463	Puget Sound Energy 15720 Main St 11/15-12/17 15728 Main St 11/15-12/17	12/28/2018		348.43 635.43
			Total for Check Number 59667:	0.00	983.86
59668	PITNEYW 800090000046343	Purchase Power Postage-Refill Postage Meter	12/28/2018		2,500.00
			Total for Check Number 59668:	0.00	2,500.00
59669	RDAYARTS 6958	Rainy Day Art Studio LLC Explore Art! 11/14-12/05 #6958	12/28/2018		288.75
			Total for Check Number 59669:	0.00	288.75
59670	RONGERJ 8924	John Rongerude P.S. Conflict Public Defender C00049353,8Z005379:	12/28/2018		1,500.00
			Total for Check Number 59670:	0.00	1,500.00
59671	SHREDIT 8126203842	Shred-It USA Inc Shredding Service Fee	12/28/2018		73.39
			Total for Check Number 59671:	0.00	73.39
59672	Siskun 409912	Sisken Power Equipment 2 Kombi/2 KM Line Attachment/1 Trimmer/Trin	12/28/2018		1,537.70
			Total for Check Number 59672:	0.00	1,537.70
59673	SNDPUBIN EDH837400 EDH837405 EDH838099	Sound Publishing Inc Pub of Ord No. 2018-835 Pub of Ord No. 2018-840 Pub of Ord No. 2018-842	12/28/2018		25.80 27.52 24.08
			Total for Check Number 59673:	0.00	77.40
59674	STARDMSV 012130-IN 012130-INa	Stardom Services Inc Janitorial Services-Dec-CHN Janitorial Services-Dec-CHS	12/28/2018		1,184.13 995.00
			Total for Check Number 59674:	0.00	2,179.13
59675	STOWE MI ICM 006	Stowe Development & Strategies, LLC Interim City Manager Services 11/01-11/30	12/28/2018		26,400.00
			Total for Check Number 59675:	0.00	26,400.00

AGENDA ITEM #1.

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
59676	SUMLAW 99817	Summit Law Group Prof Serv-General Labor-Through 11/30	12/28/2018		1,868.00
Total for Check Number 59676:				0.00	1,868.00
59677	SUNBELT 85271005-0001	Sunbelt Rentals Rental Scissorlift-Fire Sprinkler Maintenance	12/28/2018		636.30
Total for Check Number 59677:				0.00	636.30
59678	TACSCREW 18224833	Tacoma Screw Products Inc Misc Hardware & Supplies	12/28/2018		67.72
Total for Check Number 59678:				0.00	67.72
59679	TCSPANNA 83090	TC Span America 26-T-Shirts/6-Sweatshirts-PW Crew	12/28/2018		507.62
Total for Check Number 59679:				0.00	507.62
59680	TERMINIX 381605553	Terminix Processing Center Pest Control-WO#15864442026-MC Library	12/28/2018		80.59
Total for Check Number 59680:				0.00	80.59
59681	TODDM Reimb Travel Reimb Travel a Reimb Travel b Reimb Travel c	Mike Todd Reimb Mileage 1,202 Miles @ .545 per Mile - M Bus Fare 2018 - M Todd Parking 2018 - M Todd Meals 2018 - M Todd	12/28/2018		655.09 95.75 25.62 8.81
Total for Check Number 59681:				0.00	785.27
59682	USIC 304483 304483a	USIC Locating Services, LLC 205 NC Locates/158 Ticket Locates 205 NC Locates/158 Ticket Locates	12/28/2018		1,865.98 1,865.98
Total for Check Number 59682:				0.00	3,731.96
59683	VOICESNW 12/01	Voices Northwest Music Performance-Annual Tree Lighting 12/01	12/28/2018		100.00
Total for Check Number 59683:				0.00	100.00
59684	WSDA 73493	WA ST Dept of Agriculture 2019 Pesticide License Renewal-N Beagle	12/28/2018		33.00
Total for Check Number 59684:				0.00	33.00
59685	WAVEDIV 07429362	WaveDivision Holdings, LLC Fiber Lease-15728 Main St-To 3000 Rockefeller	12/28/2018		657.78
Total for Check Number 59685:				0.00	657.78
Total for 12/28/2018:				0.00	179,437.01
Report Total (137 checks):				0.00	1,371,916.41



Date: January 08, 2019

Payroll Check Batches		
Dated	Check Numbers	Amount
12/07/2018	ACH Wire-Assoc. of WA Cities	\$78,004.12
12/10/2018	ACH Automatic Deposit Checks	\$143,569.75
12/10/2018	ACH Wire- FWT & Medicare Taxes	\$24,251.37
12/10/2018	ACH Wire MEBT- Wilmington Trust	\$16,173.53
12/10/2018	ACH Wire- ICMA RC- Def. Comp	\$1,717.52
12/10/2018	ACH Wire- BAC- Flex Spending Acct	\$1,491.60
12/10/2018	ACH Wire- MCPD Guild Dues	\$2,040.00
12/21/2018	ACH Automatic Deposit Checks	\$143,890.70
12/21/2018	ACH Wire- FWT & Medicare Taxes	\$25,052.86
12/21/2018	ACH Wire MEBT- Wilmington Trust	\$22,250.96
12/21/2018	ACH Wire- ICMA RC- Def. Comp	\$1,677.52
12/21/2018	ACH Wire- BAC- Flex Spending Acct	\$1,491.55
Total		\$461,611.48

Voided Checks	
Numbers	Explanation

CLAIMS APPROVAL

We, the undersigned Finance/Audit Committee of the City of Mill Creek, recommend approval of the ACH Automatic Deposit checks and ACH Wire Transfers in the amount of \$461,611.48.

We recommend approval of the above stated amount with the following exceptions:

Councilmember


Finance Director

Councilmember


City Manager

**ASSOCIATION OF WASHINGTON CITIES
MILL CREEK, CITY OF**

ACCOUNT SUMMARY - contains all changes to this account as of 12/07/2018 05:07:47 PM

FUND: 100

ACCOUNT NUMBER: 186 L

BILL MONTH:	12/2018
COVERAGE MONTH:	12/2018
PAYMENT DUE BY:	12/10/2018
CURRENT BILLING AMOUNT:	\$78,004.12
PRIOR OVERAGE OR SHORTAGE:	\$0.00
ADJUSTMENTS:	\$0.00
TOTAL AMOUNT DUE:	\$78,004.12

100 186 L 122018 0

Fund	Account Number	Bill Month	Amount Paid
100	186 L	12/2018	\$ <u>78,004.12</u>

If you have questions concerning your billing, please contact the Association of Washington Cities Office at (800) 562-8981 or (360) 753-4137 or Northwest Administrators, Inc. at (206) 726-3345.

MAIL PAYMENT TO: *If payment is made by check, please print a copy of this page and mail it with your payment to the following address.*

ASSOCIATION OF WASHINGTON CITIES
PO BOX 84303
SEATTLE, WA 98124-5603

Statistical Summary

Statistical Summary

Company:A0W - City Of Mill Creek Service Center:0076 Pacific North West Status:Cycle Complete
 Week#:49 Pay Date:12/10/2018 P/E Date:11/30/2018
 Qtr/Year:4/2018 Run Time/Date:22:48:25 PM EST 12/06/2018

Taxes Debited	Federal Income Tax	18,419.21		
	Earned Income Credit Advances	0.00		
	Social Security - EE	0.00		
	Social Security - ER	0.00		
	Social Security Adj - EE	0.00		
	Medicare - EE	2,916.08		
	Medicare - ER	2,916.08		
	Medicare Adj - EE	0.00		
	Medicare Surtax - EE	0.00		
	Medicare Surtax Adj - EE	0.00		
	COBRA Premium Assistance Payments	0.00		
	Federal Unemployment Tax	0.00		
	State Income Tax	0.00		
	Non Resident State Income Tax	0.00		
	State Unemployment Insurance - EE	0.00		
	State Unemployment Insurance Adj - EE	0.00		
	State Disability Insurance - EE	0.00		
	State Disability Insurance Adj - EE	0.00		
	State Unemployment/Disability Ins - ER	0.00		
	Transit Tax - EE	0.00		
	Workers' Benefit Fund Assessment - EE	0.00		
	Workers' Benefit Fund Assessment - ER	0.00		
	Local Income Tax	0.00		
	School District Tax	0.00		
	Total Taxes Debited	24,251.37		
Other Transfers	Full Service Direct Deposit Acct. No. 0000801047001 Tran #ABA125000028	143,569.75		
	Total Amount Debited From Your Account		167,821.12	Total Liability 167,821.12
Bank Debits & Other Liability	Checks	0.00		167,821.12
	Adjustments/Prepay/Voids	0.00		167,821.12
Taxes- Your Responsibility	None this payroll			167,821.12

Payment Details Report



Company: City of Mill Creek
Requester: Kottke, Sandy
Run Date: 12/10/2018 7:34:11 PM CST

Domestic High Value (Wire)

Payment Category: Urgent/Wire

Status: Processing by Bank
Transaction Number: 18CAK2232NG31D25

Template Name: MATRIX/MEBT
Template Code: WILTRUST

Debit Account Information

Debit Bank: ██████████
Debit Account: ██████████
Debit Account Name: Treas Checking
Debit Currency: USD

Beneficiary Details

Beneficiary Name: MATRIX TRUST COMPANY
Beneficiary Address: NA
Beneficiary City: NA
Beneficiary Postal Code: NA
Beneficiary Country: US - United States of America

Beneficiary Account: ██████████
Beneficiary Bank ID: ██████████
JPMORGAN CHASE BANK, NA
1111 POLARIS PKWY
COLUMBUS
US - United States of America

Beneficiary Email:
Beneficiary Mobile Number:

Payment Details

Credit Currency: USD
Credit Amount: 16,173.53

Value Date: 12/11/2018

Optional Information

Sender's Reference Number: CITY MILL CREEK

Beneficiary Information: City of Mill Creek n3177e

Additional Routing

Intermediary Bank ID:

Receiver Information:

Control Information

Input: sankottke
Approved: sankottke
Initial Confirmation: WTX:2018121100055314

Input Time: 12/10/2018 7:22:41 PM CST
Time: 12/10/2018 7:25:15 PM CST

Payment Approval Confirmation



Company: City of Mill Creek
Requester: Kottke, Sandy
Run Date: 12/10/2018 3:16:17 PM CST

Domestic High Value (Wire)

Payment Category: Urgent/Wire

Status: Processing by Bank
Transaction Number: 18CAG1042FB21740

Template Name: ICMA 457 Plan
Template Code: ICMA

Debit Account Information

Debit Bank: [REDACTED]
Debit Account: [REDACTED]
Debit Account Name: Treas Checking
Debit Currency: USD

Beneficiary Details

Beneficiary Name: ICMA RC
Beneficiary Address: P.O. Box 64553
Beneficiary City: Baltimore
Beneficiary Postal Code: 21264-4553
Beneficiary Country: US - United States of America

Beneficiary Account: [REDACTED]
Beneficiary Bank ID: [REDACTED]
MANUFACTURERS AND TRADERS TR C
ONE M AND T PLAZA, 15TH FL
BUFFALO
US - United States of America
Beneficiary Email:
Beneficiary Mobile Number:

Payment Details

Credit Currency: USD
Credit Amount: 1,717.52

Value Date: 12/10/2018

Optional Information

Sender's Reference Number: 302029

Beneficiary Information: City of Mill Creek 302029

Additional Routing

Intermediary Bank ID:

Receiver Information:

Control Information

Input: sankotke
Approved: sankotke
Initial Confirmation: WTX:2018121000470815

Input Time: 12/10/2018 3:10:47 PM CST
Time: 12/10/2018 3:15:57 PM CST

RptBatchSumViewForm

Page 1 of 1

ACH Cash Pro Online
City of Mill Creek

Report Date: 12/10/2018
Report Time: 03:14:24 PM

Batch Summary Report by ID Number

Company Name:	City of Mill 01	Effective Date:	12/11/2018
ACH ID:	██████████	Batch Sequence:	1
Application Name:	CCD Payments and Collections	Database Name:	BAC
Batch Status:	Released	Created By:	SANKOTTKE
Released By:	SANKOTTKE		

<u>Name</u>	<u>ID</u>	<u>Amount</u>	<u>D/C</u>	<u>Bank ID</u>	<u>Account #</u>	<u>Acct Type</u>	<u>Trace #</u>
BAC	BENEFIT ADMIN C	\$1,491.60	C	██████████	██████████	C	

Total Amount in Batch

Total Count in Batch

Debits	\$0.00	0
Credits	\$1,491.60	1
Prenotes	\$0.00	0

Grand Total Amount

Grand Total Count

Debits	\$0.00	0
Credits	\$1,491.60	1
Prenotes	\$0.00	0

<https://cpo-ach.bankofamerica.com/wcmpr/rptbatchsumviewform.jsp?source=BATCHSU...> 12/10/2018

Payment Approval Confirmation



Company: City of Mill Creek
Requester: Kottke, Sandy
Run Date: 12/10/2018 3:16:17 PM CST

Domestic High Value (Wire)
Payment Category: Urgent/Wire

Status: Confirmed by Bank
Transaction Number: 18CAG0929AB30G50

Template Name: GUILD DUES
Template Code: GUILD

Debit Account Information

Debit Bank: 125000024
Debit Account: 000060104700
Debit Account Name: Treas Checking
Debit Currency: USD

Beneficiary Details

Beneficiary Name: Mill Creek Police Officer Guild
Beneficiary Address: PO Box 13261
Beneficiary City: Mill Creek
Beneficiary Postal Code: 98082
Beneficiary Country: US - United States of America

Beneficiary Account: 00006015900
Beneficiary Bank ID: 125000024
BANK OF AMERICA, NA
1424 164TH ST SW
LYNNWOOD
US - United States of America
Beneficiary Email:
Beneficiary Mobile Number:

Payment Details

Credit Currency: USD
Credit Amount: 2,040.00

Value Date: 12/10/2018

Optional Information

Sender's Reference Number: Police Guild

Beneficiary Information: Police Guild Dues Direct Deposit

Additional Routing

Intermediary Bank ID:

Receiver Information:

Control Information

Input: sankottke
Approved: sankottke
Initial Confirmation: WTX:2018121000470816
Confirmation #: BOOK:2018121000470816

Input Time: 12/10/2018 3:09:36 PM CST
Time: 12/10/2018 3:15:57 PM CST

Statistical Summary

Statistical Summary

Company:A0W - City Of Mill Creek Service Center:0076 Pacific North West Status:Cycle Complete
 Week#:51 Pay Date:12/21/2018 P/E Date:12/15/2018
 Qtr/Year:4/2018 Run Time/Date:19:48:59 PM EST 12/19/2018

Taxes Debited	Federal Income Tax	19,288.06		
	Earned Income Credit Advances	0.00		
	Social Security - EE	0.00		
	Social Security - ER	0.00		
	Social Security Adj - EE	0.00		
	Medicare - EE	2,882.39		
	Medicare - ER	2,882.41		
	Medicare Adj - EE	0.00		
	Medicare Surtax - EE	0.00		
	Medicare Surtax Adj - EE	0.00		
	COBRA Premium Assistance Payments	0.00		
	Federal Unemployment Tax	0.00		
	State Income Tax	0.00		
	Non Resident State Income Tax	0.00		
	State Unemployment Insurance - EE	0.00		
	State Unemployment Insurance Adj - EE	0.00		
	State Disability Insurance - EE	0.00		
	State Disability Insurance Adj - EE	0.00		
	State Unemployment/Disability Ins - ER	0.00		
	State Family Leave Insurance - EE	0.00		
	State Family Leave Insurance - ER	0.00		
	State Medical Leave Insurance - EE	0.00		
	State Medical Leave Insurance - ER	0.00		
	Transit Tax - EE	0.00		
	Workers' Benefit Fund Assessment - EE	0.00		
	Workers' Benefit Fund Assessment - ER	0.00		
	Local Income Tax	0.00		
	School District Tax	0.00		
	Total Taxes Debited	25,052.86		
Other Transfers	Full Service Direct Deposit Acct. No.000069104703 FromABA125000024	143,890.70		
	Total Amount Debited From Your Account		168,943.56	Total Liability 168,943.56
Bank Debits & Other Liability	Checks	0.00		168,943.56
	Adjustments/Prepay/Voids	25,940.91		194,884.47
Taxes- Your Responsibility	None this payroll			194,884.47

Payment Confirmation



Company: City of Mill Creek
Requester: Kottke, Sandy
Run Date: 12/21/2018 11:44:22 AM CST

Domestic High Value (Wire)

Payment Category: Urgent/Wire

Status: Pending Approval
Transaction Number: 18CLC4406GR00J67

Template Name: MATRIX/MEBT
Template Code: WILTRUST

Debit Account Information

Debit Bank: [REDACTED]
Debit Account: [REDACTED]
Debit Account Name: Treas Checking
Debit Currency: USD

Beneficiary Details

Beneficiary Name: MATRIX TRUST COMPANY
Beneficiary Address: NA
Beneficiary City: NA
Beneficiary Postal Code: NA
Beneficiary Country: US - United States of America

Beneficiary Account: [REDACTED]
Beneficiary Bank ID: [REDACTED]
JPMORGAN CHASE BANK, NA
1111 POLARIS PKWY
COLUMBUS
US - United States of America

Beneficiary Email:
Beneficiary Mobile Number:

Payment Details

Credit Currency: USD
Credit Amount: 22,250.96

Value Date: 12/21/2018

Optional Information

Sender's Reference Number: CITY MILL CREEK

Beneficiary Information: City of Mill Creek n3177e

Additional Routing

Intermediary Bank ID:

Receiver Information:

Control Information

Input: sankottke

Input Time: 12/21/2018 11:44:12 AM CST

Payment Confirmation



Company: City of Mill Creek
Requester: Kottke, Sandy
Run Date: 12/21/2018 11:43:21 AM CST

Domestic High Value (Wire)

Payment Category: Urgent/Wire

Status: Pending Approval
Transaction Number: 18CLC4303PD02466

Template Name: ICMA 457 Plan
Template Code: ICMA

Debit Account Information

Debit Bank: [REDACTED]
Debit Account: [REDACTED]
Debit Account Name: Treas Checking
Debit Currency: USD

Beneficiary Details

Beneficiary Name: ICMA RC
Beneficiary Address: P.O. Box 64553
Beneficiary City: Baltimore
Beneficiary Postal Code: 21264-4553
Beneficiary Country: US - United States of America

Beneficiary Account: [REDACTED]
Beneficiary Bank ID: [REDACTED]
MANUFACTURERS AND TRADERS TR C
ONE M AND T PLAZA, 15TH FL
BUFFALO
US - United States of America

Beneficiary Email:
Beneficiary Mobile Number:

Payment Details

Credit Currency: USD
Credit Amount: 1,677.52

Value Date: 12/21/2018

Optional Information

Sender's Reference Number: 302029

Beneficiary Information: City of Mill Creek 302029

Additional Routing

Intermediary Bank ID:

Receiver Information:

Control Information

Input: sankottke

Input Time: 12/21/2018 11:43:11 AM CST

RptBatchSumViewForm

Page 1 of 1

ACH Cash Pro Online
City of Mill Creek

Report Date: 12/21/2018
Report Time: 11:45:26 AM

Batch Summary Report by ID Number

Company Name: City of Mill 01 Effective Date: 12/24/2018
 ACH ID: ██████████ Batch Sequence: 1
 Application Name: CCD Payments and Collections Database Name: BAC
 Batch Status: Entered Created By: SANKOTTKE
 Released By:

<u>Name</u>	<u>ID</u>	<u>Amount</u>	<u>D/C</u>	<u>Bank ID</u>	<u>Account #</u>	<u>Acct Type</u>	<u>Trace #</u>
BAC	BENEFIT ADMIN C	\$1,491.55	C	██████████	██████████	C	

Total Amount in Batch Total Count in Batch

Debits	\$0.00	0
Credits	\$1,491.55	1
Prenotes	\$0.00	0

Grand Total Amount Grand Total Count

Debits	\$0.00	0
Credits	\$1,491.55	1
Prenotes	\$0.00	0

<https://cpo-ach.bankofamerica.com/wcmpr/rptbatchsumviewform.jsp?source=BATCHSU...> 12/21/2018



MINUTES

City Council Regular Meeting

6:00 PM - Tuesday, September 11, 2018

Council Chambers, 15728 Main Street, Mill Creek, WA 98012

Minutes are the official record of Mill Creek City Council meetings. Minutes document action taken at the council meeting, not what was said at the council meeting.

A recording of this City Council meeting can be found [here](#).

The agenda packet for this City Council meeting can be found [here](#).

CALL TO ORDER

Mayor Pruitt called the meeting of the Mill Creek City Council to order at 6:00 p.m. and led the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilmembers Present:

*Pam Pruitt, Mayor
Brian Holtzclaw, Mayor Pro Tem
Vince Cavaleri, Councilmember
Mike Todd, Councilmember
Mark Bond, Councilmember
Jared Mead, Councilmember
John Steckler, Councilmember*

Councilmembers Absent:

AUDIENCE COMMUNICATION

- A.** There were no comments from the audience.

PRESENTATIONS

- B.** Design Review Board Appointments

With consent of the Council, appointments will be made at the September 25 Council meeting.

- C.** Great Garden Awards

Interim City Manager Bob Stowe introduced Councilmember Steckler, the Council representative to the Art & Beautification Board, who presented a slideshow highlighting the City's Great Garden Award winners that exhibited great design, creativity, diversity and overall beauty.

NEW BUSINESS

September 11, 2018 REGULAR COUNCIL MEETING MINUTES

D. Chamber of Commerce Agreement for Community Services

Interim City Manager Bob Stowe clarified that the Mill Creek Business Association (MCBA) will not officially become the Mill Creek Chamber of Commerce until January 1, 2019 and requests the use of vacant space previously occupied by the Senior Center in City Hall North. City Manager Stowe explained how the value of having the Chamber in the space outweighs any potential rental income the City might receive with future occupants. Director of Communications & Marketing Joni Kirk introduced MCBA President Kevin Giboney and Vice President Heidi Butz and described how the partnership will help promote economic development and tourism. Council was provided with a copy of the updated [Agreement for Community Services](#).

Council engaged in discussion.

Mayor Pro Tem Holtzclaw made a motion to Authorize the City Manager to execute an Agreement for Community Services, including a lease agreement with the Mill Creek Chamber of Commerce to commence November 1, 2018, and ending on December 31, 2019. Councilmember Mead seconded the motion. The motion passed unanimously.

STUDY SESSION

E. Surface Water Capital Program Development Update

Director of Public Works & Development Services Gina Hortillosa reviewed Perteet's scope of work and schedule; and described factors when integrating the Surface Water Capital Program priorities. Director Hortillosa introduced Perteet consultant team Darrell Smith, Kern McGee and Brian Caferro. Mr. Smith presented a PowerPoint summary of work performed, pipe repairs identified, failure categories/grading systems, pipe fault locations, potential impacts, examples of storm pipe failures, repair options, prioritization criteria, recommendations, and next steps.

Director Hortillosa reviewed important outcomes from the Perteet study and next steps for the City's Surface Water Capital Program. Director Hortillosa briefed Council on an upcoming analysis of the City's Surface Water Utility Rate by FCS Group.

Council engaged in discussion with Perteet consultants.

NEW BUSINESS CONTINUED

F. Agreement Between Snohomish County and the City of Mill Creek for 35th Ave SE Reconstruction Project Funding

Director of Public Works & Development Services Gina Hortillosa explained the Snohomish County for a Small Capital Projects Partnership (SCPP) grant process, the source of County funding, and how the funds would be applied. Director Hortillosa also gave Council a brief update on the 35th Ave SE Reconstruction Project.

Councilmember Cavaleri made a motion to authorize the City Manager to execute an Agreement with Snohomish County to receive up to \$50,000 for the purpose of helping the City of Mill Creek fund construction for the 35th Avenue

September 11, 2018 REGULAR COUNCIL MEETING MINUTES

SE Reconstruction Project. Councilmember Steckler seconded the motion. The motion passed unanimously.

CONSENT AGENDA

- G. Approval of Checks #58930 through #59144 and ACH Wire Transfers in the Amount of \$1,623,249.98
(Audit Committee: Mayor Pro Tem Holtzclaw and Councilmember Cavaleri)
- H. Payroll and Benefit ACH Payments in the Amount of \$716,230.37
(Audit Committee: Mayor Pro Tem Holtzclaw and Councilmember Cavaleri)
- I. City Council Meeting Minutes of July 24, 2018

Mayor Pro Tem Holtzclaw made a motion to approve the consent agenda. Councilmember Cavaleri seconded the motion. The motion passed unanimously.

REPORTS

- J. Mayor/Council

Councilmember Todd thanked the Park & Recreation Board for touring City parks and making recommendations on projects to include in the CIP. Councilmember Todd would like further analysis of park shelter roofs before they are replaced.

- K. City Manager

Interim City Manager Bob Stowe reviewed the Council Planning Schedule.

- L. Staff

- Parks Tour Recap

AUDIENCE COMMUNICATION

- M. Barbara Heidel, a Mill Creek Resident, commented that she enjoyed the Hispanic Heritage Parade but wished there was more notice given to drive up attendance.

Wil Nelson, a Mill Creek Resident, expressed concern over a potential surface water utility rate increase. Mr. Nelson also commented on an article in the Mill Creek Beacon regarding the City Manager.

RECESS TO EXECUTIVE SESSION

(Confidential session of the Council)

- N. The meeting recessed to executive session at 7:37 p.m. for up to 20 minutes to discuss potential litigation pursuant to RCW 42.30.110(1)(i). City Attorney Scott Missall was present during the executive session.

No action was taken.

RECONVENE TO REGULAR SESSION

- O. The meeting reconvened to regular session at 7:55 p.m.

September 11, 2018 REGULAR COUNCIL MEETING MINUTES

ADJOURNMENT

With no objection, Mayor Pruitt adjourned the meeting at 7:55 p.m.

Pam Pruitt, Mayor

Gina Pfister, Acting City Clerk

September 11, 2018 REGULAR COUNCIL MEETING MINUTES



MINUTES

City Council Regular Meeting

6:00 PM - Tuesday, September 25, 2018

Council Chambers, 15728 Main Street, Mill Creek, WA 98012

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PLEDGE OF ALLEGIANCE

ROLL CALL

Councilmembers Present:

*Pam Pruitt, Mayor
Brian Holtzclaw, Mayor Pro Tem
Vince Cavaleri, Councilmember
Mike Todd, Councilmember
Mark Bond, Councilmember
Jared Mead, Councilmember
John Steckler, Councilmember*

Councilmembers Absent:

Due to mandatory overtime at his day job, Councilmember Bond arrived at 6:55 p.m.

AUDIENCE COMMUNICATION

- A.** Mary Kay Voss, a Mill Creek resident, asked Council if there was going to be an executive session tonight and asked why it wasn't on the agenda.

Carmen Fisher, a Mill Creek resident, thanked Council for delaying action on agenda item C regarding civil service positions. Ms. Fisher also thanked Police Chief Greg Elwin for always answering her questions in a timely manner.

Kathy Nielsen, a Mill Creek resident, hopes tonight ends the recent city manager saga and expressed satisfaction with Interim City Manager Bob Stowe.

PRESENTATIONS

- B.** Proclamation: Mary Ann Heine

Mayor Pruitt issued a proclamation thanking and honoring Mary Ann Heine for her service to the City of Mill Creek. Accepting the proclamation was her husband, Dan,

September 25, 2018 REGULAR COUNCIL MEETING MINUTES

and daughter, Julia.

OLD BUSINESS

- C. Ordinance Amending the Mill Creek Municipal Code for the Purpose of Including Lawful Permanent Residents for Civil Service Positions

Interim City Manager Bob Stowe explained that this item was removed from the September 4 consent agenda to allow an opportunity for review and feedback from Council and the public. City Manager Stowe introduced Police Chief Greg Elwin who summarized the civil service changes due to Senate Bill 6145 and the resulting amendments to the RCW.

Councilmember Cavaleri made a motion to approve Ordinance 2018-833 amending the Mill Creek Municipal Code for the purpose of including lawful permanent residents in conformance with RCW 41.12.070. Councilmember Mead seconded the motion. The motion passed unanimously.

NEW BUSINESS

- D. Park & Recreation Board Appointments

Due to Councilmember Bond's work schedule, Councilmember Todd filled in for him on the Council Interview Committee. Councilmember Cavaleri announced that he and Councilmember Todd interviewed four candidates to fill three vacancies on the Board.

Councilmember Cavaleri made a motion to appoint Brett Nagle, Stephanie Vignal and Melissa Duque to serve a three-year term on the Park & Recreation Board. Councilmember Todd seconded the motion. The motion passed unanimously.

- E. Ordinance Adopting Requirements Regarding the Acceptance and use of Donations and Sponsorships

Interim City Manager Bob Stowe explained City's desire to accept appropriate donations and sponsorships in limited circumstances as means to generate funds for improving or expanding certain City programs and services. City Manager Stowe summarized what the Ordinance provides for and addresses, and introduced a draft set of administrative policies and procedures based on the proposed Donation and Sponsorship Ordinance.

Council engaged in discussion and agreed the Ordinance was good but would like the policies to have further review.

Mayor Pro Tem Holtzclaw made a motion to approve Ordinance 2018-834 adopting requirements regarding the acceptance and use of donations and sponsorships. Councilmember Steckler seconded the motion. The motion passed unanimously.

- F. Extension of a Cable Television Franchise Agreement with Frontier Communications Northwest, Inc.

September 25, 2018 REGULAR COUNCIL MEETING MINUTES

Interim City Manager Bob Stowe explained that the negotiation of the new agreement will not be completed prior to the Agreement's expiration date of November 7, 2018, and that both parties have agreed to extend the current agreement one year, giving the parties the time necessary to negotiate a new franchise agreement.

Councilmember Todd made a motion to adopt Ordinance 2018-835 extending the cable television franchise with Frontier Communications Northwest, Inc. for one year. Councilmember Cavaleri seconded the motion. The motion passed unanimously.

STUDY SESSION

G. Mill Creek Sports Park Turf & Light Replacement Project Update

Interim City Manager Bob Stowe stated that this study session is to provide Council an update regarding the upcoming sports park turf and light replacement project and introduced Director of Public Works & Development Services Gina Hortillosa who explained the prescribed scope of work for the project including replacing the turf and upgrading the lighting for the field, skate park and parking lot; and the addition of an ADA compliant gate. Director Hortillosa reviewed the current project budget and funding sources, the design schedule, the construction phase estimated cost, independent alternate bid items, and funding shortfalls. In closing, Director Hortillosa gave a summary of significant project milestones and the current schedule.

Council engaged in discussion and agreed to advertise the project with the knowledge that costs may need to be adjusted once staff knows more about the current bidding climate.

CONSENT AGENDA

H. Approval of Checks #59145 through #59208 and ACH Wire Transfers in the Amount of \$1,140,896.36

(Audit Committee: Mayor Pro Tem Holtzclaw and Councilmember Cavaleri)

I. Payroll and Benefit ACH Payments in the Amount of \$284,267.36

(Audit Committee: Mayor Pro Tem Holtzclaw and Councilmember Cavaleri)

Mayor Pro Tem Holtzclaw made a motion to approve the consent agenda. Councilmember Cavaleri seconded the motion. The motion passed unanimously.

REPORTS

J. Mayor/Council

Mayor Pruitt reported that she and Mayor Pro Tem Holtzclaw attended the Planet Fitness grand opening celebration.

Councilmember Steckler reported that the Art & Beautification Board's utility box wrap project has received overwhelmingly positive comments from the community and gave kudos the Board for their creativity. Councilmember Steckler reported that the Board's 2019 project will pay tribute to the history of Mill Creek and that a grant has been

September 25, 2018 REGULAR COUNCIL MEETING MINUTES

awarded by Snohomish County for the project.

Councilmember Cavaleri thanked residents for applying to City Board's.

Mayor Pro Tem Holtzclaw thanked staff for their work on the Party in the Parks events.

Mayor Pro Tem Holtzclaw reminded Council of the joint SCC/SCT meeting taking place on September 26.

Councilmember Todd reported that he will be attending the joint SCC/SCT meeting on September 26 and encouraged others to attend.

Councilmember Todd reported that he attended the SCC meeting last week with guest speaker Brad Steiner from SERS and proposed that Council consider a position on Proposition 1.

K. City Manager

Interim City Manager Bob Stowe briefly reviewed the Council Planning Schedule.

AUDIENCE COMMUNICATION

- L. Mary Kay Voss, a Mill Creek resident, asked Council to think about donor recourse when further reviewing the donation and sponsorship policies.

RECESS TO EXECUTIVE SESSION

(Confidential session of the Council)

- M. The meeting recessed to executive session at 7:04 p.m. for up to 2 hours to discuss actual and potential litigation pursuant to RCW 42.30.110(1)(i) and to discuss the performance of a public employee pursuant to RCW 42.30.110(1)(g) which was subsequently extended until its conclusion at 9:50 p.m. City Attorney Scott Missall was present during the executive session.

At 7:04 p.m. Councilmember Todd made a motion to extend the regular meeting up to 9:00 p.m. Councilmember Steckler seconded the motion. The motion passed unanimously.

At 8:58 p.m. Councilmember Todd made a motion to extend the regular meeting up to 10:00 p.m. Councilmember Cavaleri seconded the motion. The motion passed unanimously.

At 8:58 p.m. Councilmember Todd made a motion to extend the executive session up to one hour. Councilmember Cavaleri seconded the motion. The motion passed unanimously.

RECONVENE TO REGULAR SESSION

- N. The meeting reconvened to regular session at 9:50 p.m.

City Attorney Scott Missall advised Council and staff that if they are contacted by

September 25, 2018 REGULAR COUNCIL MEETING MINUTES

anyone regarding the status of the City Manager that it is imperative not to give any comments at any time for any reason.

Councilmember Todd made a motion to direct the City Attorney to draft a resolution terminating the City Manager's contract for presentation to Council at the next meeting on October 2, 2018; to extend the administrative leave of the City Manager to October 2, 2018; and to contact the attorney for the City Manager in the interim about resolution of this matter. Councilmember Steckler seconded the motion. The motion passed unanimously.

ADJOURNMENT

With no objection, Mayor Pruitt adjourned the meeting at 9:52 p.m.

Pam Pruitt, Mayor

Gina Pfister, Acting City Clerk

September 25, 2018 REGULAR COUNCIL MEETING MINUTES

JANUARY						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
		Holiday				
6	7	8	9	10	11	12
		Council				
13	14	15	16	17	18	19
20	21	22	23	24	25	26
		Council				
27	28	29	30	31		

FEBRUARY						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
		Council				
10	11	12	13	14	15	16
		Council				
17	18	19	20	21	22	23
24	25	26	27	28		
		Council				

MARCH						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
		Council				
10	11	12	13	14	15	16
		Council				
17	18	19	20	21	22	23
24	31	25	26	27	28	29
		Council				

Tentative Council Meeting Agendas
Subject to change without notice

Last updated: January 4, 2019

January 22, 2019

(Agenda Summary due January 14)

- Presentation: Health District Update
- Presentation: Waste Management
- MCMC Amendments - Code Enforcement
- Vintage Development Agreement Modifications
- Prosecution Services Agreement

February 5, 2019

(Agenda Summary due January 28)

- Council Position #2 Interviews
- Police Motorcycle Replacement

February 12, 2019

(Agenda Summary due February 4)

- AWC Center for Quality Communities Scholarship Nominee Selection

February 26, 2019

(Agenda Summary due February 18)

March 5, 2019

(Agenda Summary due February 25)

March 12, 2019

(Agenda Summary due March 4)

March 22, 2019

City Manager Finalists – Community & Staff Engagement

March 23, 2019

City Manager Finalists – Council Interviews

APRIL						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9 Council	10	11	12	13
14	15	16	17	18	19	20
21	22	23 Council	24	25	26	27
28	29	30				
MAY						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7 Council	8	9	10	11
12	13	14 Council	15	16	17	18
19	20	21	22	23	24	25
26	27	28 Council	29	30	31	
JUNE						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4 Council	5	6	7	8
9	10	11 Council	12	13	14	15
16	17	18	19	20	21	22
23	24 ³⁰	25 Council	26	27	28	29

Possible Work Session Topics for Discussion

- Business signs
- Business License Fee Increase
- MCCA storm water discussions
- Utility Project Management
- Hotel/Motel Theater Tax
- Mill Creek Blvd Vision
- ST3 Stations
- EGUV Development Agreement
- SR 96 - Consideration of Speed
- 5G Presentation
- Legislative Retreat



Veterans Service Center January 8, 2019

Key Facts and Information Summary

On December 11, 2018, nearly 100 people from more than a dozen veteran support groups in the South Snohomish area gathered for a summit to discuss expanding and improving veterans support in the region. Representatives were present from state and local government, including several reps from local municipalities and Congresswoman Suzan Del Bene's office.

The purpose of the summit was three-fold:

- To improve inter-agency coordination so agencies can better support veterans by referring them to other agencies that can provide different support;
- To lay the ground work for a larger conference meeting that will bring veterans and the service providers together; and
- To start the process of creating a South Snohomish Veterans Support Center.

The third item is one for which Mill Creek has an opportunity. The location for the South Snohomish Veterans Support Center has not yet been determined. Several locations in South Snohomish are interested in hosting the facility. Funding to operate the center are anticipated to come from grants and donations.

Congresswoman Del Bene's representative indicated that they would help in any way they could, to include grant funds and any needed state legislation to help make the new Veterans Support Center operational.

There will be a follow-up meeting on January 16, 2019, which includes an opportunity to learn more about the benefits and need for a Veterans Service Center and indicate the City's preliminary interest in being considered as a location for the center. Staff will attend the meeting and report back to Council at a later date.



**Potential Meeting and Adoption of a Ship
from Naval Station Everett
January 8, 2019**

Key Facts and Information Summary

The U.S. Navy provides an adopt-a-ship program to enhance public outreach and improve relations. The purpose of adopting a ship is to build better ties between the troops assigned to the ship, its home port base and the local community. The City of Mill Creek has an opportunity to be involved in such a program with Naval Station Everett's newest ship.

The newly commissioned Arleigh Burke-class guided-missile destroyer stationed at Naval Station Everett is the USS Ralph Johnson (DDG-114). The USS Ralph Johnson is the first warship named for Medal of Honor recipient Marine Pfc. Ralph Henry Johnson. Pfc. Johnson was posthumously awarded the Medal of Honor for his heroic actions during the Vietnam War; he used his body to shield two fellow Marines from a grenade, absorbing the blast and dying instantly in March 1968.

Though discussions with Naval Station Everett regarding support for the City's Memorial Day and Veterans Day parades, Mill Creek Special Events Manager Jon Ramer was connected to Commander Casey Mahon of the USS Ralph Johnson, stationed at Naval Station Everett. Commander Mahon has expressed interest in Mill Creek adopting his ship and would like to invite the Council to visit the ship after New Year's Day for a tour and a discussion on closer ties between Mill Creek and the USS Ralph Johnson.

City of Mill Creek Special Events Manger Jon Ramer will coordinate a meeting on board the USS Ralph Johnson in early January with interested Councilmembers and the ship's command staff.



Nextdoor Research and Next Steps January 2019

Key Facts and Information Summary

A decision to forego the use of Nextdoor as a social media tool for the City of Mill Creek was made in September 2017.

A second review of Nextdoor was conducted in December 2018, which included outreach to nearby municipalities and public entities about their experience with the platform. The following research identifies the pros and cons of the platform, which were identified independently of reviewing the previous recommendation.

Based on this current research, it is staff's intention, subject to any Council comment, to conduct a trial period of Nextdoor to experience it first-hand starting this month. A review of that experience will be conducted in July 2019 and will be shared with Council along with a plan of how to proceed moving forward.

Research

The Nextdoor social media platform is one of the newer platforms aimed at connecting neighborhoods and neighbors together to share information. The platform seeks to connect people of geographically similar areas, and requires real names and real physical address be provided to verify residents. Like many platforms Nextdoor has pros and cons to joining and participating.

Pros

There are several positive attributes that make this platform appealing. The platform allows for the agency to set its boundary in terms of a service area or neighborhoods included within a geographical location. If we were to allow in only those people within Mill Creek City limits, we would glean about 2,900 members automatically set to receive notifications from the City. That is about 24% of all households within the City, in contrast to Facebook where we have followers from 45 different cities that make up our "likes" that currently total about 1,900 people. We would have access to a larger community that is the specific audience we typically want to reach.

Another positive attribute of Nextdoor is the different types of posts that it offers. You can do a standard text post, a poll, an event or an emergency alert via the Nextdoor platform. Facebook is also able to do most of these types of posts except for the emergency alert. The emergency alert feature on Nextdoor sends out the message to all users of the app and, if residents opted into it, they would also send out a text message with the alert. The alert can be focused on just one neighborhood, several neighborhoods or the entire City.

The Nextdoor platform could be a powerful tool for our community *if our community chooses* to join in on this platform. As stated above, only about 24% or 2,900 members of Mill Creek are a part of this platform. In contrast, we have the ability to directly reach about 10,000 people on Facebook within the Mill Creek Community page that we are a part of and we are able to

respond to general questions posted within that page. Further, Facebook engagement grows our reach to people beyond group membership. Nextdoor inherently does not provide for this sharing outside of geographical boundaries.

Cons

The negative aspects are few when looking at the big picture, but still noteworthy. The main issue that typically deters public agencies from joining Nextdoor is that only the posts that the agency creates can be used to interact with neighborhoods. This means that agencies never see posts by residents, and thus are unable to clear up any misconceptions or misinformation. This is not completely different from how Facebook works now, with a small exception. Facebook does not inherently send agencies notifications when someone posts about an issue unless they specifically tag the City; the difference is that the City has the opportunity to search for key words on Facebook in an attempt to pull public comments up and then can sometimes comment in response. City accounts also can be added into discussion groups on Facebook; it is not clear if that can happen at all on Nextdoor.

Another negative aspect of Nextdoor is that it adds one more social media channel to those already being managed by staff, resulting in more time and attention needed to maintain them. Currently the City is actively engaged on Facebook, Instagram and Twitter.



Design Review Board Agenda

15728 Main Street, Mill Creek, Washington 98012

November 15, 2018

5:15 p.m.

COUNCIL CHAMBERS

- | | |
|---|------------------|
| I. CALL TO ORDER: | 5:15 p.m. |
| II. ROLL CALL: | 5:15 p.m. |
| III. APPROVAL OF MINUTES: | 5:16 p.m. |
| A. Approval of October 18, 2018 Meeting Minutes ⁽¹⁾ | |
| IV. NEW BUSINESS: | 5:17 p.m. |
| B. The Farm at Mill Creek Binding Site Plan – Commercial Building and Storefront Elevations -- Informal Review ⁽²⁾ | |
| V. ADJOURNMENT: | 6:30 p.m. |

ATTACHMENTS:

1. October 18, 2018 Meeting Minutes
2. Commercial Building and Storefront Elevations

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We are trying to make our public meetings accessible to all members of the public. If you need special accommodations, please call City Hall three days prior to this meeting (425) 745-1891.



**CITY OF MILL CREEK
DESIGN REVIEW BOARD MEETING MINUTES
November 15, 2018**

Approved December 20, 2018

DRB Members:

Dave Gunter, Chair
David Hamblen, Vice Chair
Tina Hastings
Diane Symms
Beverly Tiedje (absent)

Community Development Staff:

Tom Rogers, Planning and Development Services Manager
Christi Amrine, Senior Planner
Sherrie Ringstad, Associate Planner

I. CALL TO ORDER:

Chair Gunter called the meeting to order at 5:15 p.m.

II. ROLL CALL:

All members were present as noted above except Member Tiedje, whose absence is excused.

III. MINUTES:

A. Minutes of October 18, 2018

MOTION: Member Hastings moved, seconded by Member Symms, to approve the revised October 18, 2018 minutes as presented. The motion was approved unanimously.

IV. NEW BUSINESS:

The Farm Binding Site Plan Elevations - Commercial Buildings and Storefront Elevations
Senior Planner Amrine stated that the project before the Board is the second informal review for The Farm Binding Site Plan and noted that last month the DRB looked at

Design Review Board Meeting Minutes
November 15, 2018
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residential conceptual designs. Ms. Amrine distributed a copy of the DRB comments from the October meeting. She turned the meeting over to Chris Olson, the project architect.

Chris Olson, Olson Projects, 3424 South Manito Boulevard, Spokane, WA 99203

Mr. Olson stated that they have integrated some of the big picture comments that were easier to address, as well as provided more perspectives on how the site integrates with the sidewalk and the elevation change. In addition, concept elevations for the pad retail are provided. He noted that the pad retail designs are being done by a separate architectural firm so they are similar yet different.

Building D

Mr. Olson noted that the DRB comments regarding the north wall being blank have been addressed by material changes and additional recesses. He stated that they are still working on the rear elevations with regard to the comments on awnings and transparency.

Building E

Mr. Olson stated that, because the DRB was drawn to the bright and lighter colors, they have omitted some of the dark gray and added lighter tones. They also added siding to the back with punches of color in the recessed area, entries and cut-through. Mr. Olson stated that at this point the design is still evolving. Some of the awnings are deeper and thinner. He presented a slide of the perspective drawings that show the planters and steps that cut down into the lower area and noted that some of the storefronts have been recessed.

Building F

Mr. Olson noted that the office use in Building F will not have as many store fronts but they are still using the same planters along sidewalk, with the addition of benches. He noted the grade change is more gradual than on the retail side.

Commercial Building Concepts

Mr. Olson displayed a slide showing commercial pads A3 and A4 which adjoin the plaza. Ms. Amrine noted that the packet and the PowerPoint presentation have an Option 1 and Option 2 for the commercial pads and the applicant has submitted an additional Option, which was distributed this evening and will be called Option 3. Mr. Olson explained that some of the materials used within the residential buildings repeat in the materials for the commercial pads, but they use more wood look elements so there will be a distinct visual difference between the two. Member Symms asked about the peach color shown in Option 3. Roger Sortino confirmed that the color that is showing as peach is really more of a light tan. He noted that the wood look product is aluminum known as Longboard Siding.

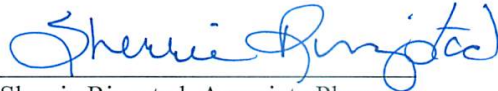
The DRB discussed the various options and it was the consensus of the Board that they preferred Option 3 with the exception of the awning supports. They preferred the less obtrusive supports shown in Option 1.

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V. ADJOURNMENT:

Chair Gunter adjourned the meeting with the consensus of the Board at 6:10 p.m.

Submitted by:



Sherrie Ringstad, Associate Planner