

SECTION 4008 – Benefits – All Employees

All District employees are potentially eligible for the following benefits: Family Medical Leave, Voting Leave, Jury Duty/Legal Proceeding Leave, Military Leave/Reemployment, Education Leave, and reduced fees for District classes.

a. Family Medical Leave

The District shall comply with all laws concerning family medical leave, including the Family Medical Leave Act (FMLA), Washington’s Family Care Act (RCW 49.12.265-.295), and Washington’s Family Leave Act (Chapter 49.78 RCW).

An employee who qualifies for family leave under FMLA is entitled to 12 weeks unpaid leave during any 12-month period for the following reasons:

- i. the birth of the employee’s child;
- ii. the placement of a child with the employee for adoption or foster care;
- iii. to care for a family member with a serious health condition; or
- iv. a serious health condition of the employee.

The Executive Director may, in his or her discretion, (i) prolong the leave period up to a maximum of 180 days for employees who qualify for leave under the FMLA and (ii) grant up to a maximum of 12 weeks of leave to employees who do not qualify for leave under the FMLA.

The “12-month period” for purposes of entitlement to family leave is the calendar year.

If the need for family leave is foreseeable, employees should give the District at least 30 days’ notice. If the need is not foreseeable, employees should give notice as soon as practical. The District may require employees to provide a written certification from a physician attesting to the need for family leave.

Employees must use their vacation, sick and administrative leave for family leave. The District will grant additional unpaid leave over and above employees’ vacation, sick and administrative leave so that employees receive the amount of family leave to which they are entitled.

The District shall continue to provide medical, dental and other insurance coverage, as applicable, to the employee while the employee is on leave; provided, that the employee shall be responsible for any benefit costs normally covered through deductions from his or her monthly salary.

Time spent on family leave does count for purposes of seniority with the District.

Generally, an employee will be placed in the same or an equivalent position upon the employee's return from family leave.

b. Voting Leave

The District shall attempt to set work schedules such that District employees have sufficient time to vote in primary, general and special elections. When applicable, the District shall comply with Washington law concerning time off for voting in primary, general and special elections (RCW 49.28.120).

c. Jury Duty/Legal Proceeding Leave

The District encourages its employees to respond to summonses for jury duty and will grant leave for jury duty. Regular employees (Full time and Regular Part Time) will be paid their regular compensation while on leave for jury duty, and jury fees/stipends will not be deducted from employees' compensation. Employees are expected to return to work immediately upon completion of jury duty.

d. Military Leave/Reemployment

Paid military leave will be granted for up to a maximum of 14 days per calendar year. While on leave, an employee will be paid the difference between his or her District compensation and military compensation. For non-salaried employees, compensation will be based on the average hours worked in the preceding six months. To be eligible for paid military leave, an employee must have 12 months of total service (continuous or not) with the District.

With respect to reemployment of employees who are returning from service in the military, the District will comply with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and Washington's law concerning reemployment (Chapter 73.16 RCW).

Generally, under USERRA, employees have the right to be reemployed with the District if they leave their positions with the District to perform service in the military and:

- i. they ensure that the District receives notice of their service;
- ii. they have five years or less of cumulative service in the military while with the District;
- iii. they return to work or apply for reemployment in a timely manner after conclusion of military service; and
- iv. they have not been separated from military service with a disqualifying discharge or under other than honorable conditions.

Generally, returning employees will be restored to the position (or comparable position) and benefits they would have attained if they had not been absent due to military service.

e. Education Leave

Refer to the Professional Development Policy for Education Leave

f. Reduced Fees for District Classes

As a benefit, The District makes available to all employees a free pool pass and reduction in the cost of district classes. The cost of this benefit is budgeted for and approved annually by the Board of Commissioners.

All full time, regular part time and part time employees are eligible for a 50 percent reduction of the normal class fees for District classes, open play time and a free pool swim pass. The employee's spouse, domestic partner and any child of the employee, under the age of 19, are eligible for this reduction as well.

- Part Time employees are only eligible to receive this benefit while currently employed and working at the district. No person can receive a discount prior to working at the district, nor will prior employment make them eligible for this employee benefit. In addition, if a person becomes employed for the District after they have registered for a class, the discount will not be retroactive.
- The employee's children include any child under the age of 19 that is a legal dependent, unless legally declared disabled (adopted, persons with legal custody of a minor, step children etc.)
- Additional cost, over and above the initial class registration fee such as class supplies, and transportation do not apply and must be paid in full by the employee.
- The Executive Director may at his/her discretion determine that certain classes are not available for this discount.
- Swim, Dive, Masters and Gymnastics (Youth and Adult) Teams are not eligible for this employee benefit.
- Events, performances, trips and travel programs are not eligible for this employee benefit.
- Facility, equipment and camping rentals are not eligible for this employee benefit. NOTE: The District's Gear Bank is eligible but must follow all other parts of this policy.
- Employees do not have priority over customers when registering for classes.
- Registration for employees begins when registration begins for all customers.
- Employees that do not live on Bainbridge Island will not pay a non-resident fee.
- Employees are subject to the same refund policies as customers and will not receive a reduced refund fee.
- This policy does not apply to volunteers or contractors and their employees.

- If the board approved budget for Employee Discounts is reached, the Executive Director can discontinue future discounts until the end of the year.

g. Public Employee Retirement System (PERS)

PERS is a cost sharing program administered by the State of Washington Department of Retirement Systems (DRS). The District is a “retirement system employer” and participation in PERS plan is mandatory for the District and all eligible employees.

Employees will be informed if they are in a PERS eligible position upon hire (or upon becoming eligible later). Both the employee and the District will contribute to DRS each month as required by law based on the amount of the employee’s compensation.

PERS eligible employees are also eligible to participate in the State of Washington Deferred Compensation program. Participation is voluntary and based on DRS participation requirements.

k. Injuries

1. On the Job

When employees are injured on the job, they must notify their supervisor immediately. Shortly after the injury has occurred, they must fill out and submit to their supervisor an incident report. Failure to do so may result in disciplinary action. The cognizant Division Director shall be notified immediately who shall in turn promptly provide the incident report and other requested information to the Administrative Services Director.

Employees will undergo a medical examination for the injury as soon as practical. In connection with this examination they will complete a claim form for industrial insurance benefits. Employees will not be considered absent from work while undergoing the medical examination.

An employee who is unable to work due to an on-the-job injury is potentially eligible for the following benefits:

- i. Industrial insurance (workers’ compensation) benefits.
- ii. Benefits provided by the District’s disability insurance plan, if such a plan is provided.

During any period in which an employee is unable to work due to an on-the-job injury for which no industrial insurance benefits are provided, the employee will be deemed to be on disability leave and may use his or her accrued vacation leave, sick leave, and/or compensatory time.

Disability leave ends either when the employee returns to work; when the employee is deemed permanently disabled; when the employee's employment is terminated; when the employee dies; or upon the occurrence of another event that prevents the employee from returning to work. Documentation of recovery or receipt of permanent disability benefits shall be obtained from the appropriate entity.

While an employee is on disability leave, the District shall continue to pay, for a maximum of 24 months, the employer's share of the employee's medical, dental, life and disability insurance premiums, if any.

Regular employees shall continue to accrue sick and vacation leave while on disability leave. Time spent on disability leave does count for purposes of seniority with the District.

I. Indemnification

To the extent permitted by law, the District shall protect, defend, hold harmless and indemnify any past or present officer, employee or volunteer of the District who is a party or threatened to be made a party to a proceeding by reason related to that person's conduct as an officer, employee or volunteer of the District, against judgments, fines penalties, settlements and reasonable expenses (including attorney fees) incurred by him or her in connection with such proceeding, if such person was, or in good faith purported to be, acting within the scope of his or her official duties and if, in the case of any criminal proceedings, he or she had no reasonable cause to believe that his or her conduct was unlawful.

The indemnification provided herein shall not be deemed exclusive of any other rights to which a person may be entitled as a matter of law or contract. The District may purchase and maintain insurance to cover its indemnification obligations hereunder, and purchase of such insurance shall not be considered as additional compensation for the officers, employees and volunteers. Failure of the District to purchase and maintain such insurance shall not be construed to limit the District's indemnification obligations hereunder.

Notwithstanding anything else, to the extent permitted by law and contract, the provisions of this Section 4008.j shall have no force or effect with respect to any accident, occurrence or circumstance for which the officer, employee or volunteer is fully indemnified under the terms of any insurance policy (including any policy held by the District; provided, that this Section 4008.j shall provide protection, subject to its terms and limitations, above any limits of such policy; provided, further, that the District shall not pay an award for punitive damages unless and until such payment is approved by way of a procedure created by resolution of the Board of Commissioners. The provisions of this Section 4008.j are intended to be secondary to any policy of insurance applicable to any official, employee or volunteer (including any policy held by the District); accordingly, the District shall have the right to require the officer, employee or volunteer

to exhaust any such insurance policy protection before utilizing the protection afforded by this Section 4008.j.

J. Sick Leave Part Time and Seasonal Employees. (Full time and Regular Part Time employees should refer to section 4009)

Part time employees will accrue and be paid for sick leave under the rules listed below:

- Employees will be eligible to use sick leave after they have been employed by the District 90 days.
- For employees already employed on or before January 1, 2018, paid sick leave will accrue for all hours worked beginning on January 1, 2018. Employees hired after January 1, 2018 will begin accruing paid sick leave as soon as they begin working.
- Sick leave accrues at the rate of 1 hour for every 40 hours worked.
- Accrual begins on the first day of work even though it cannot be used for 90 days.
- Accrual year is January 1 to December 31st.
- The District will reinstate the employee's previously accrued, unused paid sick leave, if the employee is rehired within 12 months of separation
- Sick leave will accrue up to 40 hours.
- Accrued sick leave up to 40 hours will carryforward to the next accrual year.
- Paid sick leave will be paid at the current rate of pay for the employee.
- If the employee has more than one rate, the rate used will be for the position for which they were absent.
- Part Time employees that leave the district will not be entitled to payment for unused sick leave.

Reporting requirements

- Employees will have different reporting requirements depending on their position and will be notified of those requirements by their supervisor. In general, notice of 7 days is required for doctor appointments or any absence that can be planned.
- Employees should call in non-foreseeable use of sick leave to their supervisor as soon as they are aware that they will be absent.
- Employees are not required to find their own replacement.
- Employees must provide a doctor's note if absent more than three days.

Allowable uses

- To care for yourself or your family members.
 1. Family members are: 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;

2. A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;
 3. A spouse;
 4. A registered domestic partner;
 5. A grandparent;
 6. A grandchild; or
 7. A sibling.
- When the employees' workplace or their child's school or place of care has been closed by a public official for any health-related reason. *Weather closures are not considered a health-related issue.*
 - For absences that qualify for leave under the state's Domestic Violence Leave Act.

Employers can use paid sick leave in increments consistent with the Districts payroll system and practices, not to exceed one hour.

- For example, if an employer's normal practice is to track increments of work for the purposes of compensation in 15-minute increments, then an employer must allow employees to use paid sick leave in 15-minute increments.