

**Memorandum of Understanding
Between the City of Bothell and the Bothell Police Officers Guild**

WHEREAS, Washington voters approved Initiative 1433 in the fall of 2016, which requires employers to provide sick leave to most employees beginning January 1, 2018; and

WHEREAS, RCW 49.46.210 and WAC 296-128-600 through 296-128-770 requires changes in how our sick leave benefit is administered; and

NOW THEREFORE, the City and Guild agree to the following:

ARTICLE 12 –SICK LEAVE

Section 1. Sick Leave. Subject to the limitation contained herein, each LEOFF-II Employee shall accrue 8 hours of sick leave credit for each calendar month or partial month of employment. Any sick leave accrued which is unused and unconverted to vacation, per Section 2 below, shall be carried over from one calendar year to the next.

Section 2. Sick Leave Conversion. Annually, Regular Employees with more than 192 hours of accrued sick leave at the end of the calendar year have the option of converting up to 24 hours of accrued sick leave to vacation leave. Employees electing to convert sick leave to vacation must notify Human Resources by December 1st and specify the number of hours to be converted, not to exceed 24. Human Resources will confirm the Regular Employee has at least 192 hours in their sick leave bank and will process the conversion to be effective the first pay period in January of the following year.

Section 3. Approved Grounds for Sick Leave. In accordance with the terms of this contract, eligible Employees shall be entitled to request sick leave with pay for the following reasons:

1. The employee's own illness, injury or health condition; to accommodate the need for medical diagnosis, care or treatment of a health condition; or preventive medical care.
2. The employee's care for a family member with illness, injury or health condition; care for family member who needs medical diagnosis, care or treatment; care for family member who needs preventive medical care. Family members include an employee's child (whether biological, adoptive, foster, step-child, or child for whom employee stands in loco parentis, is a legal guardian for, or is a de facto parent and regardless of age or dependency status); parent (whether biological, adoptive, in-law, de facto, step-parent, legal guardian or person who stood in loco parentis to employee when employee was a child); spouse or registered domestic partner; grandparent; grandchild; sibling; any relative living in employee's household or relationships other than those set forth above where the employee is responsible for care, the use of sick leave may be granted by the City, upon request; and
3. Family and Medical Leave as indicated by City Policy and applicable State and Federal law.
4. Medical, dental or vision treatment of the employee or his/her family member.

5. An absence due to closure of the City's offices by order of public official for any health-related reason, or where the employee's child's school or day care is closed for such a reason.
6. Absences covered by the Domestic Violence/Sexual Assault leave policy.

Section 4. Procedure to Claim Sick Leave. Continuance of pay during absence from duty by reason of facts that would warrant the approval of sick leave is contingent upon strict compliance with the following procedures:

1. On the first day of absence from duty, the Employee or someone on his or her behalf, shall give to the Employee's immediate supervisor, notice by telephone or otherwise, a minimum of 1 ½ hours before scheduled starting time, the reason for such absence unless circumstances beyond the Employee's control prevent such notice.
2. The City may require a doctor's certificate after the employee is absent more than three (3) consecutive work days to verify legitimate use of sick leave, provided that for non-exempt employees: (i) an employee will have up to 10 calendar days to provide the required documentation; (ii) if requested, documentation need not disclose the nature of the medical condition causing the need for leave; and (iii) if a requirement to provide documentation will result in unreasonable burden or expense to the employee, an employee may advise the City of this concern and the City will evaluate its request in light of the circumstances.

Section 5. In the event an Employee uses a full day or days of sick leave, the sick leave bank will be charged with 8 hours for each full day of sick leave use, regardless of the shift schedule.

Section 6. Bona fide doctor and dental appointments requiring a reasonable time period of absence from work shall not be charged against the sick leave record of an Employee, if orally reported to the satisfaction of the Department. "Reasonable time" will be determined by the Department. Officers shall make a good faith effort to schedule such appointments during off-duty hours. At the option of the Employee, sick leave in excess of the maximum accrued days available may be supplemented by deduction from fully accrued and unused vacation leave time.

Section 7. Cash-Out

Upon layoff or LEOFF retirement (voluntary separation under the Law Enforcement Officer and Fire Fighter Retirement System Plan 2, eligibility beginning at age 50, whether or not the employee begins drawing retirement), employees shall have 50% of any unused sick leave hours remaining in their sick leave bank converted to an hourly amount based upon their base hourly rate of pay. This amount shall be capped at \$20,000 and shall be contributed to their VEBA account.

Upon voluntary separation or layoff prior to retirement eligibility (prior to age 50), employees shall have 10% of any unused sick leave hours remaining in their sick leave bank converted to an hourly amount based upon their base hourly rate of pay. This payout will be capped at \$20,000.

In the event of a line of duty death, employees shall have 100% of any unused sick leave hours remaining in their sick leave bank converted to an hourly amount based upon their base hourly rate of pay. In the event that the employee dies while still employed by the City of Bothell (not duty related), employees shall have 60% of any sick leave hours remaining in their sick leave

bank converted to an hourly amount based upon their base hourly rate of pay. In both cases that amount shall be paid to their beneficiaries.

Section 8. Rehire

Except as stated in Section 7 above, unused sick leave will not be cashed out upon separation from the City. However, if a separated employee is rehired by the City within 12 months, the accrued sick leave balance that existed as of the separation date will be reinstated (excluding any portion that was cashed out).

AGREED TO this 20TH day of JUNE, 2018.

City of Bothell

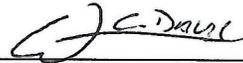


Jennifer Phillips, City Manager

6/29/18

Date

The Bothell Police Officers Guild



Chad Davis, President

6/20/18

Date