

POLICY PERTAINING TO EXTRA HELP POSITIONS

Section 1. Findings and Policy Statement

Kitsap County finds that both operational efficiency and fair and equitable employment practices are advanced by the use of regular employees. Therefore, it is the policy of Kitsap County that regular full-time or regular part-time employees will perform the ongoing, relatively stable, and predictable bodies of work needed to provide services to the public, and the use of extra help employees will be minimized.

Section 2. Definition of Extra Help Employee

“Extra help employee” means an employee who is not hired as a regular employee, who generally does not receive employment-based benefits, except as required by the Affordable Care Act (see Section 8) and the Washington State Sick Leave laws (see Section 9) and whose term of employment is limited to the hour limitations specified in Section 3.2.

Section 3. Limitations on Employment of Extra Help Employees

- 3.1 Extra help employees may be hired to address the following operational needs:
 - 3.1.1 **Limited Term.** For specific and defined projects or for a continuing body of work of limited duration including grant-funded projects, capital improvement projects, other non-routine projects, during the absence of a regular employee, to perform work requiring specialized skills, or to fill a vacancy for a limited period during recruitment.
 - 3.1.2 **On-Call.** To address short-term operational needs, for intermittent work during peak periods, or in the event of an emergency.
 - 3.1.3 **Seasonal.** For specific times of year to meet departmental needs during the identified season or peak workload time periods.
- 3.2 Extra help employees may not be used to perform work that is ongoing, relatively stable, and predictable. The duration of employment is limited to the following terms:
 - 3.2.1 **Limited Term.** The term of employment shall be limited to the term of the particular project, regular employee absence, work requiring specialized skills, or position vacancy, but in no event shall the term exceed 2,080 hours.
 - 3.2.2 **On-Call.** The term of employment shall not exceed 1,040 hours in a calendar year.
 - 3.2.3 **Seasonal.** The term of employment shall not exceed six (6) consecutive months or 1,040 hours in a calendar year.
- 3.3 An employing official who has terminated an extra help employee because the employee reached one of the thresholds listed in Section 3.2 may not re-employ the employee or another extra help employee to perform the same classification work for a period of six months following the last workday of the terminated extra help employee.

- 3.4 Extra help employees are not guaranteed a minimum number of work hours.
- 3.5 An employing official who seeks to hire an extra help employee must submit the following information to the Human Resources Department:
- Description of the body of work to be performed;
 - Explanation of the need for the extra help;
 - The regular designation of a classification that most closely resembles the work to be performed;
 - The proposed wage that will be paid;
 - The anticipated hire date;
 - The expected duration of the work;
 - The number of hours the employee is anticipated to work;
 - The employment status (limited term, on-call or seasonal).
- 3.6 The wage for extra help employees shall be based on the wage grade established for the classification they are entering. Step placement should be based on their work experience.
- 3.7 Two or more employees may perform the work of a particular classification concurrently as a job share or sequentially; however, the cumulative service of the two or more employees shall not exceed the applicable threshold listed in Section 3.2. This section does not apply to seasonal workers or employees of a 24-hour, 7-day facility.
- 3.8 Employing officials are responsible for correctly designating the type of extra help employee upon hire and for monitoring the extra help hours. The official shall take one or more of the following actions in sufficient time to ensure that an extra help employee is not employed beyond the threshold:
- (a) Discontinue the work performed by the extra help employee and terminate the employment of the extra help employee;
 - (b) Reassign the work performed by the extra help employee to an existing regular employee(s) and terminate the employment of the extra help employee; **OR**
 - (c) Request creation of a regular position to perform the work.
- 3.9 Employing Officials shall follow these specific procedures for employing extra help employees.
- 3.10 When the elected official or department head submits the annual budget estimate, he or she will also submit a report documenting the use of extra help employees during the calendar year and make a recommendation to the County Administrator (or in the absence, the Chair of the Board of County Commissioners) as to whether an ongoing, relatively stable and predictable body of work on an annualized basis has been identified. If the County Administrator determines that such a body of work exists, a recommendation may be made to create a new part-time or full-time regular position(s), reassign the work to an existing regular position, or end the work.

Section 4. Employment Agreement

As a condition of employment, an extra help employee shall sign an agreement acknowledging his or her status as extra help and the terms and conditions of extra help employment. If a change occurs affecting the terms and conditions of employment, a new agreement shall be signed by the extra help employee.

Section 5. At-Will Employment

The employment of an extra help employee may be terminated at will. Nothing in this policy shall be construed to create a right to continued employment.

Section 6. Hiring Process

- 6.1 All individuals selected for employment as extra help shall complete an employment application.
- 6.2 Each person selected for employment as extra help shall meet the minimum qualifications of the position.
 - 6.2.1 If the employing official hires an extra help employee at a classification level that is lower than authorized for the extra help position, the minimum qualifications applicable to the lower classification will apply.
 - 6.2.2 The Human Resources Department will review applicant qualifications prior to hire.
 - 6.2.3 The Human Resources Department will coordinate with the Employing Official to establish specific qualifications and review processes.
- 6.3 In the event that an extra help body of work is transitioned to a regular position, the Human Resources Department will conduct a classification review and the competitive selection process applicable to the regular position shall be followed. Performing work as an extra help employee shall not confer any right or entitlement to appointment to a regular position.
- 6.4 In order to create more pathways into regular employment, the Employing Official may recruit and advertise for both extra help and regular staff. If the extra help employee was hired through an open, competitive recruitment, as defined in the glossary, then the extra help employee will be eligible to apply for departmental only or County wide postings within the same or a lower classification subject to Collective Bargaining Agreements.

Section 7. Retirement Benefits

Contributions to the Washington State Retirement System shall be paid for extra help employees who work at least 70 hours per month during five (5) or more months of two (2) consecutive calendar years to the extent required by law. Enrollment in the retirement system shall be a condition of employment at the time the employee becomes eligible for membership in the Washington State Retirement System.

Section 8. Medical Benefits

Employee's hours shall be monitored by Human Resources during the initial and standard measurement periods for compliance with the Affordable Care Act (ACA). Those who qualify for medical coverage

under the ACA shall be offered coverage effective the first of the month following the initial or standard administration period.

Section 9. Sick Leave Benefits

Paid sick leave is available for employees to care for their health, and the health of their family members.

Authorized Uses of Paid Sick Leave

Paid sick leave may be used for the following:

- An employee's mental or physical illness, injury or health condition;
- Preventive care such as a medical, dental or optical appointments and/or treatment;
- Care of a family member with an illness, injury, health condition and/or preventive care such as a medical/dental/optical appointment;
- Closure of the employee's place of business or child's school/place of care by order of a public official for any health-related reasons;
- If the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking.

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

- Seeking legal or law enforcement assistance or remedies to ensure the health and safety of employee's and their family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault or stalking.
- Seeking treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking.
- Attending health care treatment for a victim who is the employee's family member.
- Obtaining, or assisting the employee's family member(s) in obtaining, services from: a domestic violence shelter; a rape crisis center; or a social services program for relief from domestic violence, sexual assault or stalking.
- To obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault or stalking in which the employee or the employee's family member was a victim of domestic violence, sexual assault or stalking.
- Participating, for the employee or for the employee's family member(s), in: safety planning; or temporary or permanent relocation; or other actions to increase the safety from future incidents of domestic violence, sexual assault, or stalking.

Family members included in this policy

“Family member” is defined as a child or parent (including biological, adopted, foster, step or legal guardian), a spouse, registered domestic partner, spouse's parent, grandparent, grandchild or sibling.

Accrual of Paid Sick Leave

Paid sick leave begins to accrue at the start of employment. You will be provided with an *Employee Paid Sick Leave Notification* at the start of employment. It contains information regarding: authorized use of paid sick leave, our company's paid sick leave accrual year, carryover of paid sick leave, eligibility for

use, and information about retaliation.

Effective January 1, 2018, employees accrue paid sick leave at a rate of one *(1) hour for every 40 hours worked*. There is no cap on the number of paid sick leave hours that may be accrued in a year. The accrual year is January 1 – December 31. At the end of the paid sick leave accrual year, unused paid sick leave balances of 40 hours or less will carry over to the following year.

Paid sick leave hours will be compensated at an employee's regular rate of pay. Paid sick leave hours will not count towards the calculation of overtime.

Employees will be notified of their paid sick leave balances each month on their pay stub or electronic statement, including:

- Accrued paid sick leave since the last notification
- Used paid sick leave since the last notification
- Current balance of paid sick leave available for use

If an employee separates from employment, there will not be a financial or other reimbursement to the employee for accrued, unused paid sick leave at the time of separation. If an employee leaves employment and is rehired within 12 months of separation, any accrued, unused paid sick leave will be reinstated to the employee's paid sick leave balance.

Retaliation prohibited

Any discrimination or retaliation against an employee for lawful exercise of paid sick leave rights is not allowed. Employees will not be disciplined for the lawful use of paid sick leave.

If an employee feels they are being discriminated or retaliated against, the employee may contact Human Resources.

If an employee is not satisfied with the County's response, the employee may contact the Washington State Department of Labor & Industries.