

APPENDIX B: LEAVE BENEFITS

LEAVE POLICY AND PROCEDURE

HR-5 as of 03/01/2016

Original Date (Policy): 11/1/81 Revisions: 7/21/08; 8/17/05; 12/20/98; 2/22/94; 2/4/85; 2/17/84
Original Date (Procedure): 11/1/81 Revisions: 10/31/08; 7/21/08; 8/17/05; 12/20/98; 2/22/94; 2/4/85; 2/17/84

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POLICY STATEMENT:

Plans and programs that enhance and support employees performing their best, as well as their growth and well-being are a key component of the Port's Total Rewards Program. A competitive, consistent, sustainable and comprehensive leave program is an important part of employees' Total Rewards Package.

Providing a leave program is consistent with the Port's Total Rewards philosophy, which states:

- Benefits offerings should provide choices to meet diverse employee needs at different life stages
- The benefit package will provide a level of financial security in the event of unforeseen events
- The port recognizes that work-life balance is important for employees and the organization

PURPOSE:

To describe paid leave programs and authorized periods of time off without pay available to employees subject to this policy. Refer to the Addendum to the HR-5 Leave Policy for details and procedures related to leaves mandated by federal, state or local legislation.

In all cases, compensated leave will be charged and/or paid according to the employee's regular work schedule.

This policy supports:

- Fair and equitable treatment of employees in administering the Leave Program
- The mechanism for timely processing of leave requests

SCOPE:

This policy contains information on the following types of Port Leave:

- Paid Time Off (PTO)
- Extended Illness (EI)
- Holidays
- Bereavement
- Civic Duty

- Awarded Time
- Shared Leave
- Paid Parental Leave
- Military Leave
- Supplemental Pay during Workers Compensation Time Loss
- Leave Without Pay

I. Eligibility

A. Eligible Employees

Regular and Limited Duration employees regularly scheduled to work 21 or more hours each week are eligible for Port sponsored leave programs with limited exceptions as noted in each section.

B. Ineligible Employees

Temporary employees (Emergency Hire, Veteran Fellow, Interns) and regular employees regularly scheduled to work less than 21 hours each week are ineligible for Port leave programs with limited exceptions as noted in each section.

II. Types of Leave

A. Paid Leave

Leave compensated at the employee's regular pay rate at the time the leave is taken and based on the employee's regular work schedule.

1. Paid Time Off (PTO)

Employees accrue PTO based on their straight time hours paid and length of tenure. Accrued days (as shown below) are based on a Full Time employee working 80 hours per pay period; Part Time employees earn a proportional share of PTO hours. May be used for vacation, appointments, illness, etc.

a) Accrual Rates

- (1) Up to 19.6 days (156.8 hours maximum) may be earned annually between the start of employment and the end of the third year of employment. During this period eligible employees accrue 0.07538 hours per straight-time hour paid.
- (2) Up to 24.6 days (196.8 hours maximum) may be earned annually between the beginning of the fourth year and the end of the seventh year of employment. During this period eligible employees accrue 0.09462 hours per straight-time hour paid.
- (3) Up to 27.1 days (216.8 hours maximum) may be earned annually between the beginning of the eighth year and the end of the 11th year

of employment. During this period eligible employees accrue 0.10423 hours per straight-time hour paid.

- (4) Up to 29.6 days (236.8 hours maximum) may be earned annually between the beginning of the 12th year and the last day of employment. During this period eligible employees accrue 0.11385 hours per straight-time hour paid.
- (5) The CEO may offer modified PTO to newly hired members of the executive team as necessary for attraction purposes.

b) Accumulating and Taking Paid Time Off

All eligible employees shall be allowed and encouraged to take at least two work weeks of PTO each year.

Paid Time Off may be taken up to the available balance, after the employee has completed their probationary period and received approval from the manager. Some Port groups may have a formal time off request process that must be followed before PTO may be used.

c) Maximum Accumulation and Automatic Cash-out

Maximum PTO accumulation for employees is 480 hours. Accruals will cease when this limit is reached and will resume only when the balance is below 480 hours.

(1) Grandfathered Employees Hired Prior to 12/20/1998

PTO balances over the 480 hour limit will be cashed out at the employee's current hourly rate during the first pay period of the payroll year. Subsequent accruals over the limit will be cashed out quarterly at the employee's hourly rate at the time of cash-out.

d) Voluntary Cash-out of PTO Hours While an Active Employee

PTO cash out lump sums are paid at the employee's base hourly rate at the time of the payment and are subject to applicable taxes and deductions taken on earnings (Federal Withholding, FICA, etc.).

(1) Cash-out of PTO hours earned during the upcoming year

This benefit requires an annual advance election to avoid a 10% forfeiture. This process conforms to IRS regulations, there will be no exceptions to this process and elections will not carry over from one calendar year to the next calendar year.

Prior to the last business day in December employees will have the opportunity to submit an irrevocable request for a cash out of PTO hours that will be accrued (earned) in the following year. PTO cash out elections cannot exceed the PTO earned during the year of the payment and the employee must have a minimum of two weeks PTO in their PTO bank as of the last paycheck of December (of the year the request is made) when the request is made.

(2) Cash-out of PTO hours previously accrued

PTO may be cashed out at any time from banked (already accrued/earned) hours as long as the employee has a minimum of two weeks PTO in their PTO bank after the cash-out. These requests will be subject to a 10% forfeiture.

e) Payment of Paid Time Off at Termination

An employee who has successfully completed their probationary period will receive 100% of his or her accrued Paid Time Off balance at the employee's hourly rate at termination.

Employees who have not been terminated for cause have the option of receiving their Paid Time Off hours:

- (1) As a lump sum,
- (2) As service time after the last day worked, or
- (3) As a combination of cash and service time.

If no choice is provided to HR on or before the last day of work, the PTO shall be paid as a lump sum.

Employees who have been terminated for cause will receive a lump sum payment of 100% of their accrued Paid Time Off balance. In these situations, employees are not eligible to use Paid Time Off as service time after their last day worked unless authorization is received from Human Resources Leadership.

Employees who do not complete their probationary period will not be eligible to receive a cash out of their accrued Paid Time Off.

f) Partial Day Absences for Salaried Non-Represented Employees

Salaried employees (those working in exempt jobs) are paid for the work they perform rather than the hours they work. Full time salaried employees are expected to work a 40 hour per week schedule, and may be required to work additional hours to complete their work. While personal appointments should be scheduled outside work hours whenever possible, the Port recognizes this is not always possible. As a result, the Port supports occasional reasonable partial day absences for salaried employees. When a salaried employee requires a partial day absence to take care of personal business, they are not required to charge partial day absences (time away from work) to PTO as long as the absence is 4 hours or less. Managers have discretion in approving partial day absences and these absences must be approved in advance. In the event a salaried employee requires more than 4 hours away from work due to illness or the need to take care of personal business, the hours away from work that exceed 4 hours in one day shall be charged to PTO, as appropriate.

When a salaried employee is away from the office for a full day due to vacation, illness or the need to take care of personal business, hours for the entire day shall be charged to PTO, as appropriate.

2. Extended Illness (EI)

Extended Illness is accrued based on an employee's straight time hours paid. Accrued days as shown below are based on a Full Time employee working 80 hours per pay period; Part Time employees earn a proportional share of hours. Accrued EI may be used for employee or immediate family member illness, injury or disability, see below for further information.

a) Accrual Rates

Eligible employees normally accrue Extended Illness leave at the rate of 0.02308 hours accrued per straight-time hour paid (1.8464 hours per 80 hour pay period or approximately 6 days per year). Extended Illness leave may accumulate with no maximum or limit.

b) Accumulating and Taking Extended Illness Time Off

Extended Illness leave up to the accrued balance may be used after employment of at least 30 days of Port employment.

Extended Illness leave can be used for employee or immediate family member illness, injury or disability. (See the Addendum to the HR-5 Leave Policy for information about use of Extended Illness leave for eligible family members eligible for FMLA and FCA.) Extended Illness leave can also be used for an employee's preventive health care appointments, such as doctor appointments for annual physicals and vision exams, dental cleanings and exams, cancer screenings, and as provided in applicable law.

In the instance of employee illness, injury or disability, Extended Illness leave may be used only after the employee has used the equivalent of two working days of PTO over the course of three consecutive workdays. The first two working days of absence will be charged to Paid Time Off (PTO) accounts. However, Extended Illness leave may be used immediately for:

- in-patient hospitalization;
- medical procedure preparations;
- outpatient surgery;
- workers compensation injuries or illnesses;
- approved Family and Medical Leave Act leave related to a medical condition of an employee or an eligible family member;
- illness, injury or disability of an eligible family member as defined by the Washington Family Care Act;
- bonding with a new child during an approved FMLA period;
- illness, injury or disability of a probationary employee;
- preventive health care appointments;

- or, if PTO is exhausted.

Intermittent leave (with no more than 15 days between absences) due to the same medical condition may be charged to Extended Illness without using the equivalent of two working days of PTO at the start of each subsequent absence.

Employees Leaders may at any time require a physician or health care provider's statement to justify use of Extended Illness leave. A physician's release is required prior to the return to work by an employee who has experienced inpatient hospitalization of any kind that requires an absence from work, or who has suffered an absence longer than two weeks due to illness, surgery, or an accident.

Immediate family, for Extended Illness purposes, is defined as spouse or domestic partner and the parents or children of the employee or their spouse or domestic partner.

For the purpose of the benefits provided by the HR-5 and HR -31, an employee and their domestic partner must complete an Affidavit of Marriage/Domestic Partnership. Refer to HR-31 for more information on the affidavit.

c) Payment of Extended Illness at Termination

Upon termination immediately following five consecutive years of active employment with the Port of Seattle, an eligible employee shall be compensated for 50% of his or her Extended Illness accrued balance at the employee's hourly rate in effect at termination.

d) Partial Day Absences for Salaried Non-Represented Employees

Salaried employees (those working in exempt jobs) are paid for the work they perform rather than the hours they work. Full time salaried employees are expected to work a 40 hour per week schedule, and may be required to work additional hours to complete their work. While personal appointments should be scheduled outside work hours whenever possible, the Port recognizes this is not always possible. As a result, the Port supports occasional reasonable partial day absences for salaried employees. When a salaried employee requires a partial day absence due to illness, they are not required to charge partial day absences (time away from work) to EI as long as the absence is 4 hours or less. Managers have discretion in approving partial day absences and these absences must be approved in advance. In the event a salaried employee requires more than 4 hours away from work due to illness, the hours away from work that exceed 4 hours in one day shall be charged to EI, as appropriate.

When a salaried employee is away from the office for a full day due to illness, hours for the entire day shall be charged to EI, as appropriate.

3. Holidays

The Port of Seattle offers 10 paid holidays each year. These include:

- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Native American Heritage Day (day after Thanksgiving)
- Christmas
- Port Designated Floating Holiday (generally the day before or after Christmas, determined annually by the calendar and Human Resources)

a) Eligibility

Full time employees, not in an ineligible period (defined below), are eligible to receive holiday pay based on their regular pay rate and regularly scheduled hours.

Part time and on-call employees are eligible to receive holiday pay based on their regular pay rate and a pro-rata share of a full time schedule. When an employee works an irregular schedule (not the same number of hours each pay period), their holiday pay will be based on the average number of hours worked over the two pay periods preceding the holiday.

Unless hired and actively working at least 30 calendar days prior to a holiday, ineligible employees (including but not limited to Intern and Emergency Hire employees) are not eligible for pay on holidays not worked.

b) Employees on Approved Leaves of Absence

Employees on unpaid leave of absence or otherwise receiving Leave Without Pay, are ineligible for holiday pay. However, to the extent that Extended Illness, Paid Time Off or straight time hours are paid during the holiday week for the day immediately preceding and following the holiday, holiday pay does apply.

(1) Employees receiving workers comp time loss benefits should contact the Workers Compensation Program Manager for details on their specific situation.

c) If a holiday falls on Saturday, the Port will observe the holiday on the preceding Friday. If a holiday falls on Sunday, the Port will observe the holiday on the following Monday.

4. Bereavement

Bereavement leave may be granted for the death of family members; defined as the death of an employee's spouse or domestic partner, the employee's (or employee's spouse or domestic partner's) parent, child, step-child, sibling, grandparent, grandchild, aunt, uncle; or a sibling's spouse, domestic partner or child.

a) Eligibility

Employees who have been continuously employed for at least 30 days and are eligible for PTO/EI benefits are eligible for up to 1 work week of leave per bereavement.

b) Guidelines

Managers have discretion in granting bereavement leave, including how much leave to grant and if it can be taken intermittently. Considerations in granting bereavement leave include: the employees relationship to the deceased family member, travel to/from services, the employee's involvement in making funeral and/or burial arrangements and involvement in closing out the estate of the deceased family member.

5. Civic Duty

a) Leave for Jury Duty

Eligible (does not include: On-Call, Emergency Hires, Veteran Fellows, or Interns) employees who serve on jury duty shall receive their full, regular Port compensation less any compensation from the court. Employees reimburse the Port for Jury Duty Pay received from the court, excluding mileage and meal reimbursement, by personal check.

Ineligible employees are not prohibited from serving on Jury Duty. They are not, however, paid by the Port and are not required to reimburse the Port for compensation received from the court.

b) Subpoenaed Witness Leave

When an eligible employee is subpoenaed as a witness under circumstances which are determined by Human Resources Leadership to be related to or involve the Port, the same pay conditions listed for jury duty shall apply.

6. Awarded Time

Circumstances may require salaried (exempt, non-represented) employees to work more than 80 hours in a pay period in order to achieve Port objectives. Awarded Time gives managers a way to recognize these commitments and to allow managers to award additional time off for post-probationary employees in recognition of extra hours worked to ensure important goals and deadlines are met or to otherwise accomplish Port objectives. Awarded Time is not

"comp time." It doesn't compensate employees on an hour-for-hour basis for hours worked beyond their regular work schedules. Awarded Time is not intended to extend an employee's regular work schedule on an extended or regular basis.

a) Guidelines for Administering Awarded Time

- (1) Salaried employees are paid for the work they perform and occasionally working up to 8 (10%) additional hours per pay period is to be expected.
- (2) Managers grant Awarded Time in advance and are encouraged to alert their group's time administrator, as well as the employee receiving awarded time. Employees are to record Awarded Time using the appropriate time reporting code.
- (3) Awarded Time is intended to give employees time away from work for rest and rejuvenation following a recent rigorous work period. Therefore, the Awarded Time should normally be awarded to the employee during the same period in which the work was performed and the employee should use the Awarded Time as soon as possible thereafter. In no event shall the employee use Awarded Time more than three months after it is awarded.
- (4) Awarded Time will not be cashed out. Retiring or terminating employees may not use Awarded Time after their last day worked.

7. Shared Leave

a) Definition/Eligibility

The Port of Seattle Shared Leave Program allows employees to support fellow Port employees by donating accrued leave hours to employees who are suffering from a serious illness, injury, or other condition not related to a Workers' Compensation claim and that has caused, or is likely to cause, the employee to take leave without pay or terminate his or her employment. This includes the disability portion of a maternity. It may also include time off needed by the employee to care for a child, spouse or domestic partner, parent, or the parent of a spouse or domestic partner who is suffering from a serious illness, injury, or other medical condition. Non-Represented employees are eligible to participate in the Shared Leave Program if they are eligible for the Port's PTO/EI plans. Represented employees are eligible if Shared Leave is a stated benefit in their CBA.

b) Guidelines

Requests for Shared Leave will be generated by Human Resources in consultation with the employee and/or his or her work unit and leadership. Shared Leave hours are donated to address a specific medical condition for a specific employee. Shared Leave hours which are no longer needed will be returned to the donors' accrued leave balances on a pro-rata basis as determined by HR procedures (see the Total Rewards Program Guide).

Shared Leave hours may not be “banked” or used for reasons other than the situation they were donated for. Shared Leave hours are not payable to an employee’s estate and cannot be cashed out.

An employee may donate any amount of Paid Time Off or Extended Illness hours, provided the employee retains a minimum balance of two work weeks of combined PTO and/or EI accruals for his or her own use. However, it is not the intention of the Shared Leave program to allow employees who have announced their plans to leave the Port to donate their unused EI upon their termination. Donations of PTO and/or EI are not tax-deductible for the donor.

Shared Leave will be paid at the recipient’s own base pay rate. For example, a recipient who earns \$20 per hour and receives 4 hours of PTO from a donor who earns \$15 per hour will be eligible to use the 4 hours of donated PTO at \$20 per hour.

Employees will accrue Paid Time Off and Extended Illness hours on Shared Leave hours paid. Shared Leave hours paid will be reported as taxable income on the recipient’s Form W-2. Shared Leave must be recorded on time logs using the appropriate time reporting code. It is the responsibility of the receiving employee, or their designee, to coordinate with the Total Rewards staff in Human Resources to track the employee’s available Shared Leave balance. Shared Leave received is not subject to PERS or LEOFF contributions, and service credit for pension calculations will not accrue on Shared Leave hours.

8. Paid Parental Leave

Paid Parental Leave provides up to four weeks of paid time off to be taken in one consecutive block of time following a qualifying event (the birth, placement for adoption, or foster care placement of a child). The four weeks of Paid Parental Leave must be completed by the end of the 12th calendar month following the birth or placement. Paid Parental Leave will be paid based on the employee’s regular straight-time pay at the time of the birth or placement. The intent of Paid Parental Leave is to allow new parents important time for bonding and is in addition to any accumulated Paid Time Off or Extended Illness the employee may choose to use.

a) Details

- (1)** Employees must successfully complete their Probationary Period with the Port and have a qualifying event, births or placements for adoption or foster care on or after January 1, 2016.
- (2)** Paid Parental Leave is limited to one 4 week period every 12 calendar months beginning with the qualifying event.
- (3)** Paid Parental Leave can only be used once the child has been placed in the home and may not be used for the preparation stages of adoption or foster placement.

b) Guidelines for Administering Paid Parental Leave

If a single qualifying event applies to 2 eligible Port employees, both employees are eligible for Paid Parental Leave. The employees are not required to use the Paid Parental Leave at the same time, however both must use the time within the same eligibility time period.

Employees must submit a Paid Parental Leave Request form to Human Resources prior to using Paid Parental Leave.

Once an employee begins Paid Parental Leave, eligibility for Shared Leave ends.

Employees are responsible for payment of any premiums owed for insurance coverage provided during the leave period.

- c)** The Port reserves the right to recover the value of the Paid Parental Leave from the employee if the employee fails to return to work following his or her leave of absence.

9. Military Leave

With appropriate military orders, employees called for active training duty in the military (including weekend reserve drills for employees who normally work weekends) shall be allowed up to 21 working days of Paid Military Leave each Federal fiscal year (October through September) as provided in and limited by RCW 38.4.060.

Compensation during the period of such a leave shall not exceed that which would be required to cover the number of hours regularly scheduled. For absences that exceed 21 working days, employees may use PTO, and Leave Without Pay shall be allowed at the employee's request.

In some situations, Port Supplemental Military Pay is available after the 21 days of paid military leave are exhausted to make up the difference between an employee's Port base pay and their military pay. Supplemental pay is available when an employee's guard or reserve unit is activated as a result of a Presidential Order or of a declared state of emergency at the State or National level.

In all cases, the Uniformed Services Employment and Reemployment Rights Act (USERRA) provides the minimum definition of benefits guaranteed to employees called for active duty

10. Supplemental Pay During Periods of Workers Compensation Time Loss

An employee may use Extended Illness leave during approved workers' compensation time-loss periods to supplement time-loss payments. Extended Illness supplements will be paid in amounts sufficient to bring the total pay up to the normal bi-weekly rate when possible. When Extended Illness leave is exhausted, Paid Time Off leave may be used in the same manner as described for Extended Illness leave to bring total pay up to the normal bi-

weekly pay when possible. Employees may not use Extended Illness or Paid Time Off leave that exceeds supplementing their regular straight-time pay (the difference between their Temporary Total Disability (TTD) benefits, Loss of Earning Power (LOEP) benefits and regular straight-time pay).

B. Unpaid Leave

- 1. All Paid Time Off or Extended Illness must be exhausted prior to the use of unpaid leave.** Unless LWOP is requested in conjunction with Paid Time Off, requests for LWOP may not be approved until all appropriate paid leave balances are exhausted. If the leave is for personal reasons, all Paid Time Off must be exhausted. If the leave is due to a medical condition, all Extended Illness, and Paid Time Off leave must be exhausted. Exception: if the leave is due to extended Military Leave the employee may use LWOP regardless of PTO availability.

- 2. Leave Without Pay**

When an employee requests leave without pay in conjunction with any other leave, the requests should be combined so the employee's manager may assess the consequences of the entire period of time off being requested.

If LWOP is requested in conjunction with Paid Time Off, compensation may be arranged to be paid over the entire leave period at a reduced amount or schedule. This arrangement requires advance notice and a Request for Personnel Action form to advise Human Resources and Payroll of the change in schedule.

Exception: suspensions or unpaid time for disciplinary reasons will result in LWOP while an employee still has payable leave balances.

If no, or an insufficient amount of, Paid Time Off is used to satisfy benefit eligibility requirements in conjunction with the LWOP, all healthcare insurance coverages will end the last day of the month in which the LWOP begins, unless the LWOP is related to a medical disability, or unless the employee is in their ACA stability period. In these situations each case will be addressed individually and based on the specific situation by Human Resources. The employee may elect to self-pay for insurance coverage(s) in accordance with the provisions of the applicable insurance contract and the Consolidated Omnibus and Reconciliation Act of 1985 (COBRA).

Approval of a leave under the conditions and limits stated in this section provides for the employee's right to reinstatement in the same position and pay held before the leave. However, if a reduction in force should occur during a period of leave, the returning employee would be subject to the action which would have taken place if the employee had remained at work. Refer to HR-10 Policy for Reductions in Work Force of Non-represented Employees. Refer to HR-06 for disability related Leave Without Pay.

- a) Personal Leave Without Pay**

A department director within the conditions and limits indicated within this policy may authorize a Personal Leave Without Pay.

A Personal Leave Without Pay is a request for time off work without pay for non-military or non-medical reasons will be considered a request for personal leave without pay. Approval of personal leave is not automatic. Port management considers leaves extending beyond an employee's accrued Paid Time Off as a special consideration to be granted only after careful evaluation. A request for personal leave without pay should be made only when an employee intends to return to work for the Port following such leave. Each request for personal leave will be considered on its own merits, and the factors to be considered by the department director shall include:

- The purpose and length of the requested leave
- The effects of the requested leave on the operational efficiency of the department
- The employee's length of service

A personal leave without pay where there is mutual benefit for the Port and the employee would receive greater priority, than a request with limited or no benefit to the Port. After such an evaluation, a manager who is willing to accommodate the employee's request may authorize up to a six week Personal LWOP if the employee's performance and attendance are satisfactory. Leave in excess of 6 weeks shall only be granted upon the recommendation of the employee's manager and with the approval of Human Resources.

(1) Personal Leave Without Pay Exceeding Maximum Time

Personal unpaid leave in excess of six weeks are administered by the employee's manager, with the approval of Human Resources Leadership. The decision of Human Resources Leadership shall be based upon the special circumstances of the case, including tenure, the employee's performance record, and the mutual benefit to the Port and the employee.

(2) Personal Leave Without Pay During Probationary Period

Personal leave without pay is generally not available to employees who have not completed their probationary period. If an authorized (personal) leave without pay is in excess of two weeks, the employee's probationary period shall be extended by the time period in excess of two weeks.

Approval of the Leave Without Pay shall be made at the discretion of the employee's manager, after consultation with Human Resources. In no case shall Personal Leave Without Pay in excess of 6 weeks be approved for employees who have not completed their probationary period.

In some circumstances (like negotiated time off when hired) personal leave without pay, typically of two weeks or less, may be granted at the discretion of the employee's manager.

(3) Procedures Required for Administering Personal Leave Without Pay

(a) Before Leave Without Pay is Granted

A written request for leave without pay shall be made as early as possible by the employee. If the employee is unable to submit a written request due to extenuating circumstances beyond the control of the employee (e.g., illness or injury), the leave request may be initiated by the employee's manager and submitted to Human Resources Leadership before the end of four weeks of continuous absence.

(b) During a Leave Without Pay Extending Beyond 30 Calendar Days

A personnel action form shall be submitted by the employee's department for any leave without pay that will extend beyond 30 days and FMLA has been exhausted or was not requested.

Any employee seeking or requiring an unpaid leave of more than 30 days should check prospectively with the Total Rewards staff regarding continuance of insurance coverage. It may be necessary for the employee to pay for part or all of the premiums for insurance benefits he or she wishes to continue without interruption. The Port's premiums for any insurance benefits the employee waives during a period of leave without pay will be paid by the Port beginning the first day of the month following return from such approved leave. The employee is responsible for paying his or her share of the premium, if any. If the employee returns on the first working day of a month, Port-paid insurances will resume the first of that month. When an employee elects not to pay the premiums for one or all insurance benefits, a signed statement from the employee is required stating which coverages are not desired during the leave. The employee makes this decision at the time the leave is being arranged.

(c) When Leave Without Pay is Completed

When the employee returns to work within the agreed upon time allowance, a personnel action form is submitted, by the employee's department, placing that employee back on active employment status if the employee's leave was greater than 30 days.

Barring an unforeseen circumstance, if an employee does not return within the agreed time and does not notify the Port of the reason nor request an extension, a termination personnel action form shall be prepared by the employee's department following final

communication with the employee and concurrence between the employee's manager and Human Resources Leadership.

b) Special Considerations

(a) Service Credit

Retirement system service credits are not earned while an employee is on leave without pay since the State of Washington Department of Retirement Systems awards service credit only for months in which direct payroll compensation is received.

(b) Affordable Care Act Implications

Leaves without pay, unless in conjunction with an approved medical leave or disability, do not count toward hours worked in determining eligibility for medical benefits based on the Affordable Care Act hours requirement. Variable hour employees may lose eligibility for medical benefits the following year based on the amount of LWOP they take and the hours they work during the measurement period.

If employees are in their stability period (as defined in HR-31) after qualifying for coverage based on the Affordable Care Act, taking LWOP does not affect their current medical benefit eligibility; however, the employee will need to decide how the employee premium contribution will be paid.

III. Responsibility

Human Resources is responsible for updating, coordinating and monitoring policies and procedures for the leave program, and limitations thereto.

IV. Comments

Additional information related to this policy may be available in:

- HR-5 Addendum
- HR-6 Disability Case Management Procedure
- HR-25 Employee Attendance Procedure
- HR-31 Employee Benefits
- Total Rewards Program Guide
- Holiday Pay Guide

Questions on any aspects of the Leave Program including Workers Compensation claims or Reasonable Accommodations should be directed to Human Resources staff or the Legal Department.

LEAVE ADDENDUM

HR-5 as of 04/21/2016

Original Date: 8/5/93 Revisions: 10/31/08; 8/17/05; 12/20/98; 12/22/96; 2/22/94

ADDENDUM STATEMENT:

This Addendum to the HR-5 Leave Policy applies to both non-represented and represented employees of the Port. The Salary & Benefit Resolution definitions and provisions will apply only to all non-represented employees. Collective Bargaining Agreement definitions and provisions will apply to all represented employees.

PURPOSE:

The purpose of the Addendum is to provide information about leave periods mandated by state and federal law, including:

1. Family and Medical Leave Act (FMLA)
2. Washington State Family Care Act (FCA)
3. Washington State Family Leave Act (WFLA)
4. Washington State Law Against Discrimination (WLAD)
5. Washington State Domestic Violence Leave
6. Military Leave
7. Washington State Military Family Leave Act
8. Civic Duty Leave (Jury Duty)
9. Faith or Conscience Days (FCD)

For information about administration of the above programs, see the Total Rewards Program Guide.

Unless noted otherwise: When employees return to work from one of the leave programs within this addendum, the Port of Seattle will restore the employee to the same job, or a similar job with similar pay, benefits and other conditions of employment if the job and/or terms and conditions of such job remain available. The Port will continue the employee's health insurance under the same terms and conditions as if the employee had not taken leave, and the employee is responsible for payment of any premiums owed for insurance coverage provided during the leave period.

1. Family and Medical Leave Act (FMLA)

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The FMLA provides eligible employees the right to take unpaid (or substitute accrued paid) leave for child bonding purposes, for medical reasons related to the employee or eligible family members, as well as certain qualifying military situations. The Port will continue its policy of requiring employees to exhaust appropriate paid leave before Leave Without Pay is authorized.

a. Eligibility Requirements

The Port adopts the eligibility provisions of the FMLA, which are subject to change by enacted legislation and will be incorporated without the need to amend this Addendum.

An employee is eligible for FMLA leave if he/she has:

(a) been employed by the Port for at least 12 months (months do not need to be consecutive); and

(b) worked for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.

Collective Bargaining Agreements (CBAs) will prevail for represented employees. If a CBA does not define "eligible employee," the FMLA's definition will apply.

Employees ineligible for FMLA leave may still be eligible for leaves under other provisions of the HR-5 Leave Policy guidelines or relevant union contract.

The Port may designate leave to be FMLA leave, even without the employee's request, if the circumstances clearly indicate that FMLA leave is justified.

For more information about FMLA, please contact Claudia Kay, Cynthia Alvarez or Matthew Bullock in HR.

2. Washington State Family Care Act (FCA)

The FCA entitles an eligible employee to take job protected leave for care of eligible family members while using his/her choice of accrued paid leave.

a. Eligibility

Employees are eligible to use FCA leave if he or she has accrued paid leave available for use and has met any applicable waiting period for use of such paid leave.

3. Washington State Family Leave Act (WFLA)

The WFLA is superseded by the federal FMLA where the provisions are similar. In most cases, the WFLA runs concurrent with the federal FMLA. WFLA can be used for bonding with a child or by an employee who exhausts his/her federal FMLA due to a qualifying exigency leave for a military service member for reasons not covered under the WFLA.

a. Eligibility

- i. The Port uses the eligibility provisions of the FMLA regulations, which are subject to change by enacted legislation and will be incorporated without the need to amend this Addendum, to determine WFLA eligibility.
- ii. An employee is eligible if he/she has:
 1. Been employed by the Port for at least 12 months (months do not need to be consecutive); and
 2. Worked for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.
- iii. Collective Bargaining Agreement definitions will prevail for represented employees. If a contract does not define "eligible employee," the FMLA's definition will apply.

4. Washington State Law Against Discrimination (WLAD)

The Washington State Law Against Discrimination (WLAD) entitles employees to take unpaid job-protected leave for pregnancy related condition, both pre- and post-childbirth. This leave runs concurrent with FMLA leave, unless FMLA leave has been exhausted, but WLAD does not run concurrent with WFLA leave. The Port will continue its policy of requiring employees to exhaust appropriate paid leave before Leave Without Pay is authorized.

a. Eligibility

Employees are eligible to request WLAD leave beginning with the date of hire if a disability exists related to pre- or post-childbirth that has a limiting effect on the employee's ability to perform job duties.

5. Washington State Domestic Violence Leave

The Washington State Domestic Violence Leave law allows victims of domestic violence, sexual assault or stalking to take reasonable intermittent job-protected leave from work on a paid or unpaid basis. The Port will continue its policy of requiring employees to exhaust appropriate paid leave before Leave Without Pay is authorized.

a. Eligibility

Any Port employee is eligible for leave beginning with the date of hire.

6. Military Leave

With appropriate military orders, employees called for active duty in the military (including active duty for training and weekend reserve drills for employees who normally work weekends) shall be allowed up to 21 working days of Paid Military Leave each Federal fiscal year (October through September) as provided in and

limited by RCW 38.40.060. Any amount of hours used equals one day and is counted against the 21 days

Compensation during the period of such a leave shall not exceed that which would be required to cover the number of hours regularly scheduled. For absences that exceed 21 working days, employees may use PTO, and Leave Without Pay shall be allowed at the employee's request.

In some situations, Port Supplemental Military Pay is available after the 21 days of paid military leave are exhausted to make up the difference between an employee's Port base pay and their military pay. Supplemental pay is available when an employee's guard or reserve unit is activated as a result of a Presidential Order or a declared state of emergency at the State or National level.

For information on Port Supplemental Military Pay, please reference HR-5, Leave Policy.

In all cases, the Uniformed Services Employment and Reemployment Rights Act (USERRA) provides the minimum definition of benefits guaranteed to employees called for active duty.

Employees shall provide a copy of military orders upon request.

a. Eligibility

Military leave is available to an officer or employee of the Port who is a member of the Washington National Guard or of the army, navy, air force, coast guard, or marine corps reserve of the United States, or of any organized reserve or armed forces of the United States beginning with the date of hire.

7. Washington State Military Family Leave Act

The Washington State Military Family Leave Act provides up to 15 days of unpaid leave for an employee whose spouse or domestic partner is a member of the United States armed forces, National Guard or reserves and has been called to active duty or is on leave from active duty deployment, during times of military conflict declared by the President or Congress.

a. Eligibility

Any Port employee, regularly scheduled to work at least 20 hours per week, is eligible for leave beginning with the date of hire.

8. Civic Duty Leave (Jury Duty)

Employees are entitled under Washington State law to serve as a juror when a summons is received. An employee shall not be deprived of or denied promotional opportunities because the employee receives a summons, responds to the summons, serves as a juror, or attends court for prospective jury service.

a. Eligibility

Any Port employee is eligible for leave beginning with the date of hire.

b. Supplemental Pay

In addition to time off, the Port chooses to provide full regular compensation to eligible employees. Please see HR 5 – Leave Policy for more information regarding Supplemental Pay.

9. Faith or Conscience Days (FCD)

Employees are entitled, under Washington state law, up to two unpaid holidays per calendar year for religious holidays, services and other activities organized by a religious organization which do not coincide with state legal holidays or those acknowledged by the Port of Seattle. The law also applies to employees who desire time off for reasons of conscience, thus covering employees who do not belong to organized religions.

a. Eligibility

Any Port employee is eligible for leave beginning with the date of hire.

For further information contact Claudia Kay or Tammy Woodard.