

***The Washington State Boundary Review Board
For King County***

REGULAR MEETING

7:00 P.M.

Thursday, September 11, 2025

***Bellevue Fire Department Station 9 a/k/a Newcastle Fire Station
12412 Newcastle Way, Bellevue, WA 98006***

Hybrid Option: Zoom Meeting ID: 869 0339 3324, Passcode: 446243

NOTE TO THE PUBLIC:

This meeting is open to the public pursuant to the Open Public Meetings Act (OPMA).

I. CALL TO ORDER – 7:00 PM

Stephen Toy, Chair

II. ROLL CALL

Mary Lynne Evans
Matthew Everett
Chandler Felt
Jay Hamlin
Ken Hearing
Teresa Platin
Cheryl Scheuerman

III. PUBLIC COMMENT

IV. MOMENT OF SILENCE IN REFLECTION OF 9/11

V. MINUTES:

***Amendment to Regular Meeting Minutes of July 10, 2025
Regular Meeting of August 14, 2025***

AGENDA

September 11, 2025

Page Two

VI. ANNEXATION ACTIVITY IN KING COUNTY

Karen Meyering of the King County Office of Performance, Strategy & Budget will discuss potential annexation activity in King County with the Board.

VII. ADMINISTRATION

- A. Chair's Report
- B. Executive Secretary's Report
- C. Committee Reports
 - 1. Steering Committee

VIII. DISCUSS AND POTENTIALLY VOTE TO AMEND BOARD ORGANIZATION AND RULES OF PRACTICE AND PROCEDURE

IX. EXECUTIVE SESSION

The Board will hold an Executive Session per RCW 42.30.110(1)(g) in order to discuss the performance of the Executive Secretary.

X. PERSONNEL COMMITTEE REPORT & DISCUSSION

XI. VOTE RE APPROVAL OF THE ANNUAL PERFORMANCE APPRAISAL OF THE EXECUTIVE SECRETARY & POTENTIAL VOTE RE EXECUTIVE SECRETARY'S 2026 MERIT OVER THE TOP AWARD

XII. VOTE RE EXECUTIVE SECRETARY'S 2026 EXECUTIVE LEAVE AWARD

XIII. 2025 WSABRB ANNUAL CONFERENCE

XIV. NEW BUSINESS:

- A. New File: None
- B. Masterlist
- C. Upcoming Actions/Other Updates

XV. ADJOURNMENT

AGENDA

September 11, 2025

Page Two

COMMITTEE MEMBERSHIP LIST

<i>Steering Committee*</i>
CHAIR: Cheryl Scheuerman
Mary Lynne Evans
Ken Hearing

<i>Nominating Committee*</i>
CHAIR: Ken Hearing
Jay Hamlin
Matthew Everett

<i>Personnel Committee*</i>
CHAIR: Ken Hearing
Jay Hamlin
Teresa Platin
Chandler Felt

<i>Legislative Committee*</i>
CHAIR: Mary Lynne Evans
Cheryl Scheuerman
Chandler Felt

<i>Budget Committee*</i>
CHAIR: Jay Hamlin
Teresa Platin
Matthew Everett

****Stephen Toy, as Board Chair, is an ex officio member on all committees***

**WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR KING COUNTY**

REGULAR MEETING

July 10, 2025

AMENDED MINUTES

I. CALL TO ORDER

Chair Stephen Toy convened the meeting at 7:02 P.M.

II. ROLL CALL

The following members were present:

~~Mary Lynne Evans~~

Matthew Everett

Chandler Felt

Jay Hamlin

Ken Hearing

Teresa Platin

Cheryl Scheuerman

Other attendees: Shelby Miklethun, Angelica Velasquez

III. PUBLIC COMMENT

There were no public comments.

IV. MINUTES

REGULAR MEETING – MAY 8, 2025

Chair Toy presented the minutes of the Regular Meeting of May 8, 2025, for review and action by the members. Chair Toy noted a typographical error in section IV of the draft minutes wherein the record should read “appointing” instead of “reappointing.”

Action: Jay Hamlin moved and Chandler Felt seconded the motion to adopt the draft minutes for the Regular Meeting of May 8, 2025, with the word “appointing” substituted for “reappointing” in section VI.

Board members voted seven in favor of approving this record of the Regular Meeting. Cheryl Scheuerman abstained.

V. ADMINISTRATION

A. CHAIR’S REPORT

Chair Toy welcomed new member Matthew Everett to the Board.

B. EXECUTIVE SECRETARY’S REPORT

Ms. Miklethun asked Members to send in any outstanding vouchers. She then provided an update regarding the Board’s three vacant member positions.

C. COMMITTEE REPORTS

1. BUDGET COMMITTEE

Budget Committee Chair Jay Hamlin reported that the Board is currently at about a 45% spend-to-budget ratio. He then provided information

regarding several specific budget line items. Next, he shared that the Executive would transmit her proposed annual budget to the King County Council in September. Finally, he stated that the Budget Committee would hold its second meeting of the year sometime after that event.

2. STEERING COMMITTEE AND LEGISLATIVE COMMITTEE

Steering Committee Chair and Legislative Committee Member Cheryl Scheuerman provided a report on behalf of both committees as they met on regarding similar topics on the same date (June 20, 2025.) She shared that both committees looked at [HB 1039](#) and [HB 1304](#) and discussed how both of those bills potentially interact with the Board's [Organization of Practice and Procedure](#) (ORPP.) She reported that both committees decided to have a joint meeting to work together regarding analysis and potential ORPP amendment in order to meet the requirements of HB 1304 specifically and that that meeting would be scheduled in the near future. The Members and Ms. Miklethun then discussed the process to amend the ORPP.

VI. NEW MEMBER

New member Matthew Everett introduced himself, and members welcomed him to the Board. Matthew Everett then recited the Board's Oath of Office.

VII. COMMITTEE ASSIGNMENTS

The members discussed committee assignments for new member Matthew Everett. Matthew Everett stated he was interested in joining the Budget Committee and the Nominating Committee.

Action: Cheryl Scheuerman moved and Jay Hamlin seconded motion to assign Matthew Everett to the Nominating Committee and Budget Committee.

Board members voted seven in favor to assign Matthew Everett to the Nominating Committee and Budget Committee

VIII. 2025 MEETING PLANNING

Ms. Miklethun and the members reviewed an overview of potential events and Board and Committee meeting topics and dates for the months of August 2025 through January 2026.

IX. DISCUSSION REGARDING POTENTIALLY SCHEDULING MEETINGS WITH LEADERS

Ms. Miklethun and the members discussed the idea of Members conducting short informational meetings with leaders in King County. Members expressed support regarding the idea and suggested additional groups in which to explore such meetings. Additionally, Members directed her to wait until 2026 in order to begin attempting to schedule the meetings.

X. TRAINING – OPEN PUBLIC MEETINGS ACT, PUBLIC RECORDS ACT, RECORDS MANAGEMENT

Ms. Miklethun presented training materials on the [Open Public Meetings Act](#) and the [Public Records Act](#) (with records management information.) She and the members discussed these topics in detail. Ms. Miklethun shared that Board would continue to conduct these trainings biennially.

XI. NEW BUSINESS:

A. NONE

B. THE MASTERLIST

The Masterlist was included in the Meeting Materials.

C. UPCOMING ACTIONS

Ms. Miklethun relayed information regarding potential upcoming annexation activity.

XII. ADJOURNMENT

Chair Toy adjourned the Regular Meeting at approximately 9:01 P.M.

**WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR KING COUNTY**

REGULAR MEETING

August 14, 2025

MINUTES

I. CALL TO ORDER

Chair Stephen Toy convened the meeting at 7:02 P.M.

II. ROLL CALL

The following members were present:

Mary Lynne Evans

Matthew Everett

Chandler Felt

Jay Hamlin

Ken Hearing

Teresa Platin

Cheryl Scheuerman

Other attendees: Shelby Miklethun, Angelica Velasquez, Robert C. Kaufman, Board Counsel

III. PUBLIC COMMENT

There were no public comments.

IV. MINUTES

REGULAR MEETING – JULY 10, 2025

Chair Toy presented the minutes of the Regular Meeting of July 10, 2025, for review and action by the members.

Action: Teresa Platin moved and Matthew Everett seconded the motion to adopt the draft minutes for the Regular Meeting of July 10, 2025.

Board members voted seven in favor of approving this record of the Regular Meeting. Mary Lynne Evans abstained.

V. ADMINISTRATION

A. CHAIR'S REPORT

Chair Toy acknowledged Jay Hamlin for attending via Zoom from Paris and thanked the rest of the members for joining the meeting.

B. EXECUTIVE SECRETARY'S REPORT

Ms. Miklethun thanked King County for approving the food spending request per County policy. She shared that her County computer had recently been replaced and that she was working on processing the prior quarter of voucher payments. Next, she shared that she had no updates regarding the County 2026-2027 Biennial Budget process.

C. COMMITTEE REPORTS

1. STEERING COMMITTEE AND LEGISLATIVE COMMITTEE

Steering Committee Chair and Legislative Committee Member Cheryl Scheuerman provided a report on behalf of both committees as they had

conducted a joint meeting earlier in the afternoon. She shared that the Committees reviewed [HB 1304](#) that passed earlier in the year and established an effective filing date for notices of intention. She further reported that the Committees discussed how to incorporate the requirements of that bill into the Board's Organization and Rules of Policy and Procedure ([ORPP](#).) She then stated that the Steering Committee will meet separately to draft and finalize amended ORPP language for the Board's consideration. Chandler Felt added that Board Counsel Robert C. Kaufman's participation in the meeting was very helpful. Finally, Ms. Miklethun shared that from a process perspective, the Board will vote whether to instruct her to publish and file notice of the proposed changes at one meeting and then hold a vote on said proposed changes at a subsequent meeting.

VI. DISCUSS AND POTENTIALLY VOTE TO AMEND BOARD ORGANIZATION AND RULES OF PRACTICE AND PROCEDURE

Chair Toy reiterated that the Steering Committee will continue to work on proposed changes to the ORPP and will bring those changes to the Board at its next meeting.

VII. WATCH AND DISCUSS PORTION OF JULY 9, 2025, WASHINGTON STATE HOUSE LOCAL GOVERNMENT COMMITTEE MEETING RECORDING

The members watched the first agenda item of the Washington State House Local Government Committee work session if July 9, 2025, regarding city annexations and then discussed the same. Members expressed a variety of thoughts on the remarks of the legislators, staff from the City of Ferndale and staff from Futurewise as well regarding challenges to cities completing annexations in general.

VIII. 2025 MEETING PLANNING

Ms. Miklethun and the members reviewed an overview of potential events and Board and Committee meeting topics and dates for the months of September 2025 through January 2026. Ms. Miklethun shared that she did not have an update regarding the 2025 WSABRB Annual Conference but that the WSABRB Executive Board would be meeting the following week.

IX. NEW BUSINESS:

A. NONE

B. THE MASTERLIST

There were no updates to the Masterlist.

C. UPCOMING ACTIONS

Ms. Miklethun relayed information regarding potential upcoming annexation activity.

X. ADJOURNMENT

Chair Toy adjourned the Regular Meeting at approximately 8:29 P.M.

Employee Performance Management & Feedback

Frequently Asked Questions

For additional information go to:

<https://kc1.sharepoint.com/sites/DHR-Intranet/SitePages/Employee-Performance-Appraisal-System.aspx>

1. *What is the purpose of the Employee Performance Management and Feedback System?*

The employee performance management system promotes communication about work performance between supervisors and employees, and the promotion of ongoing employee growth and development.

Regardless of whether covered under the county's merit pay plan or by a union contract (Collective Bargaining Agreement), all employees should be provided clear expectations and standards for performance, and, have regular feedback on how they are meeting those expectations and standards. Agencies are encourage to work to develop a clear and meaningful employee feedback system that provides our employees with regular, ongoing communication about standards and expectations, how the employee's performance is in meeting those expectations, and about the employee's development plan. What form the agency uses to capture and communicate this performance feedback is less critical than the communication of information and feedback to the employee.

2. *Are annual performance reviews required for all employees?*

No. However performance evaluations are required for those employees participating in the County's merit pay plan and under the terms of some collective bargaining agreements. Regardless of whether an employee receives a performance evaluation, it is important that every staff member receives timely performance feedback.

Performance reviews provide an opportunity to receive written feedback, assess training and development needs, clarify expectations, discuss progress toward previously determined goals and set new goals for the next review period. The review process can help improve efficiency and effectiveness and contribute to personal growth and job satisfaction.

3. *How are employee ratings on performance reviews used by supervisors and Human Resources representative or department Merit Coordinators?*

Ratings on performance reviews are indicators of overall performance and may, when applicable, be used to determine merit increases as outlined in represented employee's contracts or for non-represented employees, in the King County Code and in the Executive Branch Merit Pay System Guidelines.

4. *What is the process for conducting a performance review?*

Supervisors should meet with their Human Resources Manager to review the process used within their own agency. While all supervisors do not conduct reviews the same, Human Resources Division suggests the following process:

- Employees should be asked to reflect on their own performance, and even complete a self-evaluation. Forms are available at:
<https://kc1.sharepoint.com/sites/DHR-Intranet/SitePages/Employee-Performance-Appraisal-System.aspx>
- The supervisor completes a written performance review, which may be a department-specific form or the standard EPAS Year-in-Review Form available on the Human Resources Division website.
<https://kc1.sharepoint.com/sites/DHR-Intranet/SitePages/Employee-Performance-Appraisal-System.aspx>

Evaluation of performance should be based on the employee's performance during the entire review period.

- To ensure consistency and accuracy, the supervisor should meet with their immediate supervisor to discuss the direct report's performance reviews prior to meeting with each individual employee.
- The supervisor schedules a meeting with the employee to discuss the written performance review and provides the employee with a copy of the performance review prior to the meeting.
- The supervisor and employee meet to discuss the employee's performance during the previous review period, job duties, goals, performance expectations, and any specific objectives to be achieved including the employee's professional development goals.
- Following the meeting, the supervisor makes any necessary adjustments to the written performance review, signs the performance review and presents it to the employee for signature. After the employee has signed the performance review, the supervisor submits it to the supervisor's immediate supervisor for signature (unless other specific rules indicate differently). After obtaining all required signatures, the supervisor provides a copy of the fully signed performance review to the employee and submits the original to their department's Human Resources Manager for review, entry into the payroll system and for retention in the employee's personnel file.

5. *When should reviews be conducted?*

Most all departments evaluate performance based on the review period (September 1 to August 31st) and conduct and submit reviews between September 1st and September 30th. (Contact your Human Resources Manager and/or department Merit Coordinator for the exact time schedule). Although the process results in a final review "year-end" report, the expectation is that managers and supervisors will have at least periodic check-ins with their employees to assess their development and performance. It is recommended that check-ins or interim reviews be held at least **quarterly**. Supervisors are encouraged to monitor performance, provide feedback, reward and recognize excellent performance, discuss goals and communicate about issues throughout the year. Employees also are encouraged to initiate conversations with supervisors as often as needed.

6. *If an employee transfers to a new workgroup or department in between reviews, are both supervisors required to conduct a review?*

It is recommended that only one performance review be submitted per employee. The person who supervised the employee for the greatest period during the year should complete the review. It is recommended that the current supervisor talk with the former supervisor and ask for comments and input. If this is not possible, the new supervisor can complete the review, focusing on the employee's work to date.

7. *What if an employee has multiple supervisors/reviewers in their current department?*

It is recommended that only one performance review be submitted per employee. If an employee is evaluated by more than one supervisor, the supervisors must come to agreement on one overall score, comments, etc.

8. *If a supervisor is new to a department or supervisory role in the department and has little experience working with existing staff members, how should the review process be handled?*

The new supervisor should work with their department's Human Resources Manager and his/her senior staff in determining a review process for these individuals.

9. *What is the process for submitting reviews to our Human Resources office?*

After the employee has signed the performance review, the supervisor submits the review to the supervisor's immediate supervisor for signature. After obtaining all required signatures, the supervisor provides a copy of the fully signed performance review to the employee and submits the original to their department's Human Resources Manager for review and entry in the payroll system and for retention in the employee's personnel file.

10. *Is training available for supervisors?*

Yes. All supervisors should attend training on how to properly conduct a performance review. Various training opportunities are outlined in the Employee Performance Management Toolkit or contact your department's Human Resources Manager or contact the training department at KCTraining@kingcounty.gov.

11. *What if an employee disagrees with or does not understand ratings given by his/her supervisor?*

The employee should first speak with his/her supervisor for clarification. For represented employees, be certain to check the Collective Bargaining Agreement for proper steps and procedures. Otherwise, if an understanding is not reached, the employee may submit a written rebuttal to their Human Resources Manager for inclusion in his/her personnel file.

12. *What if employee refuses to sign?*

The employee's signature does not indicate agreement but acknowledgement that he or she received an evaluation. If an employee refuses to sign, indicate so on the evaluation, sign it, have your supervisor sign it and submit to their Human Resources Manager. If an employee refuses to submit an evaluation back to the supervisor for completion, contact your Human Resources Manager for their directions in this matter.

13. *Who should an employee call with questions about the performance review process?*

Please contact your department's Human Resources Manager for more detailed answers to questions about the performance review process. If your staff is represented, contact the Office of Labor Relations as well.

14. *How should employees prepare to participate in a review?*

Some basic tips for preparation include:

- Keeping notes of accomplishments, interim review feedback, training and any other issues throughout the review period
- Completing a self-evaluative summary form to reflect on the prior year's work (as one example, reference the EPAS Employee Performance Log)
- Preparing discussion points for the review

15. What can an employee who receives a low overall performance rating do to improve the next year?

Above all, employees need to understand why they received a low rating for the prior period or year's performance and what they can do to improve. First, employees should discuss this with their supervisor to be clear of his/her perspective and to set goals for the next year. Second, employees might want to consider requesting a Performance Improvement Plan so they can focus on the areas in need of improvement.

16. What happens if a staff member receives a rating below 3.00 (Satisfactory, or EPAS = Meets Expectations) on the overall performance review summary form?

Overall performance ratings below 3.00 (Satisfactory, or EPAS = Meets Expectations) are considered unsatisfactory and mean work performance for the previous year fell below expectations.

Employees receiving unsatisfactory overall performance ratings below 3.00 may not be eligible for pay increases. For represented employees, check the appropriate Collective Bargaining Agreement and for non-represented employees check the Executive Branch Merit Pay System Guidelines or contact your Human Resources Manager.

17. What about part time and TLT?

Short term temporary employees are not required to receive official documented performance reviews. However, you should share with them your observations on the work performance at any time.

TLTs are at-will employees who serve at the pleasure of the hiring authority and do not serve a probationary period. TLTs are not eligible for an increase in salary after six months except where required by Collective Bargaining Agreement. However, TLTs should receive written performance feedback and performance expectations at their anniversary date to promote performance management. It is recommended you include the TLT in the informal quarterly review meetings. Though not eligible for merit pay as set forth in the "Merit Pay System Guidelines", the annual written review of the TLT's performance is also a requirement for the employee to receive a step increase.

[Contingent Worker Manual](#)

Only one step increase may be given annually. Step increases are not required but may be given at the hiring authority's discretion. The TLT Appraisal Evaluation Template is the tool for accomplishing performance feedback and an annual step increase.

18. Is the reviewer signature required?

Yes. It is critical someone attest to reviewing the performance evaluation. This is usually the responsibility of the hiring authority for your workgroup or department, or their designee.

19. What if the employee will be on FMLA/vacation/military leave or otherwise not available to sign until after April 30?

Please contact your Human Resources Manager for advice on this matter. It is recommended that an effort is made to complete a review for what portion of the review period that the employee was at work.

20. What if the employee is terminated prior to the completion of evaluation period?

Please contact your Human Resources Manager for advice on this matter but it is recommended that you still complete an evaluation for the employee. Be sure all supporting documentation is accurate and in order as this evaluation may impact the eligibility for recall/rehire of the employee.

21. Should I save a copy of the employee's appraisal?

Yes, save a hard copy (with signatures) and electronic copy (where appropriate) and be sure to provide the employee with a copy signed by both you and your supervisor. A completed copy must be retained in the employee's regular personnel file.

22. My employee is still completing his/her Probationary period. Must I complete a Performance Evaluation for him/her?

Probationary employees have specific rules regarding performance evaluations and specific restrictions on when they can actually receive their merit increases. Please check Section 11.3 of the [Personnel Guidelines](#) for details.

23. Am I required to hold more than one evaluation meeting with each employee?

It is highly recommended the supervisor hold less formal quarterly documented feedback sessions with each of their direct reports. By holding quarterly documented sessions with each of your employees, the Annual Performance Evaluation should contain no surprises and make the process much easier for both parties.

24. Am I required to use the county's EPAS Form?

No, the department may create and use their own evaluation provided they (1) are in writing, (2) clearly indicate overall performance, and (3) must provide for employee feedback. It is strongly recommended the evaluation have some form of goal setting and evaluation for the employee and include a goal on Equity and Social Justice, a goal on continuous improvement, and a goal on personal or professional development.

25. Who should set the goals, the supervisor or the employee?

The intent is not to be prescriptive about setting goals and the supervisors and their direct reports should set the goals together. Each department should articulate overarching department goals to the managers and supervisors so they might help employees develop individual goals that are based on department goals. It is also recommended the goals be SMART Goals (see SMART Goals in the Employee Performance Management and Feedback Toolkit) that are measureable.

26. What if an employee's performance declines between the time of the annual performance review and the time they would receive a merit increase?

The performance rating an employee will receive and the associated merit is for the current review cycle year's performance. If an employee's performance declines towards the end of the calendar

year before merit increases are issued, this performance would be appropriately indicated on his/her next year's performance review.

EPAS Year-in-Review

Employee Information

Employee Name: Shelby Miklethun

Date: _____

Competency Development Goals

Competency	Development Opportunity	Skilled	Talented	Comments
A. Peer Relationships <i>Can quickly find common ground and solve problems for the good of all; can represent own interests and yet be fair to other groups; is seen as a team player and is cooperative; easily gains trust and support of peers.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
B. Customer Focus <i>Is dedicated to meeting the expectations and requirements of customers; gets first-hand customer information; establishes effective relationships with customers and gains trust and respect.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
C. Drive for Results <i>Can be counted on to exceed goals successfully; is consistently one of the top performers; steadfastly pushes self and others for results.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D. Optional other competency – Technical/Professional Knowledge <i>Understands how to separate and combine tasks into efficient workflow; simplifies complex processes; stays up-to-date on current practices and trends in his/her area of expertise; applies specialized knowledge to organizational problems in a manner consistent with prevailing best practices and standards.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
E. Optional other competency – Responsive <i>Responds to others' ideas, suggestions and disagreements in a timely and constructive and non-defensive manner; creates open lines of communication with others to build trust.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
F. Optional other competency – Delegation <i>Clearly and comfortably delegates both routine and important tasks and decisions; shares both responsibility and accountability; trusts people to perform; makes self-available for ongoing discussion and follow-up.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

EPAS Year-in-Review

--	--	--	--	--

Major Accomplishments

1.	
2.	
3.	
4.	
5.	
6.	
7.	

Comments on Visual Management Board (if applicable)

--

Other Supervisor Comments

--

EPAS Overall Rating

☐ Meets Expectations
 ☐ Exceeds Expectations
 ☐ High Performance

Signatures

Employee

Date

Supervisor

Date

EPAS Year-in-Review

Employee Comments:

--

Year-Ahead Development Goals

Goal Area Competency, specific skill, or other area for improvement	Description	How is it applied?
1.		
2.		
3.		
4.		
5.		

Quarterly Check-ins

Quarter	Notes	Date	Signature
1 st			
2 nd			
3 rd			



EXECUTIVE BRANCH PERFORMANCE APPRAISAL AND MERIT PAY SYSTEM GUIDELINES

Department of Human Resources

Version Updates	Date Updates Posted for Countywide Access	Revision Contributor/Owner
August 2025	Removal of Dept. Dir. From merit-over-top exclusion. Appendix link updates.	Grey Lewis, DHR/CCS
August 2017	Posted to HRD website: August 21, 2017	Grey Lewis, HR Analytics & Systems Manager
October 2021	Section 2.3. Updated reference of exclusions of Appointed leaders from merit-over-top eligibility.	Grey Lewis, HR Analytics & Systems Manager
July 2023	Section 2.3. Removed exclusion for Appointed leaders for merit-over-top eligibility	Denise Pruitt, Chief of Policy & Legislation Grey Lewis, HR Analytics & Systems Manager

TABLE OF CONTENTS

SECTION 1.	INTRODUCTION	3
SECTION 2.	KING COUNTY CODE AND EMPLOYEES COVERED	3-4
SECTION 3.	WHEN TO HOLD PERFORMANCE APPRAISALS	4
SECTION 4.	SCORING, MERIT AWARDS AND APPEALS	5-6
APPENDICES	A. PERFORMANCE APPRAISAL AND MERIT PAY COMPENSATION CROSSWALK	7-8
	B. EPAS YEAR-IN-REVIEW FORM	8
	C. PERFORMANE APPRAISAL SCHEDULE	8
	D. FREQUENTLY ASKED QUESTIONS.....	8
	E. HRD WEBSITE FOR EPAS TOOLS AND RESOURCES	8

SECTION 1. INTRODUCTION

1.1 PURPOSE OF GUIDEBOOK

The performance appraisal and merit pay system promotes communication about work performance between supervisors and employees, and ongoing employee development. This guidebook ensures that directors, managers and supervisors have correct, up-to-date instructions in applying the current merit pay processes contained in the King County Code.

Regardless of whether employees are covered under the County's Merit Pay Plan, all employees should be given clear expectations and standards for performance, receive regular, ongoing feedback on their performance, and discuss progression towards achievement of a development plan.

What form agencies use to capture feedback is less critical than engaging in communication with the employee about their performance and development. This guidebook provides information on requirements of the Merit Pay Plan. Use of the following tools and guidance will help agencies develop a meaningful feedback approach.

1.2 CRITERIA

Performance evaluations are based on individualized, position-specific performance elements.

Completed appraisal forms are kept in the employee's personnel file.

A completed appraisal is required for an employee to be eligible for a merit increase. Appraisals must meet the following criteria:

- They must be written.
- They must indicate clearly overall performance.
- They must provide for employee feedback.

SECTION 2. KING COUNTY CODE AND EMPLOYEES COVERED

King County's merit pay system is governed by the [King County Code, Chapter 3.15](#) -- Pay Plan and Classification of Positions, which authorizes merit payment according to performance level and current step in the pay range.

2.1 EMPLOYEES COVERED

The Merit Pay Plan applies to approximately 2,000 positions in the Executive-Branch departments including employees in the following separately elected agencies:

- Department of Assessments
- Department of Elections

2.2 EMPLOYEES NOT COVERED

- Employees on a fixed progression step plan or single-wage rate
- Term-Limited Temporary employees. Refer to the [Contingent Workforce Manual](#) for separate pay procedures covering TLTs.
- Short-Term Temporary employees
- Fellows and interns
- Work Study students

2.3 COVERED BY THE MERIT PAY SYSTEM, BUT NOT ELIGIBLE FOR MERIT INCREASES

- Employees who are currently serving a probationary period (except for employees who are serving a probation following a lateral transfer);
- Employees who have completed their probationary period less than three calendar months prior to the effective date of the increases (completion on or before July 31 for some union members, completion on or before September 30 for most participating groups); and
- In general, the merit award system affects non-represented King County Career Service and regular Career Service Exempt employees; however, employees represented by unions may participate in the merit award process, subject to provisions negotiated in their respective bargaining agreements.

SECTION 3. WHEN TO HOLD PERFORMANCE APPRAISALS

TIMING

An employee performance review of all eligible employees is conducted each fall (this does not include employees currently serving probation). Depending on the organization, this review may cover performance for the previous six months (March-August) or for the previous year (September-August). If the performance appraisal is for a different period, this is to be indicated on the Performance Appraisal form.

The default performance appraisal review period is September 1 through August 31.

Although this appraisal process results in a final review year-end report, the expectation is that supervisors and managers will have periodic check-ins with their employees to assess their development and performance. HRD recommends holding formalized check-ins quarterly.

SECTION 4. SCORING, merit awards AND APPEALS

4.1 HOW TO APPLY STEP INCREASES

See Appendix A – PERFORMANCE APPRAISAL AND COMPENSATION CROSSWALK.

4.2 SCORING CONSISTENCY

Within each department and division, consistency is required to ensure equitable treatment. It is recommended that supervisors and managers within divisions discuss and have a consensus of what “outstanding” work looks like, as well as to identify standards for other rating levels and a consistent approach to awarding step increases.

4.3 ABILITY TO EARN MORE THAN ONE STEP INCREASE

Under [KCC 3.15.020\(4\)](#), the appointing authority is able to grant multiple step increases for employees participating in the County’s performance appraisal system. In awarding additional step increases, be mindful of how such increases might impact your agencies’ internal salary equity and alignment, including those employees not eligible for a step increase. This flexibility to grant multiple step increases does not apply to employees who are eligible for multiple step increases through their collective bargaining agreement (for example, those that move two steps annually through their salary range.)

*Appointing Authority means the county council, the executive, chief officers of executive departments and administrative offices, or division managers having authority to appoint or to remove persons from positions in the county service.
[K.C.C. 3.12.010 (B)]*

4.4 RESULTS AND MERIT AWARDS

Notifying Employees of Results

Do not inform any employee that he or she will receive a merit raise until your department has determined that such increases will be granted, including a fiscal review authorization.

Employees who will receive a merit increase should be informed in writing of the step change and effective date. Personalized letters to those not receiving awards should also be written to tell them that, even though they will receive no increase, their work is recognized and appreciated. To receive a merit increase, there needs to be a complete, documented performance evaluation for the eligible employee approved by the department director or designee and maintained in the employee’s personnel file.

4.5 APPEALS

The employee may request to meet with the supervisor's superior for a review of the performance appraisal. Once the appeal process has been completed, scores are finalized and a report which assigns step increases is submitted.

The *King County Personnel Guidelines, Section 15.3*, provides for appeals as follows:

A. Within **five working days** after a copy of the performance appraisal form is given to the employee, the employee may request additional review and consideration by their division director (or, where the employee's supervisor is the division director, the department director). The employee should prepare a written request, which includes the following elements:

- Identify the appraisal by date, the name of the evaluator, and the date the appraisal was received.
- Specify the ratings or comments that the employee believes are incorrect.
- State the ratings or comments the employee believes should be made on the appraisal.
- Give facts substantiating each change requested.
- Keep a copy of the written request and send the original to the division (or department) director.

B. Upon receiving the request, the division (or department) director will have **15 calendar days** to meet with the employee. The division (or department) director will either sustain or change the performance appraisal and notify the employee of the decision in writing. In case of a change to the appraisal, a copy of the revised appraisal is to be included with the decision.

C. If the issue is not resolved by the division director, the employee may, **within 15 calendar days** of the meeting with the division director, meet with the department director, who will notify the employee of the decision in writing. The department director's decision to sustain or change the performance appraisal will be final.

4.6 EFFECTIVE DATES FOR MERIT PAY CHANGES

All eligible employees may expect to receive merit pay increases in their pay checks issued the first full pay period that includes January 1, or if represented under a collective bargaining agreement, in accordance with the provisions of the agreement.

APPENDIX A - PERFORMANCE APPRAISAL AND COMPENSATION CROSSWALK

If an employee is currently at this step		And receives one of these ratings			The employee can earn this
Employee's Current Step	EPAS RATING*	NUMERIC EQUIVALENT	K.C.C. PROVISION	CODE PROVIDED POSSIBLE STEPS	
Step 1 – 4	Meets Expectations	3.0000 – 3.9999	Standard Performance	Single Step	
Step 1 – 4	Exceeds Expectations	4.0000 – 4.2499	Above-Standard Performance or higher	One or More Steps	
Step 5 – 7	Exceeds Expectations	4.0000 – 4.2499	Above-Standard Performance or higher	One or More Steps	
• Moving more than one step requires a rating of 'High Performance/Outstanding', otherwise only one step is permitted.					
Step 8 – 9	High Performance	4.2500 – 5.0000	Outstanding Performance	Single Step	
• Moving from step 8 to 9; or from step 9 to 10 requires High Performance Rating					
Step 10 (or MOT)	High Performance	4.2500 – 5.0000	Outstanding Performance	Up to 5%	
• Merit increases above step 10 (or top step) require that the employee be at the top step for two consecutive years and score outstanding (high performance) both years. To maintain that above-step 10 rating, the employee must be continuously outstanding in performance for the entire rating period. <ul style="list-style-type: none">• Employees must be at top step two years prior to the effective date of the merit-over-top. By example, an employee must have been at step 10 effective 1/1/2015 to be eligible for merit-over-top effective 1/1/2017.					

For employees currently at step 10, King County Code 3.15.020(3) further provides for Merit-over-Top (MOT). The appointing authority has the ability to grant MOT of 2.5% or 5% above the top step of the range for a period of 12 months if all the following conditions are met:

- The employee has been at the top step of the prior or current range for two years before the award of the increase; and
- The employee has demonstrated continuous outstanding performance (EPAS = High Performance) throughout the rating period.
 - Employees are required to receive a High Performance (Outstanding) rating to receive and “re-earn” merit-over-top each year. If an employee has previously earned merit-over-top in their position and then scores below High Performance for a review year, the employee will lose their merit-over-top for that merit year. If the employee then completes a

following review year with a High Performance, the employee is not required to wait two years to “re-earn” merit.

Eligibility for movement through salary range and merit-over-top are superseded by union contract(s).

Please consult the appropriate union contract regarding performance appraisals and step increases.

APPENDIX B - [PERFORMANCE APPRAISAL FORM](#)

APPENDIX C – [EPAS FREQUENTLY ASKED QUESTIONS](#)

APPENDIX D – [DHR INTRANET SITE FOR EPAS TOOLS AND RESOURCES](#)



Executive Leave, Pay and Leave Practices for Exempt Executive, Administrative and Professional Employees as Defined by the Fair Labor Standards Act and the Washington Minimum Wage Act

Policy Number: 2021-0010
 Issue Date: 07-14-2022
 Replaces: PER 8-1-2 (AEP)

PURPOSE

To provide executive leave and set forth pay and leave practices to be followed for employees employed in a bona fide executive, administrative, or professional capacity. These employees are exempt from overtime pay under the federal Fair Labor Standards Act (FLSA) and the Washington Minimum Wage Act (WMWA). Executive, administrative, or professional employees who are covered by a collective bargaining agreement will be compensated in the manner set forth therein, provided that the terms of the contract are not less beneficial to the employee than the minimum requirements of the FLSA and the WMWA.

POLICY APPLICABILITY

This policy applies to all employees in the executive branch departments, offices, divisions and agencies, including the Assessor's Office and King County Elections. This includes all career service, provisional, temporary, probationary, and appointed employees.

DEFINITIONS

"Human Resources Manager" means a person who is responsible for the human resources management practices in executive agencies.

"FLSA-exempt Employee" for the purposes of these policies and procedures, means an individual designated by the Director of the Department of Human Resources (DHR), or designee, as being employed in a bona fide executive, administrative, or professional capacity, as defined by the FLSA and the WMWA, and who is therefore exempt from the overtime pay and minimum wage requirements of the FLSA and the WMWA.

"Part-time FLSA-exempt Employee" means an FLSA-exempt employee whose workload expectations and pay are established relative to, and less than, a full-time position.

"Bona Fide Executive, Administrative, or Professional Capacity" means employed in a position determined by the DHR Director, or designee, to satisfy the applicable "salary basis" test and the "duties" test of the FLSA and the WMWA.

"Salary Basis" means the employee regularly receives each pay period a predetermined amount constituting all or part of their compensation which is not subject to reduction because of variations in the quality or quantity of the work performed, except as otherwise provided by the FLSA and the WMWA.

- The salary basis test does not apply to an employee who is the holder of a valid license or certificate permitting the practice of law, medicine, or dentistry and who is actually engaged in the practice thereof.
- In the first and final week of employment, an employee's salary may be prorated for actual days worked in the first and last week of employment.
- An FLSA-exempt employee need not be paid for any workweek in which they perform no work.

"Hourly Basis" means the employee is entitled to be paid for all actual hours that they are required or permitted to work at either the straight time regular hourly rate until the employee has worked

forty (40) hours in the workweek or overtime hourly rate at one and one-half time the employee's regular rate of pay for each hour worked over forty (40) in the workweek. If the employee is represented, the terms of the applicable collective bargaining agreement will govern; provided that the collective bargaining agreement is not less beneficial to the employee than the minimum requirements of the FLSA and the WMWA. All Short-Term Temporary (STT) employees are paid on an hourly basis regardless of the FLSA classification of the position to which they are assigned. The overtime threshold for law enforcement employees shall be established in accordance with 29 U.S.C. §207(k) or as determined by the applicable collective bargaining agreement.

"Executive Branch" means that section of government under the authority of the county executive as defined by Section 310 of the King County Charter.

"Executive Leave" means time off with pay in full day increments granted each calendar year at the discretion of the department director or county executive to FLSA- exempt employees whose duties require the employee to work substantially in excess of the standard work schedule on an ongoing, regular basis.

"Retaliation" means to take adverse employment action against an individual because they have engaged in statutorily protected activity.

"Workweek" is a fixed and regularly recurring period of 168 hours during seven consecutive twenty-four-hour periods. Unless otherwise designated in writing by the department director or designee, the workweek for an employee paid on the MSA payroll system begins at 12:00 a.m. on Sunday and continues for the next 168 hours through Saturday and the workweek for an employee paid on the PeopleSoft payroll system begins at 12:00 a.m. on Saturday and continues for the next 168 hours through Friday. The workweek for law enforcement employees shall be established in accordance with 29 U.S.C. §207(k) or as determined by the applicable collective bargaining agreement.

POLICY

FLSA-exempt employees may be required to work a specified schedule set by their appointing authority and, in all cases, are expected to work the hours necessary to satisfactorily perform their jobs.

FLSA-exempt employees are required to work the hours needed to satisfactorily perform their duties, and will receive their normal rate of pay for the workweek regardless of whether or not they work on a holiday, and regardless of whether they are on a standard or alternative work schedule.

FLSA-exempt employees are compensated on a salary basis generally based on a 40-hour work schedule. The salary basis test does not apply to an employee who is the holder of a valid license or certificate permitting the practice of law, medicine, or dentistry and who is actually engaged in the practice thereof.

Part-time FLSA-exempt positions may be established in only one of the following part-time designations:

- 0.5 FTE (or a general schedule of 20 hours per workweek)
- 0.6 FTE (or a general schedule of 24 hours per work week)
- 0.75 FTE (or a general schedule of 30 hours per workweek)
- 0.8 FTE (or a general schedule of 32 hours per workweek)
- 0.9 FTE (or a general schedule of 36 hours per workweek)

Part-time FLSA-exempt positions are compensated on a salary basis based on their part-time designation and are not eligible for additional pay for hours worked in excess of their general work schedule

All positions designated as part-time FLSA-exempt must be evaluated by the appointing authority at least annually to ensure that the part-time designation continues to be appropriate.

The accrued leave balances of an FLSA-exempt employee are not charged when the employee is absent for part of a workday nor is the employee's pay reduced.

FLSA-exempt employees who are absent for part of a day are on "leave with pay" status. FLSA-exempt employees must notify and request authorization from their supervisors in advance to be absent for part of the workday. The notification and request shall be made in a manner as determined by the department. Departments may require partial-day absence notification, requests and approvals in written form.

FLSA-exempt employees must submit and have approved by their supervisor a written request (on designated forms or by another documented manner as determined by the department) to use any applicable leave (sick, vacation, bereavement, Executive, leave without pay, etc.) when absent from work for one or more full days.

An FLSA-exempt employee who is absent for a full day because of vacation or illness (including School Leave that is charged against sick leave) will have their accrual balances charged for the number of hours that the employee was generally scheduled to work. For example, an FLSA-exempt employee with a general work schedule of five 8-hour days who takes three days of vacation would be charged 24 hours (3 days x 8 hours = 24 hours). If the employee has a general work schedule of four 10-hour days and takes three days of vacation, the amount charged would be 30 hours (3 days x 10 hours = 30 hours). An FLSA-exempt employee may take and be charged for vacation or sick leave in full day increments only. If the vacation or sick leave balance is not sufficient to cover the full day absence, then the employee may not take or be charged vacation or sick leave for any portion of the day and the day would be taken as unpaid leave.

Use of leave by an FLSA-exempt employee for full day absences that are not vacation or sick leave will be made in full day increments, regardless of generally scheduled work hours, resulting in no reduction of salary, sick leave balance or vacation leave balance. Such absences include Bereavement Leave, Jury Duty, Military Leave, Executive Leave, Holiday Pay, Organ Donor Leave, Administrative Leave, and any other paid time off that is not vacation or sick leave¹. For example, an FLSA-exempt employee with a general work schedule of five 8-hour days who takes two days of Holiday Leave over the Thanksgiving holiday will receive 16 hours (2 days x 8 hours = 16 hours) of holiday leave. An employee with an alternative schedule of four 10-hour days who takes two days of Holiday Leave over the Thanksgiving holiday will receive 20 hours (2 days x 10 hours = 20 hours) of holiday leave.

Indigenous Peoples' Day. All holiday eligible executive branch FLSA-exempt employees who are required to work on the Indigenous Peoples' Day holiday because of the state court schedule will have additional hours of vacation leave added to their vacation leave bank. These employees will receive additional vacation hours corresponding to their normal work schedule. Full-time employees with a 40-hour work schedule will receive 8 hours of vacation pay. Full-time employees with a 35-hour work schedule will receive 7 hours of vacation pay. Part-time employees will receive pro-rated hours (e.g., an employee with a 20 hour a week work schedule, who normally works 4 hours a day, will receive 4 hours of vacation pay.)

Deductions may not be made from an FLSA-exempt employee's salary for absences occasioned by jury duty, attendance as a witness (e.g., deductions may not be made where an employee is under legal compulsion to be present in court but deductions may be made for voluntary attendance in a court case in which the employee is a party) or temporary military leave. The employee is required to report earnings for jury duty or witness fees to their department director in accordance with King County Code 3.12.240.

An FLSA-exempt employee may not be suspended without pay for less than one full workweek or multiples thereof unless the discipline is imposed for infractions of safety rules of major significance that are intended to prevent serious danger to the workplace or other employees.

¹ This provision supersedes corresponding sections in HR Policy 2021-0005, Alternative Work Schedules, dated 1/12/21

Suspensions without pay imposed for violations of safety rules of major significance may be of any length. All suspensions require the prior approval of the DHR Director, or designee.

Deductions from the salary of an FLSA-exempt employee cannot be made for absences occasioned by the employer or by the operating requirements of the business unless no work is performed in the workweek. If the employee is ready, willing, and able to work, deductions may not be made for time when work is not available. For example, if an FLSA-exempt employee's work unit is closed down in the middle of the workweek due to inclement weather and the employee is unable to perform work for the rest of that week, the employee will be paid their salary for that entire week. If work is not available but the employee has previously requested and has been approved for time off (e.g., vacation, sick leave, executive leave, leave of absence), the employee will have hours deducted from their accruals as approved in accordance with established policies for leave use. If the closure extends beyond that workweek, the FLSA-exempt employee need not be paid for future workweeks in which no work is performed.

FLSA-exempt employees are not eligible for overtime pay or compensatory time.

The DHR Director, or designee, may approve a written request from a department director that an FLSA-exempt employee be compensated on an hourly basis when it would be in the best interests of the county, which may include a period of time that an employee requires an intermittent schedule for medical reasons in order to ensure accurate accounting of absences for Family Medical Leave Act (FMLA) or King County Family Medical Leave (KCFML) benefits. If approved, the employee is treated as an hourly employee and all absences are charged against pay or the appropriate leave category. Additionally, the employee is not eligible to be awarded or use executive leave.

Executive Leave

All directors of executive departments/offices will be granted up to ten (10) days of executive leave each calendar year. An additional amount of up to twenty (20) days of executive leave may be granted to directors of executive departments/offices in each calendar year for critical recruitment and retention purposes as specified by the Director of Human Resources. Such grants require recommendation of the DHR Director and the approval of the King County Executive or designee.

Department directors will identify employees who occupy FLSA-exempt positions which require the employee to work substantially in excess of the employee's general work schedule on an ongoing, regular basis. Such employees may, at the discretion of the department director, receive up to ten (10) days of executive leave.

An employee whose base classification is paid on an "hourly basis" and who is assigned to work special duty in an FLSA-exempt classification is not eligible to receive executive leave.

Executive leave is usually granted at the beginning of the calendar year. New and transferred employees may also be granted executive leave during the calendar year, provided that the new duties require the employee to work substantially in excess of the general work schedule on an ongoing, regular basis.

Department directors shall report annually to the DHR Director, or designee, by December 31st of each year the executive leave to be granted the following calendar year to current employees. The report shall include the employee name and number of days to be granted including any days authorized by a collective bargaining agreement. In addition, any executive leave which was granted to newly hired or transferred employees during the past calendar year must also be included in the report. Should executive leave be granted to employees at other times of the year, department directors shall supplement and update the report throughout the year as executive leave is granted.

FLSA-exempt employees must schedule and receive approval for use of executive leave in accordance with departmental policies.

Executive leave may be used for any reason and must be used in full-day increments.

Executive leave must be used in the calendar year for which it is granted and shall not be carried into the next calendar year or cashed out.

Executive leave must be used prior to any transfer, promotion or demotion during the calendar year or it will be forfeited unless the new position meets the criteria for granting of executive leave and the department director of the new position agrees to the transfer of any unused executive leave in writing. In no case shall an employee receive more than ten (10) days of executive leave in a calendar year regardless of movement between positions (except for executive leave granted to department directors). When an FLSA-exempt employee granted executive leave is approved for a change in FLSA-exempt status, the employee may not use executive leave during the time period in an FLSA non-exempt status. Executive leave not used prior to separation from employment will be forfeited. There shall be no cash-out of executive leave.

FLSA-exempt employees who are covered by a collective bargaining agreement are not eligible for executive leave unless such leave is specifically authorized by the applicable union contract.

Salary Deductions

King County's policy is to comply with the salary basis requirements of the FLSA and the WMWA and therefore prohibits supervisors from making any improper deductions from the salaries of FLSA-exempt employees. Deductions from pay are permissible when an FLSA-exempt employee is absent from work for one or more full days for personal reasons other than sickness or disability (*i.e.*, the FLSA-exempt employee has no vacation leave accruals but needs to attend a family function for two full work days and the employee's request for two unpaid leave days has been approved); for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to sickness or disability (*i.e.*, the FLSA-exempt employee has no sick leave accruals but, due to a serious health condition, needs to take unpaid leave under the King County Family Medical Leave Ordinance; or the FLSA-exempt employee has no sick leave accruals but, due to a bona fide disability, needs to take unpaid leave under the Executive's Disability Accommodation in Employment policy); or for unpaid disciplinary suspensions of one or more full days imposed in good faith for violations of safety rules of major significance.

King County employees must be made aware of this policy by their supervisor and must be made aware that King County does not allow deductions that violate the FLSA or the WMWA. When an employee believes that an improper deduction has been made to their salary, they should report this to their division director or designee, Human Resources Manager, the DHR Director, the department's lead human resources personnel or designee, as soon as possible. Concerns of improper deductions will be promptly investigated. These types of concerns should be reported to the DHR Director, or designee, via the department's Human Resources Manager, or the department's lead human resources personnel. Human resources shall consult with department payroll personnel when investigating the report. If it is determined that an improper deduction has occurred, the Human Resources Manager shall ensure reimbursement for any improper deductions made and King County will take appropriate steps to ensure future compliance.

King County does not tolerate retaliation for reporting concerns of alleged violations of this policy. Such action is misconduct in violation of this policy and may be subject to discipline, up to and including termination.

This policy does not constitute an express or implied contract. It is a general statement of county policy that cannot form the basis of a private right of action.

PROCEDURES

Action By: Department director

Action: Determines which FLSA-exempt employees are eligible for executive leave and reports the granting of executive leave to current employees to the DHR Director or designee, by December 31st of each year. In addition, the department director reports the granting of executive

leave during the current year for new or transferred employees by December 31st of each year. Should executive leave be granted to employees at other times of the year, the department director shall supplement the report to the DHR Director or designee throughout the year as executive leave is granted.

Action By: FLSA-exempt employee

Action: Submits in accordance with this and departmental policies a written request to schedule and request approval for use of executive leave or other leave benefits for absences of one full day or longer. Notifies and requests authorization of their supervisor when they will be absent for part of the workday. The notification and request shall be made in a manner as determined by the department.

Action By: Supervisor

Action: Reviews written request for full-day absence; approves or denies request or forwards to decision maker; forwards written approval or denial of request for full-day absence to employee. Reviews request for partial-day absence and approves or denies partial-day absence request according to the method established by the department. Assures that the employee is working the hours necessary to perform work assignments satisfactorily and is working a specified schedule, if the appointing authority has set one.

Action By: DHR Director, or designee

Action: Approves or denies a written request from department director to compensate an FLSA-exempt employee on an hourly basis. Monitors the proper application of this policy.

RESPONSIBILITIES

FLSA-exempt employees shall:

- Work the hours necessary to perform work assignments satisfactorily and work a specified schedule if one is set by the appointing authority;
- Notify their supervisor when they will be absent for part of a workday;
- Obtain advance approval in writing for any planned absences of one or more full days;
- Schedule and receive written approval from their supervisor before using executive leave; and
- Report to the Human Resources Manager or lead department human resources personnel, as soon as possible, when they believe that an improper deduction has been made to their salary.

Supervisors shall:

- Monitor employee work performance;
- Approve or deny requests for use of executive leave, paid leave and other leave benefits;
- Ensure that employees are compensated in accordance with the FLSA, the WMWA; Personnel Guidelines, and/or an applicable collective bargaining agreement; and
- Ensure that employees are aware of King County's policy to comply with the salary basis requirements of the FLSA and the WMWA which prohibits improper deductions from the salaries of FLSA-exempt employees.

Human Resources Managers or lead department human resources personnel shall:

- Promptly investigate the report of an alleged violation of this policy, consult with department payroll personnel and ensure reimbursement to the employee if it is determined that an improper deduction has occurred;
- Report to the DHR Director, or designee, any instances of reported improper deductions from the salaries of FLSA-exempt employees; and
- Ensure appropriate steps are taken to ensure future compliance should an improper deduction occur.

Department directors or designees shall:

- Ensure that managers and supervisors receive training to correctly compensate FLSA-exempt employees and hourly employees in compliance with the FLSA, the WMWA, county ordinances and the provisions of this policy;
- Identify whether it would be in the best interest of the county to compensate an FLSA-exempt employee on an hourly basis rather than a salary basis and request authorization of the DHR Director, or designee, to do so;
- Identify employees who occupy FLSA-exempt positions which require the employee to work substantially in excess of the employee's general work schedule on an ongoing, regular basis and who may therefore be eligible for up to ten (10) days of executive leave each calendar year;
- Identify and inform payroll of those FLSA-exempt employees who are required to work on the Indigenous Peoples' Day holiday because of the state court schedule.
- Notify the DHR Director, or designee, by December 31st of each year of FLSA-exempt employees granted executive leave for the next calendar year for current employees, including the number of days granted; as well as reporting any executive leave granted during the year to newly hired or transferred employees; and supplementing the report throughout the year as executive leave is granted; and
- Review all positions designated as part-time FLSA-exempt at least annually to ensure that the part-time designation continues to be appropriate.

Department payroll personnel shall:

- Ensure that FLSA-exempt employees are paid in accordance with this policy; and
- Record executive leave granted and used.

The DHR Director, or designee, shall:

- Determine which positions are FLSA-exempt and periodically review the FLSA exemption status;
- Approve or deny requests from department directors to pay FLSA-exempt employees on an hourly rather than a salary basis;
- Promptly investigate the report of an improper deduction and ensure reimbursement to the employee if it is determined that an improper deduction has occurred;
- Take appropriate steps to ensure future compliance should an improper deduction occur;
- Develop an executive summary of this policy to be provided to employees during the New Employee Orientation and to employees who change to an FLSA-exempt status; and
- Monitor proper application of this policy and require correction of conduct when actions inconsistent with this policy are discovered.

QUESTIONS

Refer questions or comments to your agency's [Human Resources Manager](#) or the Department of Human Resources.