

RESOLUTION NO. 1004

A RESOLUTION PERMITTING SHARED VACATION LEAVE FOR OFFICER MATT THOMPSON

WHEREAS, the City of Lynden (City) presently allows City employees, at no additional employee cost to the City other than the administrative costs of administering the program, to come to the aid of a fellow City employee or an immediate family member of the employee (spouse, child or parent) who is suffering from an extraordinary illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate his or her employment, as memorialized in the HR-18 Shared Leave Policy approved by Council February 5, 2007 (hereafter "Shared Leave Program");

WHEREAS, the City complies with the provisions of the Uniformed Services Employment and Re-Employment Rights Act (USERRA) and provides up to twenty-one (21) days of paid military leave to employees as needed if called to active duty or active training duty, as memorialized in the HR-15 Military/Reserve Leave approved by Council February 5, 2007, and RCW 38.40.060;

WHEREAS, the City provides paid vacation leave and sick leave to its employees and provides family medical leave;

WHEREAS, the City's Shared Leave Program does not include sharing of vacation leave or use of shared leave for military deployment, nor does the City wish to adopt any such program or such use of leave on a regular or permanent basis;

WHEREAS, the President of the United States has increased security at the country's southern border under a public safety "wave";

WHEREAS, Officer Matt Thompson, a City Police Officer, is a Coast Guard reservist called to active duty or active duty training for twenty (20) days so far this year (October 1 to September 30), and is being called to active duty again for approximately two (2) months as part of the public safety "wave";

WHEREAS, Officer Thompson, will likely require additional leave this year to attend to family matters, including vacation time and the birth of a child;

WHEREAS, Officer Thompson, will have insufficient paid leave to cover his military deployment and family needs and would otherwise need to take leave without pay;

WHEREAS, the City desires to make a one-time expansion of the shared leave program to allow Officer Thompson to continue using paid leave during his deployment by allowing City employees to donate compensatory time and vacation leave to Officer Thompson; and

WHEREAS, the foregoing recitals are material findings and declarations of the City Council;

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Lynden as follows:

Section A: The City amends the Shared Leave Program to allow for its one-time expansion to cover vacation leave for Officer Matt Thompson, for the purposes outlined in the recitals, under the following terms:

1. Officer Matt Thompson will be eligible to receive donations up to 200 hours of vacation leave from other City employees for use during his military leave, after his own vacation bank is drawn down to 80 hours.
2. City employees may each donate up to 24 hours vacation time; provided that, they must have a total of not less than 40 hours of accrued vacation leave after the donation of vacation leave.
3. Vacation leave shall be transferred on an hour for hour basis without any salary conversion. Compensatory time shall be transferred on a dollar for dollar basis and converted to vacation leave as otherwise indicated in the Shared Leave Policy.
4. Officer Matt Thompson will complete the Shared Leave Request form with any differences related to the type of leave and use noted and cooperate with any other requests of his managers or Human Resources to coordinate his use of leave.
5. City employees wishing to donate vacation leave or compensatory time, will complete a Shared Leave Donation/Authorization form specifying Matt Thompson as the recipient and indicating the number of hours and type of hours to be donated (vacation leave and/or compensatory time).
6. The City will notify employees of the opportunity to donate hours to Officer Matt Thompson.
7. Existing terms of the Shared Leave Program shall continue to apply to Officer Matt Thompson so long as they do not conflict with the provisions herein or frustrate the purposes of this Resolution.
8. This Resolution is not intended to expand the scope of the Shared Leave Program in any way and shall not be precedent for any future application of the Shared Leave Program. This Resolution is for the benefit of Officer Matt Thompson only, and shall not be implemented for his benefit until the City receives a signed written acknowledgment from a duly appointed representative for the collective bargaining unit of which Officer Thompson is a member, in a form acceptable to the City, that expressly confirms this Resolution does not serve as such precedent and may not be relied upon as grounds to expand the Shared Leave Program.

Section B: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

Section C: If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this resolution. The Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause and phrase thereof, irrespective of

the fact than any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this resolution should be declared invalid or unconstitutional, then the original resolution or resolutions shall be in full force and effect.

Section D: This Resolution shall be in full force and effect immediately upon adoption.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE, \_\_\_\_ IN FAVOR \_\_\_\_ AGAINST,  
AND SIGNED BY THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY