

## Minutes for October 27<sup>th</sup>, 2003

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**061688 THE BOARD OF WHITMAN COUNTY COMMISSIONERS** met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **October 27, 2003** at **10:00 a.m.** G.R. "Jerry" Finch, Chairman, Greg Partch, and Les Wigen, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

**10:00 a.m. - Board Business.**

**D061688A 1. Call to Order/Pledge of Allegiance.**

Present: Brett Bosse.

**D061688B 2. Motion** by Commissioner Partch to approve the consent agenda. Motion **seconded** by Commissioner Wigen and **carried**.

**061689 3. Claims/Payroll warrants numbered 155215-155367 for \$213,634.00** approved.

FUND	FUND NAME	AMOUNT
001	Current Expense	44,960.61
103	Countywide Planning	84.00
104	Developmental Services	126.80
112	Public Facilities Improvement	4,135.00
126	Treasurer's M&O	21.68
128	Crime Victims/Witnesses	71.19
133	Commissioners' Special Revenue	10,918.90
135	Prosecutor's Stop Grant	4,058.08
142	Whitcom-911	3,638.94
501	Equipment Rental & Revolving	16,083.00
511	Unemployment Insurance	6,603.77
513	Communications Revolving	63.13
690	Clearing & Suspense	122,868.90

**061690 4. October 20, 2003 minutes** approved.

**061691-061692 and 061694 5. Personnel board orders** approved.

**061695 6. The commissioners** signed a letter to all departments after a **motion** by Commissioner Wigen **seconded** by Commissioner Partch and **carried**. The letter informs the department heads that the 2004 Capital Improvement Program process is being initiated.

**061696 7. A resolution** updating the commissioners' travel allowance was before the Board. Chairman Finch pointed out this allowance has not been

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changed since 1987 and is basically a housekeeping measure. **Motion** by Commissioner Wigen **seconded** by Commissioner Partch to sign a resolution updating the commissioners' travel allowance. Commissioner Partch agreed adding things have changed since 1987. Motion **carried**.

**RESOLUTION NO. 061696**

**AMENDING COMMISSIONERS' REIMBURSEMENT FOR USE OF PERSONAL VEHICLES**

WHEREAS, the Board of Whitman County Commissioners seek to minimize the number of county-owned and operated vehicles and reduce costs as much as possible; and,

WHEREAS, R.C.W. 42.24.090 recognizes the nature of county responsibilities and transportation requirements and authorizes specific payments for the use of private automobiles for official county travel; and,

WHEREAS, the County Commissioners provide reimbursement to county employees for use of their private vehicles for county related matters; and,

WHEREAS, the commissioners reimbursement rate has not been changed since 1987; and,

WHEREAS, the county policy pertaining to use of private vehicles for county related business is in need of updating.

**NOW, THEREFORE, THE FOLLOWING FINDINGS OF FACT ARE HEREBY MADE:**

1. The elected county commissioners and, where appropriate, appointed county commissioners have official duties and responsibilities that require the use of a county vehicle or reimbursement for the use of their private vehicles; and,
2. Based on statistics and figures available since 1987, the average monthly cost to operate and maintain a county vehicle for each commissioner was \$570.00; and,
3. Since 1987, it has been less costly to the county to pay a flat monthly fee of \$470.00 to reimburse each commissioner for the use of his/her private vehicle for in-county transportation than to own or maintain a county vehicle for that use; and,
4. Currently, based on statistics and figures available in 2003, the average monthly cost to operate and maintain a county vehicle for each commissioner is \$600.00; and,
5. It is still less costly to the county to pay a flat monthly fee of \$600.00 to reimburse each commissioner for the use of his/her private

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vehicle for in-county transportation than to own or maintain a county vehicle for that use.

**THEREFORE, BASED ON THE FOREGOING FINDINGS OF FACT, BE IT RESOLVED AS FOLLOWS:**

1. That, any resolution on file herein inconsistent with policies announced henceforth in this document are hereby rescinded and repealed; and,
2. That, each Whitman County Commissioner is authorized to use his/her private vehicle for all official transportation within the county for which a payment of \$600.00 per month shall be made. Provided however, that this resolution shall not require any current or future Whitman County Commissioner who so chooses to use a county vehicle at county expense in lieu of this or an appropriate reimbursement if he/she so chooses. Any monthly payment shall be in lieu of the use of any county-owned vehicle and shall be full payment for all vehicle expenses incurred within Whitman County, Washington; and,
3. That, in addition, mileage travel outside Whitman County, Washington shall be paid at the same rate authorized for all other county employees commencing at the Whitman County Courthouse; and,
4. That, prior to receiving payment, each county commissioner operating under this method shall provide the county auditor a certificate of automobile liability insurance in the minimum amount of \$100,000/\$300,000 and that said certificate shall name Whitman County, Washington as an additional insured; and,
5. That, a communications system, either radio or telephone, shall be provided and maintained in each commissioner's vehicle by Whitman County, whether the commissioner chooses to use his/her private vehicle or a county vehicle for official transportation within the county.

ADOPTED this 27th day of October 2003 and effective as of January 1, 2004.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

\_\_\_\_\_  
G.R. Finch, Chairman

ATTEST:

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Greg Partch, Commissioner

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Maribeth Becker, CMC

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Les Wigen, Commissioner

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Clerk of the Board

**061697**     **8. Motion** by Commissioner Wigen and **seconded** by Commissioner Partch to sign the Colfax 2003-2004 Criminal Justice interlocal agreement. Commissioner Partch would like to begin negotiations for the 2005 agreement as soon as possible because the county is not even breaking even at the rate of \$47/day per prisoner. Chairman Finch suggested Mr. Peterson begin negotiations with Colfax for 2005 as soon as the 2004 budget is completed. Motion **carried**.

**061698**     **9. Motion** by Commissioner Wigen **seconded** by Commissioner Partch and **carried** to sign the Uniontown 2003-2004 Criminal Justice interlocal agreement.

**10:15 a.m.** - Tammy Lewis.

**061699**     **10. Motion** by Commissioner Partch **seconded** by Commissioner Wigen and **carried** to sign the Tekoa 2003-2004 Criminal Justice interlocal agreement.

**061700**     **11.** Letter received from Jeffrey L. Phelps requesting the speed limit on a portion of the Albion Road be reduced. The letter was forwarded to the Public Works Director and Engineer for a recommendation.

**061701**     **12.** A letter was sent to Senators Cantwell and Murray urging the senators to reject inclusion of additional tax exemptions to the Internet tax moratorium. Senator Cantwell acknowledged receipt of the commissioners' letter and felt Congress must continue debating this issue to gain a better understanding of how Internet transactions can be fairly taxed.

Commissioner Partch explained Congress would be taking money the county receives from phone line taxes used for 911. The current legislation could possibly take all that funding away. Senator Cantwell expressed concern about 20 states (which Washington is one of) creating law for all 50 states and she preferred a more level playing field for main streets businesses in rural communities. At present, Whitman County main street businesses are at a disadvantage of 7.6% sales tax because the Internet doesn't charge this tax. The 20 states are trying to allow the taxing structure to be extended on the Internet for services so main street America is competitive.

**061702**     **13.** An executed copy of DSHS advance payment agreement contract No. 0363-35443 was received.

**061703**     **14.** An executed copy of DSHS HIPAA Business Associate amendment #0183-44531(2) received.

**061704**     **15.** An executed copy of the City of Pullman 2003 Misdemeanor/Gross Misdemeanor agreement received.

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**061705** 16. An executed copy of the AVISTA Utilities agreement for the energy efficiency improvements in the Courthouse and Corrections building received.

**10:25 a.m.** - Fran Martin.

**D061705A** 17. Commissioners' pending list reviewed.

**10:30 a.m.** - **Emergency Services Ordinance.**

Present: Fran Martin, Brett Bosse, Tammy Lewis and Nick Beamer.

**061706** Chairman Finch convened the hearing to consider revisions to the Emergency Services ordinance and called for a staff report.

Ms. Martin reviewed the incorporated recommendations by the Prosecutor. Commissioner Partch suggested added language to 2.24.040 to include "Washington State University" and the "City of Pullman" to the last sentence.

There being no comments for or against the proposed ordinance revisions, Chairman Finch adjourned the hearing. **Motion** by Commissioner Partch **seconded** by Commissioner Wigen and **carried** to approve the ordinance as amended.

**ORDINANCE NO. 061706**

**Ordinance Relating to Emergency Management**

WHEREAS, the protection of public health, safety and general welfare as well as the requirements of Title 38, Chapter 52 of the Revised Code of Washington require the Whitman County Commissioners to make appropriate provisions for providing emergency services; and,

WHEREAS, three previous ordinances relating to provisions of emergency services relating to Civil Defense, Ordinance 18398 adopted June 11, 1956; Ordinance No. 19057 adopted December 30, 1957; and Ordinance 31208 adopted December 13, 1977 are rendered out of date by changes made to Title 38, Chapter 52 of the Revised Code of Washington.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WHITMAN COUNTY, STATE OF WASHINGTON, as follows:

**Section 2.24.010 - PURPOSE.**

The declared purposes of this ordinance are to provide, pursuant to R.C.W. 38.52, a comprehensive emergency management plan including mock or practice drills for the protection of persons and property within this county in the event of a natural or man-made disaster and to prepare for

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the coordination of emergency services and the performance of disaster functions of this county with all other public agencies and affected private persons for the protection of people, property and the environment through an increasing readiness level to mitigate, prepare for, respond to and recover from natural or manmade disasters. The Comprehensive Emergency Plan is the guide for actions before, during, and after a disaster. The plan defines who does what, when, where, and how in order to mitigate, prepare for, respond to and recover from the effects of natural and manmade disasters.

**Section 2.24.020 - DEFINITIONS.**

- A. Disaster: An event, beyond an emergency, that causes or threatens to cause significant human, property, or economic loss and demands a crisis response exceeding the scope of local resources.
- B. Emergency services: As used in this ordinance, the term "emergency management" shall mean the preparation for and the carrying out of all emergency functions and to aid victims suffering from damage resulting from natural or manmade disasters and to provide support for search and rescue operations for persons and property in distress. These functions include, without limitation, firefighting services, law enforcement, medical and health services, rescue, engineering, communications, radio-logical, chemical and other special weapons defense, evacuation, emergency welfare services, emergency transportation, temporary restoration of public utility services and other functions, together with all other activities necessary or incidental to the preparation and for carrying out of the foregoing functions.
- C. Injury: Physical harm or damage to a person or property. As used in this ordinance, the term "injury" shall mean and include accidental injury and/or occupational disease arising out of emergency services.
- D. Comprehensive Emergency Management Plan (CEMP): Coordinated to comply with RCW 38.52. It is a plan or blueprint that states the WHO, WHAT, WHEN, WHERE, and HOW response to a disaster or emergency will be managed.
- E. Emergency: An event demanding immediate action to protect life, prevent injury, preserve public health or essential services, or to protect property or the environment and with the scope and ability of local resources to control (e.g. routine police, fire, and medical emergencies).
- F. Disaster Declaration Process: The formal process initiated by local authorities in times of disaster if assistance is beyond

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their capability. The governor requests a Presidential Declaration in the event of a major disaster.

**Section 2.24.030 - DIRECTOR OF EMERGENCY MANAGEMENT POWERS AND DUTIES.**

There is hereby created the Department of Director of Emergency Management. The Whitman County Board of Commissioners shall appoint a Director. The Director is hereby empowered and directed to:

- A. Prepare a Comprehensive Emergency Management Plan (CEMP) for the county conforming to the state emergency management plan and program;
- B. Control and direct the efforts of the Department of Emergency management for the County of Whitman, State of Washington, for the accomplishment of the purposes of this ordinance;
- C. Direct coordination and cooperation efforts among government agencies, business and industry, volunteer organizations, and the citizens of Whitman County;
- D. Efficiently and effectively utilize government and private resources.
- E. Coordinate with the comprehensive emergency management plans and programs of the federal government, the state of Washington, emergency management jurisdictions within Whitman County, and with surrounding jurisdictions.
- F. Direct development and maintenance of disaster response capabilities.
- G. Direct identification and application of hazard mitigation strategies.
- H. Train and educate private citizens, the business community, volunteers and the government.
- I. Encourage government, business and industry, and private citizens self-sufficiency.
- J. Direct all responsibilities for the organization, administration, and operation of the Department of Emergency Management.
- K. Execute all of the special powers conferred by this ordinance or by adopted resolution.
- L. Requisition necessary personnel or material of any county department or agency.

**Section 2.24.040 - EMERGENCY MANAGEMENT ORGANIZATION.**

- A. Whitman County has established one emergency management function and office. The City of Pullman has established a separate emergency management function and office. The Board of County Commissioners heads the Department of Emergency Management and will cooperate with local emergency agencies and volunteers, Washington State University and the City of Pullman.
  
- B. General Organization Responsibilities: The head of each governmental or private organization is responsible for the following:
  - 1. Appointing a liaison and alternates to work with the DEM in the development and maintenance of the CEMP.
  - 2. Make staff available at the request of DEM for appropriate training and emergency assignment.
  - 3. Maintain a current inventory of key organization personnel, facilities and equipment resources.
  - 4. Establishing policies and guidelines for Incident Command.
  - 5. Establishing policies and procedures for the organizational chain of command and succession of authority.
  - 6. Develop organization disaster mitigation, preparedness, response, and recovery plans.
  
- C. Suspension of day-to-day activities: Day to day functions that do not contribute directly to the disaster operation may be suspended for the duration of the public emergency. The efforts that would normally be required for these functions will be redirected to accomplish disaster management tasks.

**Section 2.24.050 - MANAGEMENT PRIORITIES.**

- A. Disaster management priorities: Will be based on the prevailing situation and on-scene circumstances. However, for planning and conceptualization purposes, the following priorities are established with the understanding that they may change during a disaster. Protect human life and public health, public property and infrastructure, provide reasonable assistance to individual requirements, county function and funding and protect the environment.
  
- B. Finances: Expenditures necessary for the immediate survival of persons endangered by an emergency, or that may be incurred as a result of a disaster, may exceed the legal limitation of the budget. The Board of County Commissioners consistent with RCW (emergency expenditures) may pass a resolution authorizing such

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expenditures outside normal bidding laws or budgets/department limitations.

**Section 2.24.060 - PUNISHMENT OF VIOLATIONS.**

It shall be a misdemeanor, punishable by a fine of, not to exceed \$250.00, or by imprisonment, not to exceed ninety (90) days, or both, for any person during a disaster to:

- A. Willfully obstruct, hinder or delay any member of the emergency management organization in the enforcement of any lawful rule or regulation issued pursuant to this ordinance, or in the performance of any duty imposed upon him by virtue of this ordinance;
- B. Willfully do any act forbidden by any lawful rules or regulations issued pursuant to this ordinance, if such act is of such a nature as to give, or be likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of this county, or to prevent, hinder or delay the defense or protection thereof; and,
- C. Knowingly wear, carry or display, without authority, any means of identification specified by the Department of Emergency Management of the State.

**Section 2.24.070 - VALIDITY OF ORDINANCE AND PARTS.**

Should any section, paragraph, sentence, portion of a sentence, or word of this ordinance be declared for any reason to be invalid, such declaration of invalidity shall not affect the validity of the remaining portion or portions of the ordinance as a whole nor any part thereof other than the part so declared to be invalid.

**Section 2.24.080 - REPEAL SECTION.**

All sections and provisions of Whitman County Ordinance No. 31208 adopted December 13, 1977, Ordinance No. 19057 adopted December 30, 1957, and Ordinance No. 18398 adopted June 11, 1956, are hereby repealed by the adoption of this ordinance herein.

PASSED AND APPROVED this 27th day of October 2003 by the Board of Whitman County Commissioners.

APPROVED AS TO FORM:

/s/ Denis Tracy  
Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

G.R. Finch, Chairman

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ATTEST:

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Greg Partch, Commissioner

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Maribeth Becker, CMC  
Clerk of the Board

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Les Wigen, Commissioner

**10:40 a.m. - Nick Beamer, Aging & Long Term Care of Eastern Washington.**

Present: Brett Bosse and Tammy Lewis.

**D061706A** Commissioner Partch introduced Nick Beamer, Executive Director of Aging & Long Term Care of Eastern Washington (ALTCEW). Whitman County is an affiliate of ALTCEW along with 4 other counties and 2 Tribal Councils in eastern Washington.

Mr. Beamer expressed his appreciation for Whitman County's continued support of the agency, now in its 25<sup>th</sup> year of operation. This agency works with local counties to deliver services to people that need help because they are getting older or have physical or mental issues, making it impossible for them to stay on their own without help. The agency provides in-home options for people that would otherwise be in a nursing home such as, meals on wheels, in-home caregiver, out of home meals/socialization, adult day health, case management and information/assistance.

Family members or friends for approximately 75%-80% of this population provide most care giving at home. It is when these family members or friends are not available that ALTCEW steps in.

The agency is facing the usual challenges that may also be experienced at the county level because the state budget is not growing as much as is needed. The population is growing much faster than the budget so they are always looking for ways to consolidate administrative costs, find new funding sources for the aging population and trying to retain federal funds.

The current challenge is in the field of mental health where there is a ruling by the Centers for Medicaid/Medicare services that will actually remove funding they had for Spokane County for case management programs. That will not be the case in Whitman County, but individuals with mental health issues, if not Medicaid eligible, will have less funding.

Mr. Beamer reiterated his appreciation and asked that Whitman County continue to work with ALTCEW on legislative issues and with the governance of the agency.

Commissioner Partch thought much of the success in Whitman County is derived from the volunteers and local services. Whitman County will be working with Karl Johanson to draft a document for presentation to DSHS Secretary Dennis Braddock for a consolidated funding contract.

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**10:55 a.m. - Bruce Bell, Hay, Washington.**

Present: Brett Bosse and Tammy Lewis.

**D061706B** Mr. Bell inquired about the 4 buildings in Hay the residents petitioned the county to raze. Commissioner Wigen said he spoke with Environmental Health the same day Mr. Bell called him. The property is privately owned and the county has no authority to demolish the buildings. Mr. Bell indicated John Skyles and Bob Anderson did make an on-site inspection (for safety or health hazard purposes), but he had not heard back from them as yet. The commissioners advised Mr. Bell this issue is in the hands of those two departments and the commissioners have no jurisdiction in the matter.

**11:00 a.m. - Mark Storey, County Engineer.**

Present: Phil Meyer and Bruce Bell.

**Action Items:**

**061707** 1. **Motion** by Commissioner Partch **seconded** by Commissioner Wigen and **carried** that the resolution to close the dirt roads from November 15, 2003 to March 15, 2004 be signed as presented. Commissioner Partch mentioned that he previously forwarded an inquiry about stiffer penalties for damages to closed dirt roads to Judge Robinson.

**RESOLUTION NO. 061707**

BEFORE THE BOARD OF COUNTY COMMISSIONERS of Whitman County, Washington, in the matter of closing certain county roads for the period from November 15, 2003 through March 15, 2004 pursuant to R.C.W. 47.48.010;

IT IS HEREBY RESOLVED that the following roads be closed to vehicular traffic from November 15, 2002 through March 15, 2003; provided, however, that a special permit may be obtained by contacting the Office of the Whitman County Engineer prior to traveling on any hereinafter listed road:

<u>Road No.</u>	<u>Name</u>	<u>Road No.</u>	<u>Name</u>
0015	Waterman Rd (Dirt Part)	4380	Gene Feenan Road
0030	Merritt Road	4390	Ruff Road
0050	St. John Road	4410	McGrady Road
0060	Wilhelm Road	4410	McGrady Road
0100	Russell Road	4420	Bob Schultz Road
0115	Carter Road	4430	Morley Road
0410	Fairbanks North Rd (Dirt Part)	4440	Bill Wilson Road
1140	Bancroft Road (Dirt Part)	4460	Bixler Road
1180	I. N. Balthis Road	4470	Rogers Road (Dirt Part)
1420	Faught Road	4480	Blackwell Road (Dirt Part)
1540	Bunny Road	4560	Ballaine Road

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1550	B. Howard Road	4600	L Anderson Road
2030	Sheahan Road (Dirt Part)	5160	McKenzie Road
2230	Tennessee Flat Road	5170	Mader Road
2310	Peringer Road (Dirt Part)	5210	L. West Road
2320	Huggins Road	5280	Mick Parvin Road
2330	Hubner Road (Dirt Part)	5370	McGreevy Road
2350	J. W. Baylor Road	5390	R. Zakarison Road
2430	Westacott Road	5410	Fulfs Road
2440	Sunrise Road	5520	Kitzmiller Road (Dirt Part)
2520	Hilty Road (Dirt Part)	5525	Orville Boyd Road (Dirt Part)
2560	Mike Johnson Road (Dirt Part)	5560	Wexler Road
3200	Harwood Hill Road (Dirt Part)	5580	Gray Road
3390	Gene Nelson Road (Dirt Part)	5590	Reaney Road
3400	Jim Davis Road (Dirt Part)	6120	Guske Road
3430	Howard West Road (Dirt Part)	6190	C. J. Ochs Road
3440	Dickerson Road	8090	Klaus Road
3450	Greenbox Road (Dirt Part)	8250	Nauert Road
3510	Tiegs Road	8310	Pat O Neil Road
3550	Hitchings Road (Dirt Part)	8330	Kincaid Road
3760	Mack Lloyd Road	8450	Babbitt Road
3700	Jim Henning (Dirt Part)	8460	Enman-Kincaid Road
3890	McGuire Road	8470	Carothers Road
4290	Stubbes Road	9040	Country Club Road
4365	Rattlesnake Road	9120	Gimlin Road (Dirt Part)
4375	Manning Road (Dirt Part)	8050	Hofer Road

ADOPTED this 27th day of October 2003.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

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G.R. Finch, Chairman

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Greg Partch, Commissioner

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Les Wigen, Commissioner

ATTEST:

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Maribeth Becker, CMC  
Clerk of the Board

**061708 2. Motion** by Commissioner Wigen **seconded** by Commissioner Partch and **carried** to publish the notice of dirt road closures.

**Engineering Division:**

**D061708A 3.** The Engineer gave an update on the status of the Endicott Road project.

**Planning Division:**

**D061708B 4.** Mr. Storey mentioned the Planning Commission's hearing last week on cluster development. Many in attendance were in favor of the proposal, not much testimony was received against the issue.

11:10 a.m. - Kelli Campbell, Human Resources Director.

Present: Brett Bosse and Tammy Lewis.

1. Ms. Campbell briefly reviewed the 4 proposed Family Medical Leave Act (FMLA) policies. **Motion** by Commissioner Partch **seconded** by Commissioner Wigen and **carried** to adopt the 4 FMLA policies worked on for the past several months.

**RESOLUTION NO. 061709**

**BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

**IN THE MATTER OF** the action of the adoption for the Whitman County Policy Implementing Family Medical Leave;

**WHEREAS**, this action is necessary and in the best interest of Whitman County and its employees,

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by this Board that the above is approved as the attached **POL-7040-HR IMPLEMENTING FAMILY MEDICAL LEAVE.**

Dated this 27<sup>th</sup> day of October 2003 and effective as of October 27, 2003.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

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G. R. Finch, Chairman

ATTEST:

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Greg Partch, Commissioner

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Maribeth Becker, CMC  
Clerk of the Board

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Les Wigen, Commissioner

Effective Date: 10/27/03	<b>POLICY</b>	Page: 1 of 4
Cancels: See Also: POL-7041-HR		Approved by: BOCC Res. #:061709

**POL – 7040 – HR IMPLEMENTING FAMILY MEDICAL LEAVE**

**This policy applies to all non-elected, regular employees, unless otherwise covered by a bargaining unit contract.**

**Definitions**

**FMLA** – Family Medical Leave Act

**Serious Health Condition** – A physical or mental condition requiring medical care as defined in FMLA regulations.

**FMLA Eligible Employee** –Employees who have worked for Whitman County at least twelve (12) nonconsecutive months and 1,250 hours in the twelve (12) months immediately preceding the first date of leave.

**Preliminary Leave** – Tentative FMLA leave that has been granted pending a full eligibility investigation.

**Healthcare Provider** – A professional healthcare giver as defined by FMLA regulations.

**Essential Functions** – The fundamental job duties for a specific position as defined by the Americans with Disabilities Act.

**Spouse** – A legal husband or wife, as the case may be.

**Child** – A biological, adopted or foster child, a stepchild, legal ward or a child of a person standing in loco parentis who is: under eighteen years of age; or eighteen years of age or older and incapable of self-care because of a mental or physical disability.

**Parent** – A biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.

**Parent-in-Law** – A parent of the legal spouse of an employee.

**Grandparent** – A parent of a parent of an employee.

**1. Leave May be Required by the County or Requested by the Employee**

Whitman County may require that an employee’s leave be designated as FMLA. The employee may request FMLA status as well. Unless the absence is unforeseeable, a written request must be made 30 days before the first day of leave (**See PRO-7040-1-HR**).

If the request is foreseeable and does not make the 30-day deadline, the County may require the employee to wait 30 days before their first day of leave.

**2. Human Resources Shall Determine Leave Eligibility and Parameters**

Human Resources shall be responsible for determining, in writing, each employee’s eligibility and parameters of FMLA leave in accordance with FMLA regulations (**See TSK-7040-1-HR**).

Eligible employees may take leave for the following reasons:

- the birth or placement for adoption or foster care of the employee’s child;
- the employee is needed to care for a spouse, child, parent, parent-in-law or grandparent with a serious health condition; or
- the employee’s own serious health condition makes the employee unable to do his/her job.

All employee leaves must be approved by the Department Head, Human Resources and/or the County Commissioners. Leave may be approved as long as it is not a detriment to the department and/or county in accordance with FMLA regulations.

**3. Whitman County shall determine FMLA leave based on a rolling twelve (12) month period**

FMLA leave will be based on a rolling twelve (12) month period and shall start on the employee's first day of leave. Prorated leave shall be used for employees who work part-time or on a condensed work schedule.

**4. Employees May be Required to Provide Written Certification From Their Healthcare Provider**

Except for the birth of a baby, all employees may be required to provide written medical certification from a healthcare provider stating the length of absence and need for leave. Employees may be required to update certification during the course of leave (See PRO-7040-1-HR).

Employees may be required to provide a second opinion, at the County's expense, from another physician designated by Whitman County. The physician shall not be employed by the County. A third opinion may be required if the first two are in conflict. The third opinion shall be binding.

**5. Preliminary FMLA May be Assigned for Lengthy Investigations**

In cases that require more than two (2) business days to determine eligibility, preliminary FMLA leave may be granted. Employees may begin leave on the date requested, but if Human Resources later determines it to be ineligible, the leave's coverage under the FMLA will be denied.

Human Resources shall notify the employee and Department Head in writing of the FMLA denial and make arrangements for his/her return to work.

**6. FMLA Leave Shall Not be Retroactive**

FMLA leave shall not be retroactive by the employee or Whitman County, except for the following reasons:

- the employee and Department Head do not notify Human Resources of the request for FMLA leave until the employee's return; or
- Human Resources declares the leave as preliminary until eligibility is determined.

**7. Leave May be Taken Consecutively or Intermittently**

Eligible employees may take days (or partial days) of leave consecutively or intermittently with the recommendation of their supervisor and/or Human Resources. All FMLA hours shall be tracked by each department (See POL-0310-HR).

**8. FMLA Leave Shall be Required in Conjunction with Other Forms of Leave**

Unless otherwise determined by law, FMLA leave may be run simultaneously to other forms of leave including, but not limited to, ADA leave and Worker's Compensation.

**9. Sick and Annual Leave Accrual May be Maintained at the Rate Accrued Previous to FMLA Leave**

Sick, annual and compensatory time may generally be used during leave instead of taking it as unpaid. Which type of time is taken shall depend on the reason for the leave and be in accordance with County policy.

As long as sick, annual or compensatory time are in use, they may continue to accrue during the employee's absence in the same manner they did before FMLA leave began.

**10. Light Duty Positions May be Assigned on a Temporary Basis**

Whitman County may transfer employees to light duty positions on a temporary basis and at the approval of the employer. The County cannot require that light duty replace leave time. The employee must be paid wages and benefits equivalent to his/her regular position.

**11. Whitman County May Temporarily Refill the Employee's Position While Leave is in Effect**

**RESOLUTION NO. 061710**

**BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

**IN THE MATTER OF** the action of the adoption for the Whitman County Task Determining FMLA Eligibility,

**WHEREAS,** this action is necessary and in the best interest of Whitman County and its employees,

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by this Board that the above is approved as the attached **TSK-7040-1-HR DETERMINING FMLA ELIGIBILITY.**

Dated this 27<sup>th</sup> day of October 2003 and effective as of October 27, 2003.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

\_\_\_\_\_  
G. R. Finch, Chairman

ATTEST:

\_\_\_\_\_  
Greg Partch, Commissioner

\_\_\_\_\_  
Maribeth Becker, CMC  
Clerk of the Board

\_\_\_\_\_  
Les Wigen, Commissioner

Effective Date: 10/27/03	Page: 1 of 1
<b>TASK OUTLINE</b>	
Cancels: See Also: POL-7040 & 7041-HR	Approved by: BOCC Res. #:061710

TSK – 7040-1 – HR                    DETERMINING FMLA ELIGIBILITY

Definitions

FMLA – Family Medical Leave Act

After receiving a written request and doctor's certification from the employee, the Human Resources Director:

1.     **Reviews** the request (or designation, if designated by the County as FMLA).
2.     **Determines** if the leave is for the birth/adoption of a child, the employee's serious health condition, or the serious health condition of a family member.
  - 2a.    If not, issues a written denial of FMLA leave.
3.     **Determines if the employee has worked for the County for twelve (12) months.**
  - 3a.    **If not, issues a written denial of FMLA leave.**
4.     **Determines** if the employee has worked 1,250 hours in the twelve (12) months prior to the first day of requested leave.
  - 4a.    If not, issues a written denial of FMLA leave.
5.     **Confirms** that the leave time requested is within the twelve (12) week period allowed by the FMLA.
  - 5a.    If not, adjusts the period to meet FMLA requirements.
6.     **Writes** the employee designating his/her leave time as FMLA.
7.     **Notifies** the department that the employee is on FMLA leave.

**RESOLUTION NO. 061711**

**BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

**IN THE MATTER OF** the action of the adoption for the Whitman County Procedure Requesting Family Medical Leave,

**WHEREAS,** this action is necessary and in the best interest of Whitman County and its employees,

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by this Board that the above is approved as the attached **PRO-7040-1-HR REQUESTING FAMILY MEDICAL LEAVE.**

Dated this 27<sup>th</sup> day of October 2003 and effective as of October 27, 2003.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

\_\_\_\_\_  
G. R. Finch, Chairman

ATTEST:

\_\_\_\_\_  
Greg Partch, Commissioner

\_\_\_\_\_  
Maribeth Becker, CMC  
Clerk of the Board

\_\_\_\_\_  
Les Wigen, Commissioner

Effective Date: 10/27/03	Page: 1 of 2
<b>PROCEDURE</b>	
Cancels: See Also: POL-7040 & 7041-HR	Approved by: BOCC Res. #:061711

**PRO- 7040-1 -HR REQUESTING FAMILIY MEDICAL LEAVE**

**Action by:**

**Action:**

**Employee**

1. **Notifies** his/her supervisor in writing of the need for leave.

1a. If the supervisor is unavailable, **notifies** Human Resources of the need for leave.

**Supervisor**

2. **Delivers** the employee's notification to Human Resources.

**Human Resources**

3. **Researches** the employee's eligibility

**Human Resources**

4. **Interviews** the employee and Department Head regarding the employee's eligibility and leave parameters.

4a. If the employee is ineligible, **notifies** the employee in writing and **documents** the denial in the employee's file.

4b. In the meantime, **determines** if preliminary leave is needed.

5. Requests **that the employee obtain written certification from a healthcare provider stating the need for FMLA leave.**

**Employee**

**6. Requests written certification from the appropriate healthcare provider.**

**Healthcare Provider**

7. **Completes** the written certification.

8. **Returns** the certification to the employee.

**Employee**

9. **Delivers** the certification to Human Resources.

**Human Resources**

10. **Reviews** the certification for eligibility.

11. **Researches** the need for other forms of leave.

12. **Consults** with Department Head regarding leave approval.

13. **Sends** a letter to employee regarding leave approval and parameters.

13a. If leave is denied, **composes** a letter to the employee regarding the denial and any alternative forms of leave available.

14. **Sends** necessary instruction to the department payroll contact.

15. **Documents** all research, conclusions and parameters regarding the employee's leave.

16. **Files** all documentation in employee's medical file.

**Employee**

17. **Starts** FMLA leave on appropriate day.

17a. If leave has been denied, **remains** at work or leaves work under a different regulation.

17b. If already on preliminary leave and is found to be ineligible, **returns** to work within three business days of receiving notice.

**RESOLUTION NO. 061712**

**BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

**IN THE MATTER OF** the action of the adoption for the Whitman County Policy Returning From Family Medical Leave,

WHEREAS, this action is necessary and in the best interest of Whitman County and its employees,

NOW, THEREFORE, IT IS HEREBY RESOLVED by this Board that the above is approved as the attached POL-7041-HR RETURNING FROM FAMILY MEDICAL LEAVE.

Dated this 27<sup>th</sup> day of October 2003 and effective as of October 27, 2003.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

\_\_\_\_\_  
G. R. Finch, Chairman

ATTEST:

\_\_\_\_\_  
Greg Partch, Commissioner

\_\_\_\_\_  
Maribeth Becker, CMC  
Clerk of the Board

\_\_\_\_\_  
Les Wigen, Commissioner

Effective Date: 10/27/03	<b>POLICY</b>	Page: 1 of 2
Cancels: See Also: POL-7040-HR		Approved by: BOCC Res.#: 061712

**POL – 7041 – HR RETURNING FROM FAMILY MEDICAL LEAVE**

**This policy applies to all non-elected, regular employees, unless otherwise covered by a bargaining unit contract.**

**Definitions**

**FMLA** – Family Medical Leave Act

**Serious Health Condition** – A physical or mental condition requiring medical care as defined in FMLA regulations.

**Healthcare Provider** – A professional healthcare giver as defined by FMLA regulations.

**Essential Functions** – The fundamental job duties for a specific position as defined by the Americans with Disabilities Act.

**1. Employees May Return to the Same or Equivalent Positions After Leave**

At the leave’s conclusion eligible employees generally have the right to return to the same or equivalent position with equivalent pay, benefits and working conditions, unless one of the following events has occurred:

- the employee is unable to perform any one of the essential functions of the position as determined by the Americans with Disabilities Act; OR

- the position is eliminated; OR
- the employee's return will cause substantial and grievous economic injury as defined by the FMLA; OR
- the employee had a limited employment period, which ran out during leave.

**2. Except for the Birth/Adoption of a New Child, Employees Must Provide Written Certification From Their Healthcare Provider Stating Their Ability to Return to Work**

**3. If the Employee Does Not Return to Work For Any Reason Other Than a Serious Health Condition, the County May Recover its Share of Medical Premiums**

**4. Whitman County Reserves the Right to Terminate Employees After Twelve (12) Weeks**

As long as all other federal and state program requirements have been met, employees may be terminated if they are unable to return to their positions at the conclusion of the twelve (12) week FMLA leave.

**D061712A 2.** Ms. Campbell said she previously brought to the commissioners in workshop recommendations from the Classification Committee; 1) clarification on the membership categories, and 2) step increases after promotion.

With respect to the membership categories, the commissioners will vote on this item next week.

With respect to step increases after promotion, the Classification Committee would like to amend their recommendation to have the employee wait a full 18 months before becoming eligible for a step increase, keeping in line with the current system. This item was tabled for further workshop review.

**11:15 a.m. - Recess.**

**1:15 p.m. - Tim Myers and Tom Miller, Facilities Management.**

**061713 1.** Mr. Miller commented that Facilities Management has come up with a plan to resolve the first floor fire-rated hallway in the Courthouse issue by installing 2-layers of 5/8" sheet rock with metal framing and fire-rated access doors to access the HVAC units. The original quote from SMK was \$28,000. The department sought 3 other estimates; 1 contractor was too busy, 1 contractor was not interested and Galen Mertsching submitted a quote including permits and tax for \$7,500. Mr. Mertsching recommended the lighting fixtures be recessed and all work being done in the evenings. Mr. Myers recommended Galen Mertsching for the project. **Motion** by Commissioner Partch **seconded** by Commissioner Wigen and **carried** to approve the recommendation as presented.

**061614 2.** Mr. Miller reported on installation of additional panic buttons as recommended by the Safety Committee and Law & Justice Committee. To install 10 hard-wired buttons (current system) is \$1,500. Through JSL

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Communications, 100 wireless commercial grade panic buttons could be installed at the cost of \$2,746 plus tax. Staff could program and install future buttons after some training. **Motion** by Commissioner Partch **seconded** by Commissioner Wigen and **carried** to proceed with the JSL Communications panic button system for \$2,746 plus tax. Use of a fund for this expenditure to be determined.

**1:30 p.m. - Board Business Continued.**

**061714A 18. Motion** by Commissioner Partch to go into Executive Session with Maribeth Becker for discussion of personnel matters until 1:45 p.m. **Seconded** by Commissioner Wigen and **carried**.

**1:45 p.m. - Return to Open Session.**

**1:45 p.m. - Board Business Continued/BOCC Workshop.**

Present: Kelli Campbell (1:45 p.m.).

**061714B 19.** Items discussed included appointed wages, Albion speed limit letter, department heads salary schedule, Farmington ballot, Weed Department building, Classification Committee recommendations and the holiday schedule. No action taken.

**2:30 p.m. - Mike Berney, Palouse River Counseling Center Director.**

**061715 1.** Mr. Berney presented an amendment to the County Program agreement. The last amendment did not include the temporary assistance and needy family outstation dollars. This amendment does that by adding \$50,000. In addition, a few minor clarifications were incorporated. Mr. Berney recommended the commissioners sign the contract amendment. **Motion** by Commissioner Partch **seconded** by Commissioner Wigen and **carried** to accept the DSHS (DASA) program agreement contract amendment #0363-28209(1).

**061716 2.** The final 4<sup>th</sup> quarter report for the 2001-2003 biennium was received from the Director. The Center met or exceeded its contractual hours. The only area where the Center was not able to draw down 100% of the contract for the last biennium was in the Prevention Program area. This was due to staff shortages and TANF Outstation Program because the Center could no longer charge travel reimbursement between Colfax and Pullman against the contract even though the Center reimburses staff.

**061717 3.** Mr. Berney also presented acceptance of the quarterly report from DSHS and closeout of the contract.

**D061717A 4.** The Director explained one thing that will need to be done differently at Palouse River Counseling Center is obtaining an independent review of the Chemical Dependency program. Columbia County had to do the same thing therefore Mr. Berney is seeking information from them.

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Nevertheless, sometime between January 2004 and June 2004 he will need to arrange for the independent review.

**D061718** 5. Mr. Berney shared a letter sent to the Greater Columbia RSN Regional Administrator by the Director of the Mental Health Division. He said if there was ever a major threat to the Mental Health program, this is it. This is something Secretary Dennis Braddock was speaking to on Friday about how the federal government is really clamping down on the Medicaid program. If they continue in the same vein, which Secretary Braddock is trying to convince them is not a good idea; this could very seriously impact the dollars that come to Whitman County through Greater Columbia Behavioral Health (GCBH). There is nothing Whitman County can do right now other than be aware of the possible implications. Secretary Braddock is doing what he can do at this time. Because of the university, there are not as many residents on Medicaid program as there would normally be in a county our size.

**061719** 6. A special settlement came to GCBH who was not directly part of a lawsuit. A number of years ago when the state was transferring to the temporary assistance and needy families program they discontinued service to a number of individuals too soon. A number of hospitals in the state sued and won. As it turns out, GCBH received \$1,539,838 based on the lawsuit. Because these are dollars that should have been distributed over a 3-year period, had the state not discontinued service to individuals, GCBH decided to distribute the money based on the formula used to distribute all other money. Due to a time shortage, Mr. Berney previously spoke with Chairman Finch who agreed with the distribution formula approach. Whitman County received \$127,306. Of this amount, \$95,459 can be used as match for federal money in the Mental Health program. The matching funds are not needed this year but will be needed in 2004. The money will be placed in a special line item in the budget to be used to draw down federal money.

**Motion** by Commissioner Partch **seconded** by Commissioner Wigen and **carried** to approve the recommendation for the allocation TANF lawsuit settlement funds as presented. As requested by the GCBH office, Chairman Finch initialed approval of the distribution formula.

**3:00 p.m. - Board Business Continued/BOCC Workshop.**

Present: Archie Neal (3:00 p.m.)

**D061719A** 20. Discussion held regarding .08 issues. No action taken.

**4:00 p.m. - Adjournment.**

**D061719B** Commissioner Partch **moved** to adjourn the **October 27, 2003** meeting. Motion **seconded** by Commissioner Wigen and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse,

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Colfax, Washington, on **November 3, 2003**. The foregoing action made this **27th** day of **October 2003**.

ss/ GREG PARTCH, Commissioner  
ss/ LES WIGEN, Commissioner

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MARIBETH BECKER, CMC  
Clerk of the Board

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G.R. FINCH, Chairman  
Board of County Commissioners