

Memo

**To:** Board of Commissioners

**From:** Carrie Monforte

**Date:** 5/30/2023

**Re:** Staffing & Hiring

This item is to discuss:

1. hiring additional temporary staff to keep the District moving during this transition time whether it be an interim director, or interim business manager, or other;
2. hiring help for recreation, which we hope to continue to budget for in the future; and
3. anything relevant to the Executive Director search (not executive session).

I made some inquiries about process re. hiring interim help and shortening the hiring process, it looks like we can just appoint someone. The job does not need to be posted to the public.

Regarding commissioner questions about benefits, aside from taxes, unemployment, L&I, PFML, WA Cares, and sick leave, it looks like we can forego other benefits.

I hope to have more specifics re. figures for salaries before the meeting.

See below for the email from MRSC, and SWPRD Policies re. Job Posting and Temporary Staff, both at the bottom of this memo.

* **Email from MRSC: -**

Good morning. You provided the following and ask:

We are in the process of hiring an executive director, and the process has become protracted. I have been filling many of the functions of the director the past few months. I am also still the business manager for the organization. We're considering either hiring an interim director, or hiring an interim business manager, and I would be moved to fill the interim executive director position. My questions, some scenarios: Can our board of commissioners appoint me, an internal employee, as interim director, rather than opening it up to the public as a job posting? If yes, can we also appoint an interim business manager from \*outside\* the organization to take on my responsibilities, or do we need to post the job to the public? If we were able to locate a interim director, likely a trusted individual known to our organization, do we need to post the job to the public? If we hire an interim employee - do they need to be given all the same benefits as our regular employees. For interim, we're thinking 3-12 months. Our goal is to get someone in here as soon as possible to distribute the work load, while also pulling in someone who's already familiar with our work, so that training is not an added burden.

RESPONSE: When it comes to the procedure for recruiting and filling employee positions, there is no statutory requirement for the jobs to be advertised or even offered to “outsiders” – regardless of whether the position is permanent or temporary. However, if the agency has adopted their own procedures, those should be followed. If no procedures have been adopted – particularly when it comes to interim or temporary positions – the board is free to follow whatever process it deems expedient. For more, see [MRSC - Hiring Procedures](https://mrsc.org/explore-topics/personnel/beginning-employment/hiring-procedures#recruitment).

As for benefits for temporary employees for small agencies, there are some things you are required to provide:

* If a jurisdiction provides retirement benefits under one of the state’s [Department of Retirement Systems](https://www.drs.wa.gov/plan/eo/) plans (e.g., Public Employees Retirement System Plan 1 or Plan 2), all qualifying employees must be covered under the plan (see [RCW 41.40.023](https://apps.leg.wa.gov/RCW/default.aspx?cite=41.40.023)).
* Paid sick leave ([RCW 49.46.200](https://app.leg.wa.gov/RCW/default.aspx?cite=49.46.200)) provides paid leave from work so employees can care for themselves or family members who are ill, injured, and/or in other situations requiring time off work.
* If applicable, Domestic Violence Leave ([Ch. 49.76 RCW](http://app.leg.wa.gov/rcw/default.aspx?cite=49.76); [WAC 296-135](http://apps.leg.wa.gov/wac/default.aspx?cite=296-135)) and Paid Parental Leave under Washington’s [Paid Family and Medical Leave Program](https://esd.wa.gov/paid-family-medical-leave) must be made available.

Importantly, whatever benefits are provided to temporary employees should be spelled out in an adopted personnel policy or employment contract.

MRSC offers the following webpages for further reading on paid and unpaid leave and benefits programs for employees:

* [Health Insurance Benefits](https://mrsc.org/explore-topics/personnel/compensation/health-benefits)
* [Overtime and Comp Time](https://mrsc.org/explore-topics/legal/personnel/overtime-and-comp-time)
* [Leave Laws and Policies](https://mrsc.org/explore-topics/personnel/leave/leave-laws-and-policies)
* [Family and Medical Leave](https://mrsc.org/explore-topics/personnel/leave/family-and-medical-leave)

Also – if you *do* end up posting any kind of advertisement for the position (even if just on social media or something), there are new laws that must be followed as discussed in this blog (although they may not apply to very small agencies): [MRSC - New Legal Requirements for Job Postings](https://mrsc.org/stay-informed/mrsc-insight/january-2023/new-legal-requirements-for-job-postings).

I hope this helps, please let me know if we can be of further assistance.

**DISCLAIMER:** MRSC is a statewide resource that provides general legal, policy, and financial guidance to support local government agencies. This email is not legal advice and does not create an attorney-client relationship. It is not confidential or privileged and is subject to Washington’s Public Records Act.

**Sarah M. Doar** (she/her)

Legal Consultant

800.933.6772 x103

206.625.1300 x103

[**MRSC**](https://swparks.sharepoint.com/sites/SWPRDEmployeeShared/Shared%20Documents/General/Parks%20%26%20Rec/Business%20for%20Parks%20%26%20Rec/Meeting%20Documents/2023/mrsc.org)Empowering local governments to better serve their communities

 **- SWPRD Policies re. Job Posting and Temporary Staff: -**

## 4.12 Job Posting

Our job posting program provides you with the opportunity to indicate your interest in open positions and advance within the District according to your skills and experience. In general, we post all regular, full-time job openings, although SWPRD reserves its right to not post a particular opening.

Job openings will be posted on the website, and normally remain open for 14 days. Each job posting notice will include the dates of the posting period, job title, department, location, grade level, job summary, essential duties, and qualifications (required skills and abilities).

To apply for an open position, submit a job application to the Supervisor listed in the job posting listing your job-related skills and accomplishments. You should also describe how your current experience with SWPRD and prior work experience and/or education qualifies you for the position.

We recognize the benefit of developmental experiences and encourage you to talk with your supervisor about your career plans. We also encourage supervisors to support employees' efforts to gain experience and advance within SWPRD.

After you apply for a job, your current supervisor may be contacted to verify your performance, skills, and attendance. Any staffing limitations or other circumstances that might affect a prospective transfer may also be discussed.

Job posting is a way to inform employees of openings and to identify qualified and interested applicants who might not otherwise be known to the hiring manager. We may also use other recruiting sources to fill open positions when it is in the best interest of the District.

## 4.13 Employee Categories and Classifications

Understanding the definitions of the employment classifications at SWPRD is important because your classification is one of the factors that determine your employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Since employment with SWPRD is based on mutual consent, either you or SWPRD have the right to terminate the employment relationship at will at any time, with or without cause or advance notice.

Depending on your position, you are designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. NONEXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws. Your EXEMPT or NONEXEMPT classification may be changed only with written notification by SWPRD management.

In addition to the Exempt and Nonexempt classifications, you also belong to one of the following employment categories:

REGULAR FULL-TIME employees are employees who are not in a temporary or introductory status AND who are regularly scheduled to work the full-time schedule at SWPRD. Generally, regular full-time employees are eligible for all SWPRD benefit programs, subject to the terms, conditions, and limitations of each benefit program.

PART-TIME employees are employees who are not in a temporary or introductory status AND who are regularly scheduled to work less than 32 hours per week. While part-time employees receive all legally mandated benefits (workers' compensation insurance), they are ineligible for the other SWPRD benefit programs.

TEMPORARY/SEASONAL employees are employees who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond the initially stated period does not in any way imply a change to employment category or classification. Temporary employees remain in this category. While temporary employees receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are ineligible for all other SWPRD benefit programs.

CASUAL employees are employees who have established an employment relationship with SWPRD but who are assigned to work on an intermittent and/or unpredictable basis. While casual employees receive all legally mandated benefits (such as Workers' Compensation Insurance), they are ineligible for the other SWPRD benefit programs.