

RESOLUTION NO. 716-20

A Resolution of the Commission of the Port of Port Townsend

ESTABLISHING A SEVERANCE PAY POLICY FOR UNREPRESENTED EMPLOYEES

WHEREAS, certain Port employees are unrepresented, which means they do not engage in collective bargaining with the Port on matters related to wages, benefits and other terms of employment; and

WHEREAS, unrepresented employees are those employees in unrepresented positions who, after successful completion of the Port's mandatory introductory period, become regular employees; and

WHEREAS, pursuant to RCW 53.12.270, the Port Commission annually updates and adopts a policy delegating powers of Port management to the Executive Director; and

WHEREAS, the administrative authority delegated to the Executive Director under Commission Resolution 713-20 includes the authority to administer day-to-day operations including personnel matters within positions created and approved by the Commission; and

WHEREAS, the Commission desires to augment and clarify the authority set forth in Resolution 713-20 by providing policy guidance to the Executive Director regarding the severance pay that may be provided to employees in unrepresented positions; and

WHEREAS, the Commission finds that the severance compensation policy set forth below is fair, proper and in the best interest of the Port;

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. It shall be the policy of the Port of Port Townsend that severance pay may be granted to employees in unrepresented positions that are not included in a collective bargaining agreement, under certain limited circumstances. However, the Port of Port Townsend retains the right to amend or terminate this severance policy at any time.
2. Unrepresented positions shall be further classified as follows:
 - a. Executive Management positions which shall include:
 - i. Deputy Director; and
 - ii. Director of Finance/Port Auditor.
 - b. Senior Staff positions which shall include:
 - i. Operations Manager;
 - ii. Maintenance Manager;
 - iii. Leasing and Contracts Administrator;
 - iv. Billings/Accounts Receivable Accountant;
 - v. Payroll/Accounts Payable Accountant;
 - vi. Executive Assistant; and
 - vii. Security Officer.
3. Should the Executive Director choose to terminate an employee in an unrepresented position, the following severance provisions shall apply and be made available to the employee if the separated employee signs and agrees to be bound by a written general release agreeing not to sue and waiving claims and recovery against the Port and all Port representatives and agents:
 - a. Upon successful completion of the Port's mandatory introductory period, employees in Executive Management positions shall be eligible for a general release agreement with the following:
 - i. A severance payment equal to one (1) months' salary; and

ii. The benefits package (i.e., medical/dental) in effect at the time of termination for a one (1) month period.

The severance payment and continuation of benefits listed above shall be increased by two (2) months for every one (1) year of service to the Port up to a maximum of six (6) months' severance pay and benefits.

b. Upon successful completion of the Port's mandatory introductory period, employees in Senior Staff positions shall be eligible for a general release agreement with the following:

i. A severance payment equal to one (1) months' salary; and

ii. The benefits package (i.e., medical/dental) in effect at the time of termination for a one (1) month period.

The severance payment and continuation of benefits listed above shall be increased by one (1) month for every one (1) year of service to the Port up to a maximum of three (3) months' severance pay and benefits.

c. At the discretion of the employee whose employment has been terminated, the severance payment shall be paid either in a lump sum, or in bi-weekly payments, beginning within ten (10) days of the effective date of termination or within ten (10) days of the effective date of the general release, whichever is later. If an employee selects bi-weekly payments, the employee may later choose to receive a lump sum payment for the balance of the monthly severance payments.

d. The Port shall be authorized to make any deduction required by law, and the Port shall additionally compensate the terminated unrepresented employee for all accrued leave benefits as she/he may be eligible.

4. Notwithstanding the foregoing, if the Port terminates an unrepresented employee for just cause, the Port shall not pay severance pay. "Just cause" shall mean conviction of a felony, or a crime of moral turpitude or involving prohibited personal gain from employment, gross negligence or intentional misconduct.

5. Nothing in this Severance Pay Policy shall alter the "at will" nature of the relationship between the Port and unrepresented employees.

6. Severance pay shall not apply if an unrepresented employee resigns or retires.

ADOPTED this 11th day of March 2020, by the Commission of the Port of Port Townsend and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the Seal of the Commission duly affixed.

ATTEST:

Pamela A. Petranek, Secretary

Peter W. Hanke, President

William W. Putney, III, Vice President



APPROVED AS TO FORM:

Port Attorney