

# **Kitsap 911 Public Authority**

## **Resolution 2016-015**

### **Requesting Transfer of Non-Represented Employees and Authorizing Certain Employment Actions.**

**WHEREAS**, since 1991 certain governmental entities in Kitsap County have been parties to an Interlocal Agreement pursuant to chapter 39.34 RCW, establishing a joint board, known as “CENCOM,” to provide county-wide 911 emergency communications services to citizens within Kitsap County; and

**WHEREAS**, since 1991, the County has served as the administrator for CENCOM, and has served as an umbrella organization for all employees of CENCOM, such that all CENCOM employees have been employees of Kitsap County (hereinafter “CENCOM employees”), with the County administering CENCOM employees’ wages, hours, and working conditions; and

**WHEREAS**, CENCOM determined that a separate legal entity should assume the function of providing county-wide 911 emergency communications services, the activities and operations conducted by CENCOM should be transferred to the separate legal entity, and all CENCOM employees, CENCOM employees’ existing wages, benefits, working conditions, and all duties, obligations, and liabilities in connection with CENCOM employees should be transferred to the separate legal entity; and

**WHEREAS**, on April 25, 2016 the Board of County Commissioners adopted ordinance 532-2016 enacting chapter 2.110 of the Kitsap County code (the “Ordinance”), creating the Kitsap 911 Public Authority; approving a charter therefor; establishing a Board of Directors to govern the affairs of Kitsap 911; and providing how Kitsap 911 shall conduct its affairs; and

**WHEREAS**, Kitsap 911 (the “Authority”) is a public corporation organized pursuant to RCW 35.21.730; and

**WHEREAS**, the Board of Directors has appointed an Executive Committee and delegated certain powers and authority to the Executive Committee in accordance with article VI of the Bylaws; and

**WHEREAS**, CENCOM has authorized the transfer of all CENCOM assets, liabilities, and administrative functions heretofore performed by Kitsap County to Kitsap 911, including but not limited to all CENCOM employees and their existing wages, benefits, and working conditions, and all duties, obligations, and liabilities in connection with CENCOM employees; and

**WHEREAS**, Kitsap 911 has authorized the transfer of all CENCOM assets, liabilities, and administrative functions heretofore performed by Kitsap County to Kitsap 911, including but

not limited to all CENCOM employees and their existing wages, benefits, and working conditions, and all duties, obligations, and liabilities in connection with CENCOM employees; and

**WHEREAS**, effective at 4:59 a.m. on December 26, 2016, all CENCOM employees will be terminated from employment with the County and will no longer be legally employed by Kitsap County; and

**WHEREAS**, effective at 5:00 a.m. on December 26, 2016, all CENCOM employees whose employment was terminated at 4:59 a.m. on December 26, 2016, and who accepted an offer of employment made by Kitsap 911, will be employees of Kitsap 911, which will thereafter be the employer of employees previously employed as CENCOM employees; and

**WHEREAS**, the Authority desires a successful transition for CENCOM employees with as few disruptions as possible; and

**WHEREAS**, agreement KC-456-16 describes the terms and conditions relating to the above described transition for represented employees; and

**WHEREAS**, CENCOM Director Richard Kirton, Assistant Director Maria Jameson-Owens, Financial Analyst Robin King, and Office Supervisor Stephanie Browning are not represented and are therefore not included in KC-456-16; and

**WHEREAS**, the Authority has adopted Resolution 2016-012- Approving the Kitsap 911 Employee Manual which includes wages, benefits, and working conditions for non-represented employees.

**NOW, THEREFORE, BE IT RESOLVED** by the Kitsap 911 Executive Committee as follows:

**Section 1. Termination of Kitsap County Employment.** The Authority requests Kitsap County terminate the above named CENCOM employees effective 4:59 a.m. on December 26, 2016 without using the layoff article, or annual or sick leave cash out provisions of the Kitsap County Personnel Manual and that the County transfer all personnel files and/or other pertinent documents to Kitsap 911 as soon as practical after the transition. The Authority also requests Kitsap County include the balance of an employee's longevity pay accrued prior to 5:00 a.m. on December 26, 2016 in the employee's final County paycheck.

**Section 2. Kitsap 911 Employment.** Prior to December 25, 2016, Kitsap 911 will extend an offer of employment to each of the above-named employees. If the employee accepts the offer of employment they will be employed by Kitsap 911 effective at 5:00 a.m. on December 26, 2016 and their employment status, seniority, and annual and sick leave balances will be as they existed at 4:59 a.m. on December 26, 2016. Their employment with Kitsap 911 will be subject to the terms and conditions contained in the Kitsap 911 Employee Manual.

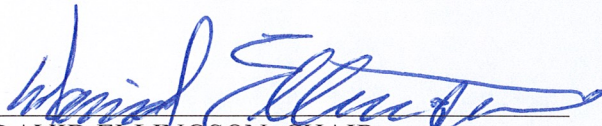
**Section 3. Severability.** If any provision of this Resolution or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other

provisions of this Resolution which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this agreement, and to this end the provisions of this Resolution are declared to be severable.

**Section 4. Effective Date.** This resolution shall become effective immediately upon adoption and signature as provided by law.

**MOVED AND PASSED** at a special meeting of the Kitsap 911 Executive Committee on November 9, 2016 of which all Directors were notified and a quorum was present.

**KITSAP 911 BOARD OF DIRECTORS**



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DAVID ELLINGSON, CHAIR

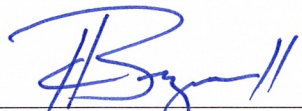
**KITSAP 911 EXECUTIVE COMMITTEE  
OF THE BOARD OF DIRECTORS**



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DUSTY WILEY, CHAIR

ATTEST:



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Ken Bagwell, General Counsel