

# RESOLUTION 2024-0661

## BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

### IN THE MATTER OF APPROVING THE STUDENT LOAN REPAYMENT ASSISTANCE PROGRAM FOR PUBLIC DEFENDERS

**WHEREAS**, The Board of County Commissioners determines the compensation for all County employees pursuant to RCW 36.16.070. That compensation may come in the form of salaries, healthcare benefits, retirement contributions and other allowances; and

**WHEREAS**, the Board of County Commissioners recognizes that certain positions, that require a post-secondary education as a minimum condition for employment, are difficult to fill; and

**WHEREAS**, education costs have been rising for many years, placing a burden on recent graduates to repay any financing used to support their post-secondary education costs; and

**WHEREAS**, in order to attract new talent and retain existing employees who are impacted by post-secondary education costs the Board has determine that it is in the public interest to assist those employees with the cost of repaying loans; **NOW THEREFORE**,

**BE IT RESOLVED**, by the Board of County Commissioners of Benton County, Washington that the attached Student Loan Assistance Program for Public Defenders is hereby approved with an effective date of October 1, 2024.

Dated this 1st day of October, 2024.

DocuSigned by:  
*Jerome Selvin*  
7ED07003203E406...  
Chair of the Board

DocuSigned by:  
*Michael Alvarez*  
D0C0F57E94074E4...  
Chair Pro Tem

DocuSigned by:  
*Will McKay*  
135987D784E74CF...  
Commissioner

Attest.....  
DocuSigned by:  
*Amanda Pearson*  
34825A975E034C6...  
Clerk of the Board

Constituting the Board of Commissioners  
of Benton County, Washington



# STUDENT LOAN REPAYMENT ASSISTANCE PROGRAM FOR PUBLIC DEFENDERS

Effective date: October 1, 2024

## I. PURPOSE

The Board of County Commissioners determines the compensation for all County Employees pursuant to RCW 36.16.070. Compensation may come in the form of salaries, healthcare benefits, retirement contributions and other allowances.

This policy provides additional compensation in the form of an allowance to assist with the cost of student loans for certain County Employees. The Board of County Commissioners recognizes that certain positions require post-secondary education that has a significant cost and may be burdensome for employees, particularly entry level employees to repay. To recruit and retain talented individuals, in difficult to fill positions, the Board has determined that it is in the public interest to assist with the cost of those loan repayments as part of the overall compensation for those positions.

## II. SCOPE

This policy pertains only to employees of the Office of Public Defense who are employed as a Public Defender.

## III. ELIGIBLE LOANS

A loan will be eligible for repayment assistance under the following conditions:

1. The loan was made by a licensed lending agency or educational institution
2. The loan is designated to help post-secondary students pay for college tuition expenses
3. The loan is for course work at an accredited educational institution and must be directly related to the degree(s) received that qualifies the employee to practice criminal law in

Washington State

4. The loan is not in a deferral or forbearance status
5. The loan is not from a private party, friend or relative
6. The loan is in the name of the employee
7. The loan is not consolidated with loans to another person
8. The loan is not a personal loan, home equity line of credit or other similar loan that is not specifically limited to post-secondary education costs

#### **IV. ELIGIBLE EMPLOYEE**

An employee shall be eligible for repayment assistance under the following conditions:

1. The employee is currently employed in a full-time capacity in the Office of Public Defense and remains in continuous employment in that office
2. The employee works as a Public Defender, Chief Staff Defender or Director of Public Defense
3. The employee has been employed by Benton County for not less than 180 days
4. The employee has completed an application for student loan repayment assistance and agreed to all terms and conditions thereon and contained within this policy

#### **V. GENERAL TERMS**

1. Application

Eligible employees may apply for repayment assistance by completing a Student Loan Repayment Assistance application and submitting it to their Department Manager along with all required documentation. The Department Manager will review the application and make a recommendation for or against approval of assistance and forward it to the Director of Human Resources for review.

The Director of Human Resources may approve student loan repayment assistance to an eligible employee for an eligible loan based on their consideration of the submitted documentation and the Department Managers' recommendation.

Should the Director of Human Resources deny an application for student loan repayment assistance they shall state the reasons why and return the application to the employee. The employee may correct the deficiencies noted and resubmit the application or they may appeal the Director of Human Resources' decision to the County Administrator. To begin an appeal the employee must submit the denied application, along with a detailed statement of why they do not agree with the Director of Human Resources' determination, to the County Administrator within ten business days of receiving the denial. Submission must be made in person at the County Commissioners' Office located at 7122 W Okanogan Street, Suite E330, Kennewick, WA. Appeal submissions received after the tenth business day will not be considered. The County Administrator will review all submitted documentation and issue a written decision within ten business days, with a copy to the employee, the Director of Human Resources, and the Department Manager. The decision of the County Administrator shall be final.

Employees may not submit for repayment assistance for any loan payments made prior to the effective date of this program.

## 2. Proof of Payment

The employee must provide proof of payment of an eligible student loan in order to enroll in the program along with their application. Proof of payment will typically consist of printed statements from the lending agency showing at a minimum the lending agency name, the loan number, employee name, principal amount remaining, loan payment amount and the date of the last payment. Employees may redact other personal information at their option before submitting proof of payment.

The employee must continue to provide proof of payment of an eligible student loan every six months they are enrolled in the program to their department manager. Proof of payment shall contain the same information as above and be submitted for each payment made during the preceding 6 month period. Employees who fail to provide sufficient proof of payment of an eligible loan every 6 months will be required to repay all funds distributed to them under this program that proof of payment was not provided for. Repayment will be via payroll deduction from the employees next available paycheck.

Benton County reserves the right to request additional information to verify the eligibility of the loan and loan payments.

## 3. Assistance Payments

Repayment assistance will be made with the employee's regular payroll cycle as an allowance.

Repayment assistance is available to eligible employees for up to 10 years (120 payments) from the date they receive their first assistance payment. Employees must remain continuously enrolled in the assistance program once they begin to receive payments until, the employee indicates that they wish to end their participation, the loans are fully repaid or the maximum number of payments has been reached. If an employee ends their participation in the program they will not be permitted to re-enroll.

Employees are responsible to determine the tax implications of receiving repayment assistance. The County will endeavor to correctly withhold any applicable taxes, however, the employee is ultimately responsible to ensure all appropriate taxes are paid.

The County will make assistance payments within the available budget allocated to the Office of Public Defense by the Board of County Commissioners each budget cycle. Approval of assistance payments in no way commits the County to continue said payments for any length of time should it become necessary to terminate the program. The County reserves the right to reduce or eliminate assistance payments, with or without notice, at any time the Board of County Commissioners deems necessary.

**VI. AVAILABLE ASSISTANCE**

Assistance is available in the following amounts based on length of continuous employment in the Office of Public Defense:

Length of Continuous Employment	Available Assistance
Less than 3 years	\$300 per month
3 years to 6 years	\$400 per month
6 years to 10 years	\$500 per month

The available assistance amounts above are a maximum amount each applicant is eligible to receive as part of this program. Eligible employees will receive assistance payments equal to the amount of the loan payment submitted for assistance or the amount in the table above, whichever amount is less.

Employees may submit for assistance on more than one loan, but the cumulative total amount of assistance provided will not exceed the amounts in the table above.

**VII. SEPARATION OF EMPLOYMENT**

Employees are required to remain in employment of the Office of Public Defense for a period of one year from the date of their last assistance payment. Employees who voluntarily separate from the Office of Public Defense sooner than one year after receiving an assistance payment shall be required to repay any monies received under the assistance program for the previous year on a prorated monthly basis. Any money due will be deducted in full from the Employee's last paycheck as an employee of the Office of Public Defense. Any remaining balance must be repaid by the Employee via personal check, written to Benton County, in monthly installments no less than 10% of the remaining balance per month.

Voluntary separation of employment includes, but is not limited to, leaving the Office of Public Defense to accept a position elsewhere in Benton County.

**VIII. NO STACKING**

Employees who have received tuition assistance from the County are not eligible to receive repayment assistance for student loans.

Employees who are eligible for incentive pay related to having or obtaining a post secondary degree are not eligible to receive repayment assistance for student loans.

**IX. SEVERABILITY**

In case any provision in this policy or in the Application for Student Loan Repayment Assistance shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.



# STUDENT LOAN REPAYMENT ASSISTANCE PROGRAM

*Benton County*

Employee Name: \_\_\_\_\_

Employee ID: \_\_\_\_\_ Job Title: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Date of beginning of continuous employment with the Office of Public Defense: \_\_\_\_\_

Repayment Assistance Amount Requested: \_\_\_\_\_

**\*\* Attach a copy of your most recent student loan billing statement \*\***

I am requesting student loan repayment assistance.

My signature below certifies that the information provided is accurate and truthful.

I understand that I must submit a student loan repayment assistance application to my department manager and Benton County's Human Resources Office and receive approval.

I understand that I must submit proof of payment of an eligible student loan every six months, as a compliance check, in order to receive repayment assistance. Proof of payment must be on a printed form from my lending agency and must include, at a minimum, the lending agency name, my loan number, the principle amount remaining, the loan payment amount and the date of each payment. Failure to submit the required documents will result in me having to repay any assistance received since the last compliance check and I hereby authorize Benton County to recover those funds, in full, via payroll deduction.

I agree that if I fail to remain employed in the Office of Public Defense for a period of one (1) year after receiving a student loan repayment assistance payment, I agree to repay to the agency 100% of all student loan reimbursement payments the agency made to me in the previous year, in prorated monthly installments. I hereby authorize Benton County to deduct from my gross pay, the amount of prorated monthly installments of the total amount the agency paid to me for student loan reimbursements in the previous year, until the total amount is repaid in full. For any amounts due and owing that are not repaid by payroll deduction, I agree to make the repayment, in monthly installments not less than 10% of the remaining balance per month, by personal check made out to Benton County.

I understand that availability of payments under the Student Loan Repayment Assistance Program is contingent on available budget and approval of the Board of County Commissioners. The County may end the program, and already approved payments, with or without notice, at any time it is deemed to be in the best interest of the County.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# STUDENT LOAN REPAYMENT ASSISTANCE PROGRAM

Benton County

### Approval / Denial

<input type="checkbox"/> Student Loan Repayment Assistance <b>Approved</b>	<input type="checkbox"/> Student Loan Repayment Assistance <b>Denied</b>
<u>Explanation (if denied):</u>	
Supervisor Signature: _____ Date: _____	

<input type="checkbox"/> Student Loan Repayment Assistance <b>Approved</b>	<input type="checkbox"/> Student Loan Repayment Assistance <b>Denied</b>
<u>Explanation (if denied):</u>	
Human Resources Director Signature: _____ Date: _____	

### Approval Details

Amount to Be Reimbursed: \$ \_\_\_\_\_

Date Submitted to Payroll: \_\_\_\_\_



# Commissioners' Agenda Action Sheet

**Meeting Date:** October 1, 2024  
**Subject:** Student Loan Repayment Assistance Program for Public Defenders ~ M. Rasmussen  
**Presenter:** Matt Rasmussen  
**Prepared By:** Matt Rasmussen, Deputy County Administrator  
**Reviewed By:** Carlee Nave, Amber Smith  
**PA Review:** **Approved:** No      **Denied:** No      **N/A:** Yes  
*(If denied, include reasoning)*

**Type of Agenda Item:** Scheduled Business

## Summary / Background Information

There is an on-going challenge hiring and retaining qualified attorneys in the office of public defense. The County has been looking at options to incentivize attorneys to come and work as public defenders, and stay with the County long term. One issue we have noticed is that most junior attorneys are saddled by large student loan debt. Staff developed a program that would provide a monthly stipend to attorneys, who are working as public defenders, and who are actively paying on student loans. The stipend is tiered, increasing the longer an attorney stays with the County. There are other requirements that must be met by the employee, including that they must stay with the County for at least one-year after receiving their last payment. Staff believes this incentive should help existing employees to want to stay with the County and will serve as a recruiting tool to attract new talent. Staff also feels that a student loan reimbursement program has better long term value than the more common hiring bonuses, which typically only get people to stay as long as is required to get their bonus.

## Fiscal Impact

Unknown and varies depending on how many people take advantage of the program. Staff anticipates that the costs can be absorbed in the Office of Public Defense budget due to the number of currently open positions.

## Recommendation

Staff Recommends that the Board approve the Student Loan Repayment Assistance Program.

## Suggested Motion

I move to approve the Student Loan Repayment Assistance Program for Public Defenders with an effective date of October 1, 2024.

## Signatures Required on Agreements/Contracts

Resolution