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SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

ORDINANCE NO. 02-037

MODIFYING TERMS OF EMPLOYMENT FOR SUPERIOR COURT  
COMMISSIONERS AND AMENDING CHAPTER 3.68 SCC

BE IT ORDAINED:

Section 1. Snohomish County Code Section 3.68.010, last amended by Ordinance 01-117 on November 7, 2001, is amended to read:

3.68.010 Scope of chapter.

The provisions of this chapter apply to the following positions:

- (1) Two positions designated by each district court judge;
- (2) Two positions designated by each of the following elected officials: assessor, auditor, clerk, treasurer, prosecuting attorney, and each county councilmember;
- (3) Four positions designated by the county executive;
- (4) Six positions designated by the sheriff in accordance with RCW 41.14.070, and the Commander of the Snohomish Regional Drug Task Force appointed by the sheriff in accordance with SCC 3.67.020;
- (5) The department heads appointed by the executive and confirmed by the council;
- (6) The division directors and division managers and deputy department heads of executive and administrative departments whose department head is appointed by the executive and confirmed by the council;
- (7) The professional employees within the executive's office;
- (8) Deputy prosecuting attorneys in the prosecuting attorney's office except as provided in Snohomish county Ordinance 83-147;
- (9) The professional employees within the county council's office;
- (10) Two positions designated by each superior court judge, the superior court commissioners, the superior court administrator, the assistant superior court administrator, the supervisor of family court investigations, the juvenile court administrator, the juvenile court assistant administrator, and the juvenile court detention manager; except that no law clerk/bailiff hired and designated pursuant to this chapter subsequent to December 31, 1992, shall be entitled to the leave benefits conferred by this chapter, but instead they shall receive, use and accrue vacation, sick and holiday benefits in accordance with chapter 3A.06 SCC;
- (11) The hearing examiner and any deputy examiners selected and appointed pursuant to SCC 2.02.030 and 2.02.040;

(12) Any classified employee transferred, reclassified or promoted to an exempt position on or after the effective date of this subsection.

Section 2. Snohomish County Code Section 3.68.030, last amended by Amended Ordinance 96-008 on April 13, 1996, is amended to read:

3.68.030 Selection of exempt positions and personnel.

(1) Each elected official shall designate the position or positions the official selects as exempt in accordance with SCC 3.68.010, in writing, which writing the official shall file with the council and executive. Each elected official shall designate the person selected to fill each exempt position designated, as provided herein in writing, which writing the official shall file with the council and executive. No elected official shall designate or appoint any spouse or relative, as defined in SCC 3A.12.050, to an exempt position, and, in the event such spouse or relative has been so designated or appointed, such designation or appointment shall be null and void, except where otherwise provided by law. Otherwise, such designation is irrevocable until such person leaves, or is dismissed from, or transfers from the position designated as exempt, or unless such position is transferred to the classified service.

(2) The deputy department heads, division directors, and division managers of executive and administrative departments shall be appointed:

(a) Utilizing competitive procedures and recruitment processes that comply with applicable laws, regulations and county policy relative to equal employment opportunity and affirmative action which shall be conducted by the personnel department; and

(b) Considering the applicant's qualifications, integrity and prior experience which are applicable to the duties of the office to which appointment is to be made.

(c) An applicant shall not be appointed to a position which is supervised by any spouse or relative of the applicant, as the term "relative" is defined in SCC 3A.12.050. The appointment of any employee to an exempt position supervised by any spouse or relative of that employee shall be null and void.

(d) Employees appointed to exempt positions prior to April 1, 1982 shall not be required to be re-appointed by way of the procedures provided in SCC 3.68.030(2) but shall serve in that position until that person leaves or is dismissed from the position, provided that the exempt employee is not supervised by a spouse or relative as defined in SCC 3A.12.050.

(3) Heads of executive and administrative departments shall be appointed by the executive and confirmed by the council on the basis of abilities, qualifications, integrity and prior experience which are applicable

to the duties of the office to which the appointment is to be made. No such department head shall be appointed or serve under the supervision of a spouse or relative, as that term is defined in SCC 3A.12.050.

(4) The superior court commissioners authorized by SCC 2.14.010 shall be appointed by the superior court judges or as otherwise provided by law.

(5) For purposes of this section, an employee shall be deemed to supervise another employee if the supervisory employee, as a regular matter, has the authority to hire, assign, promote, transfer, layoff, recall, suspend, discipline or discharge the other employee or to evaluate the performance of the other employee.

~~((5))~~ (6) The prohibition against the appointment and service of an employee who is a spouse or relative of the appointing elected official or of his or her supervisor shall apply to any exempt employee who is appointed to an exempt position on or after the effective date of the ordinance codified in this section and shall not apply to any employee appointed to the exempt service prior to the effective date of said ordinance.

Section 3. Snohomish County Code Section 3.68.050, last amended by Amended Ordinance 91-023 on February 20, 1991, is amended to read:

3.68.050 Salary plan and administration:

Exempt employees of the sheriff's office shall be covered by the sheriff's office exempt employees compensation plan. All other exempt county employees except superior court commissioners governed by SCC 2.14.030 shall be covered by the management and exempt employees compensation plan which shall be initially prepared by the personnel director and submitted to the executive and council for consideration and adoption. Amendments to either plan may be prepared from time to time by the personnel director or submittal to the executive and council after consideration of competitive salaries for the same or similar positions in the labor market, salary relationships within the county, the county's ability to pay, results of collective bargaining and other applicable factors. The plan shall recommend salary ranges for each exempt position and shall specify rules for administration and advancement through the salary range. Any such plan is subject to the availability of funds and appropriations therefor. Any such plan or plan amendment shall be subject to the approval of the council and shall comply with all budgetary procedures.

Section 4. Snohomish County Code Section 3.68.070, last amended by Amended Ordinance 92-139 on December 2, 1992, is amended to read:

3.68.070 Leave with pay.

(1) There is hereby established for each exempt employee a current leave account within which shall be retained the most recent leave entitlement and a reserve leave account within which shall be retained any balance of leave exceeding 80 days.

(2) Annually on January 1st each exempt employee shall be granted a current earned leave entitlement which shall be deposited to the current leave account in the amount specified according to the following schedule based on months of county service completed:

Months of County Service Completed as of January 1 <sup>st</sup> of Each Year	Current Earned Leave Entitlement Granted Per Year *
0--12	25 days
13--36	35 days
37+	40 days**

\*Exempt employees covered by the LEOFF retirement system shall receive an entitlement which is reduced by 12 days.

\*\*Any employee hired prior to January 1, 1960, shall receive 45 days.

(3) When the balance in the current leave account exceeds 80 days, those days exceeding 80 will be moved to a reserve leave account.

(4) During the course of the year, each absence from work for any reason other than for legal holidays, jury or military leave and leave without pay as provided in SCC 3.68.060(3) shall be charged against the reserve leave account until the balance is depleted, and thereafter it will be charged against the current leave account.

(5) New exempt employees may not use more than one-half of their leave until they have completed six months of service.

(6) Upon termination from the exempt service, including voluntary resignation, up to 60 days accrued leave pay shall be made from the current leave account. Calculation of accrued leave pay upon termination shall be based upon a maximum rate of 30 days for each full year completed in the exempt service with a proration of any partial year. Before accrued leave pay is calculated for superior court commissioners, a prorated portion of the leave granted in the year of termination shall be forfeited from the reserve and/or current leave accounts based on the number of months remaining in that year.

Any exempt employee who is removed from an exempt position due to a conviction of a felony against the county shall forfeit any and all accrued leave. Where such felony charges are pending, accrued leave pay shall be withheld by the county until the result is known.

(7) Upon termination from the exempt service for the purpose of receiving LEOFF II or PERS retirement benefits, and immediately following termination of employment, an exempt employee may exchange unused accrued leave for retiree medical coverage subject to the following provisions:

(a) Leave to be exchanged shall only be that leave which is in excess of leave which may be compensated as shown in (6) above. Leave may be exchanged on the basis of 60 hours of exchanged leave shall equal one month of paid medical coverage for a retiree or retiree and spouse in the county's retiree medical program.

(b) Leave may only be exchanged in 60 hour increments to a maximum of 720 hours.

(c) Leave which is not used, exchanged or compensated for prior to or upon termination shall be forfeited.

(d) Upon the death of a retiree, a surviving spouse who has been enrolled in the retiree medical plan may remain on the plan until paid medical coverage in (a) above has been exhausted.

(8) An exempt employee who becomes an elected official shall also be eligible for the above accrued leave pay as in (6) above.

(9) When an employee enters the exempt system from the personnel system or civil service, vacation and sick leave accruals earned in that service shall be frozen for use at a later date as follows:

(a) For each absence from work for other than legal holidays, jury or military leave and leave without pay, an exempt employee may designate whether such leave was required as a result of illness or for vacation purposes and such amount may be charged against vacation and/or sick leave accrued under the personnel or civil service plan. Accordingly, that amount of time will be charged to the appropriate frozen vacation or sick leave accruals earned during personnel or civil service employment. If no such designation is made the leave time will be deducted from exempt entitlement pursuant to SCC 3.68.070(4).

(b) Upon termination, the employee will be paid for such vacation and sick leave as provided in the rules applicable to the employment under which such vacation and sick leave was accrued.

(c) When an exempt employee transfers to classified employment, the employee's frozen classified sick and vacation leave accounts, if any, will be reactivated, and unused leave days accrued under this section will be transferred to the employee's sick and vacation leave accounts as apportioned by the employee; PROVIDED, That the employee transferring from the exempt system may either freeze the maximum accrual of exempt time as provided in SCC 3.68.070 for cash

out upon discontinuance of service with the county or the employee may cash out the maximum accrual of exempt time as provided in SCC 3.68.070 upon transferring to a classified position; and, PROVIDED, FURTHER, That amounts of leave accrued under the exempt plan which exceed the maximum annual accrued leave pay of 30 days as provided in SCC 3.68.070(6) may be used by the employee for up to 24 months after the effective date of the transfer to a classified position. When such a transfer occurs after January 1st of a calendar year, monthly sick and vacation accruals shall begin January 1st of the following year at a rate which reflects total years of completed county service.

(10) Any person entering an exempt position after the effective date of this chapter shall receive as his/her entitlement for the year of entry into the exempt position, days of current leave entitlement provided in subsection (2), prorated in proportion to the time remaining in the year at the time of assuming the position. The leave entitlement allowable to those filling exempt positions on a part time or temporary basis shall be similarly prorated; however, a person working in an exempt position less than half-time shall receive no leave entitlement or other benefits under this chapter.

(11) Accurate records of leave accruals and use thereof shall be maintained by the supervising official of each exempt employee.

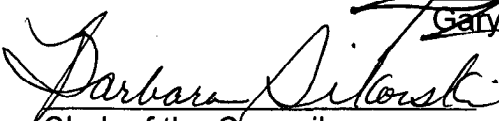
Section 5. Establishing Leave Account. Each person employed as a superior court commissioner on the effective date of this ordinance shall be considered a person entering an exempt position. The exempt leave account for each such person shall consist of (1) a current leave entitlement under SCC 3.68.070(10) based upon the number of months the person has served as a superior court commissioner and (2) a number of days equal to the number of vacation days accrued to the person under the superior court commissioner leave system, which shall be considered transferred in full to the person's exempt leave account.

PASSED this 21<sup>st</sup> day of August, 2002.

SNOHOMISH COUNTY COUNCIL

Snohomish County, Washington

  
Gary Nelson, Council Chair

  
Clerk of the Council

(4) APPROVED

- ( ) EMERGENCY
- ( ) VETOED

DATE:

*8/27/02*

County Executive

ATTEST *Barbara Silvestri*

Approved as to form only:

*Steven J. Bladek*

Deputy Prosecuting Attorney

Steven J. Bladek

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