



CO00001095

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

AMENDED ORDINANCE NO. 04-009

RELATING TO COUNTY EMPLOYMENT, PROVIDING FOR AN EXEMPT
POSITION TO SUPPORT THE LAW AND JUSTICE CABINET, AMENDING
CHAPTER 3.68 SCC, AND CONTAINING AN EFFECTIVE DATE

WHEREAS, the Law and Justice Cabinet, consisting of elected and other representatives of each county law and justice agency and additional non-voting members, has been established to promote efficiencies within the County's law and justice community; and

WHEREAS, the 2003 and 2004 annual county budgets provide funding for a staff position to support the work of the Law and Justice Cabinet; and

WHEREAS, the Law and Justice Cabinet staff position was initially established by administrative action as a FLSA exempt but classified position; and

WHEREAS, Law and Justice Cabinet members have determined that it should be an exempt position subject to Chapters 3.68 and 3.69 SCC; and

WHEREAS, this ordinance is intended to amend the original classification action and provide for appointment of the law and justice cabinet analyst as an exempt employee under Chapters 3.68 and 3.69 SCC;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code Section 3.68.010, last amended by Amended Ordinance No. 03-048 on July 2, 2003, 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.

(13) The chief clerk of the boundary review board and the clerk of the board of equalization appointed pursuant to the authority of RCW 36.93 and RCW 84.48.

(14) The law and justice cabinet FTE appointed pursuant to SCC 3.68.030(7).

Section 2. Snohomish County Code Section 3.68.030, last amended by Ordinance No. 02-037 on August 21, 2002, 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.

(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.

(7) The law and justice cabinet FTE provided for in SCC 3.68.010(14) shall be appointed by simple majority vote of the following elected county officials or their designees acting on behalf of the law and justice cabinet: the county executive, chair of the council law and justice/human services committee, director of corrections, presiding

judges of the superior and district courts, prosecuting attorney, sheriff, and superior court clerk.

Section 3. Transition and effective date. This ordinance shall apply to the law and justice cabinet FTE position created by administrative action on March 24, 2003, as Job Classification No. 2249. This ordinance shall apply prospectively, and shall take effect ten days after it is signed by the County Executive or otherwise enacted as provided in Charter Sec. 2.110.

PASSED this 10th day of March, 2004.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Chairperson

ATTEST:

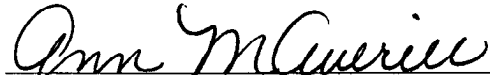

Clerk of the Council, *asst.*

- APPROVED
 EMERGENCY
 VETOED

DATE: 3/15/04


County Executive

ATTEST:



PUBLISH _____

Approved as to form only:

Deputy Prosecuting Attorney

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