



CO00001267

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 04-059

RELATING TO EXEMPT PERSONNEL, REVISING COUNTY CODE PROVISIONS
RELATING TO SELECTION AND TERMINATION OF
EXEMPT EMPLOYEES, AND AMENDING CHAPTER 3.68 SCC

BE IT ORDAINED:

Section 1. Snohomish County Code 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 by the department head, subject to the following:

~~(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))~~ In making an appointment the department head shall consider the applicant's qualifications, integrity and prior experience which are applicable to the duties of the office to which appointment is to be made.

~~((e))~~ (b) 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))~~ (c) 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.

Section 2. Snohomish County Code Section 3.68.040, last amended by Amended Ordinance No. 91-118 on August 28, 1991, is amended to read:

3.68.040 Termination of exempt employment.

(1) An exempt employee, with the exception of the hearing examiner and any deputy examiners selected and appointed pursuant to SCC 2.02.030 and 2.02.040, shall serve at the pleasure of the appointing authority and may be removed for any reason. Removal of an examiner shall be governed by the provisions of SCC 2.02.050.

(2) An employee holding regular status in the personnel system or civil service (~~and then~~) who was appointed to an exempt position between April 1, 1982, and the effective date of this ordinance, upon termination of the exempt appointment, shall be eligible to return to the same or like position in any class in which regular status was held prior to exempt appointment, PROVIDED That:

(a) Such eligibility shall only extend to an existing position with the department or its equivalent in which regular status was held by the exempt employee prior to holding an exempt position.

(b) Termination of the exempt appointment was for reasons other than for cause.

(c) Where return of the exempt employee shall displace another employee, a layoff shall be declared subject to applicable layoff rules.

(d) Time spent in the exempt service shall be included in seniority computations.

(3) An exempt employee shall not exercise rights over any other employee occupying a position in Snohomish county except as provided by this section. This section shall not apply where prohibited by collective bargaining contract.

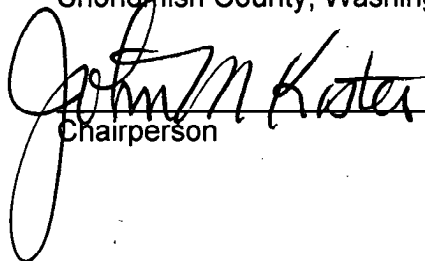
(4) Transfer of an exempt employee to an existing or new vacancy not previously held is permitted under subsection (2) of this section, subject to the availability of funds and provided the employee meets the minimum requirements for the classification. In all such cases, the exempt employee will be required to complete a probationary period before being granted regular status in the classification.

(5) Where the exempt employee's return rights under subsection (2) of this section are not granted because his retention would not be in the best interests of the county, the employee may appeal such decision to the grievance board or civil service board, as appropriate. The decision of either board shall be binding.

Section 3. Code revision. Pursuant to SCC 1.02.020(2)(f), the Code Reviser shall substitute the proper calendar date for the phrase "the effective date of this ordinance" in SCC 3.68.040(2) as amended by Section 2 of this ordinance.

PASSED this 28th day of July, 2004.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

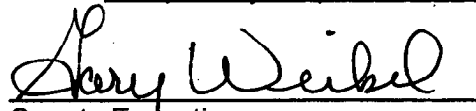

Chairperson

ATTEST:


Asst. Clerk of the Council

- APPROVED
 EMERGENCY
 VETOED

DATE: 7/30/04


County Executive

 GARY WEIKEL
Deputy Executive

ATTEST:



Approved as to form only:

/s/ Rick Robertson
Deputy Prosecuting Attorney

D-14