



CO00013616

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

AMENDED ORDINANCE NO. 05-006

**IMPLEMENTING A LAG PAYROLL SYSTEM, REPEALING
CHAPTER 3.32 SCC AND ADOPTING A NEW CHAPTER 3.30 SCC**

WHEREAS, RCW 36.17.040 authorizes salaries of officers and employees in counties with populations of five thousand or more to be paid twice monthly; and

WHEREAS, RCW 36.17.040 permits the legislative authorities of such counties to base those twice-monthly payments on either (i) a semimonthly pay plan, with separate payments made for services rendered from the first to the fifteenth day of the month and for services rendered from the sixteenth to the last day of the month, or (ii) designation of the first pay period as a "draw day" upon which not more than forty percent (40%) of the earned monthly salary of a county officer or employee shall be paid to him or her, and out of which no payroll deductions shall be made; and

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WHEREAS, by resolution adopted June 10, 1959, as amended by Resolution No. 79-214, adopted August 8, 1979, the county adopted a draw day method for twice-monthly payments to county officers and employees, that draw day method codified as Chapter 3.32 SCC (the "Salary Draw Day"); and

WHEREAS, Internal Revenue Service Revenue Ruling No. 66-376, 1966-2 C.B. 495 ("Rev. Rul. No. 66-376"), states that "[a]n employer ostensibly on a four-week payroll period but making advance payments at the end of each second week in such period is required to withhold taxes from the advance payments and make semimonthly deposits" under the provisions of relevant Employment Tax Regulations;" and

WHEREAS, the county's current Salary Draw Day appears to conflict with the requirements of the Internal Revenue Service as enunciated in Rev. Rul. No. 66-367 and with generally-accepted management standards, and

WHEREAS, the County Executive has developed a Snohomish County Lag Payroll System in order to comply with the Internal Revenue Service requirements and with generally-accepted management standards; and

WHEREAS, the County Council intends by this ordinance to implement the Snohomish County Lag Payroll System in keeping with the authority and limitations provided by federal and state law and the county charter;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code Chapter 3.32, last amended by Resolution No. 79-214 on August 8, 1979, is repealed in its entirety.

Section 2. A new chapter is added to Title 3 of the Snohomish County Code to read:

**Chapter 3.30
Twice-Monthly Pay Periods**

Sections:

3.30.010 Twice-Monthly Pay
3.30.020 Pay Periods
3.30.030 Pay Lag
3.30.040 Paydays

3.30.010 Twice-Monthly Pay

County employees shall be paid twice monthly.

3.30.020 Pay Periods

Two monthly pay periods are established. The first period is for services rendered from the first day to the fifteenth day of the month, inclusive (the "first pay period"). The second period is for services rendered from the sixteenth day to the last day of the month, inclusive (the "second pay period").

3.30.030 Pay Lag

Compensation for services rendered by county officers and employees during the first pay period will be paid by the county not later than eight days following the end of the first pay period. Compensation for services rendered by county officers and employees during the second pay period will be paid by the county not later than eight days following the end of the second pay period.

3.30.040 Paydays

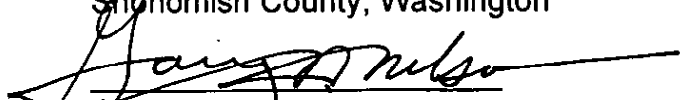
Standard paydays will be the 7th and 22nd calendar days of each month. However, (a) if the standard payday falls on a Saturday, a Sunday or a legal holiday occurring on a weekday that is not a Monday, payday will be the last business day preceding that standard payday; and (b) if the standard payday falls on a legal holiday occurring on a Monday, payday will be on the first business day following that standard payday.

Section 3. Notwithstanding Sections 1 and 2, this ordinance shall not apply to the extent it is inconsistent with the county's obligations under Chapter 41.56 RCW, except that deductions and withholdings required by law shall be made from the salary draw.

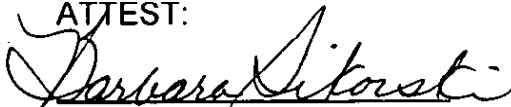
Section ((3)) 4. This ordinance shall take effect April 1, 2005.

PASSED this 2nd day of March, 2005.

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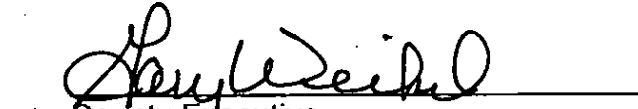

Chairperson

ATTEST:


Asst. Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE: 3/4/05


County Executive

GARY WEIKEL
Deputy Executive

ATTEST:



Approved as to form only:

Deputy Prosecuting Attorney