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SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

AMENDED ORDINANCE NO. 08-162

RELATING TO COUNTY PERSONNEL RULES, LIMITING FORFEITURE
OF 2009 LEAVE AND HOLIDAY PAY, AND AMENDING CHAPTER 3A.06 SCC

WHEREAS, on November 24, 2008, the County Council adopted the 2009
annual budget as Amended Ordinance No. 08-119; and

WHEREAS, Amended Ordinance No. 08-119 includes an expenditure reduction
identified as Department Directed Savings (DDS); and

WHEREAS, DDS allows each department to identify savings to be achieved
through specific cuts or under-expenditures, which may include furloughs developed
collaboratively with employees and labor unions; and

WHEREAS, this ordinance is intended to facilitate use of furloughs by providing
for 2009 leave and holiday pay that would otherwise be forfeited under existing
provisions of the county personnel code;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code Section 3A.06.020, last amended by
Ordinance No. 98-025 on May 13, 1998, is amended to read:

3A.06.020 Holidays.

A paid legal holiday is any day other than Sunday designated by RCW
1.16.050 as a legal holiday as that statute is constituted on the date of the
occurrence of a holiday. The following days are currently recognized as holidays
with pay for all eligible employees:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

(1) Floating Holidays. In addition to those holidays specified in this
section, employees shall receive two floating holidays (maximum of eight hours

1 each) during each calendar year. Each employee may select the dates on which
2 the employee desires to take the additional holidays provided for herein subject
3 to approval of the supervisor. These two floating holidays shall be used in the
4 calendar year earned and shall be noncumulative and noncompensable upon
5 termination. New employees shall be eligible for floating holidays only upon
6 completion of 60 calendar days of continuous employment. Employees hired
7 after June 30 shall be eligible for one floating holiday during that calendar year.

8 (2) Holidays Falling on Saturday, Sunday or other Regularly Scheduled
9 Days Off. When a recognized holiday falls on a Saturday, the holiday will be
10 observed on the preceding Friday. When the holiday falls on a Sunday, it will be
11 observed on the following Monday. If the holiday falls on one of the employee's
12 regularly scheduled days off, other than Saturday or Sunday, the employee may
13 take an alternative day off by arrangement between the employee and employer.

14 (3) Holidays Occurring While on Paid Leave Status. Holidays that occur
15 during vacation, sick leave or while on other paid leave status shall not be
16 charged against such leave.

17 (4) Forfeiture of Holiday Pay. Any employee shall forfeit his/her right to
18 payment for any recognized holiday if he/she is on leave without pay on the last
19 regular working day preceding such holiday or on the next regular working day
20 following such holiday. This subsection shall not require forfeiture of payment for
21 any holiday in calendar year 2009 that would otherwise result solely from a
22 furlough as described in Section 9(a)(1) of Amended Ordinance No. 08-119.

23
24 Section 2. Snohomish County Code Section 3A.06.040, last amended by
25 Amended Ordinance No. 97-100 on December 3, 1997, is amended to read:

26
27 **3A.06.040 Sick leave.**

28 Accumulation of sick leave is allowed for the purpose of providing the
29 employee with an economic cushion to be used in the event of a major illness or
30 absence from work for some medical reason.

31 (1) Sick Leave Accrual. Eligible full time (1.0 FTE) employees as defined in
32 SCC 3A.06.010 shall accrue sick leave at the rate of one working day (eight hour
33 maximum) for each full calendar month of employment. Employees who are on
34 regular pay status for less than a full calendar month and employees whose
35 regular pay status is less than full time (40 hours per week) shall accrue sick
36 leave proportionately to the number of hours they are on regular pay status. Sick
37 leave accrued shall not be awarded or used until the end of the accounting
38 period in which it is earned. Employees who are covered by the disability leave
39 provisions of the LEOFF I system shall not be eligible for sick leave accrual. In
40 calendar year 2009 a furlough day as described in Section 9(a)(1) of Amended
41 Ordinance No. 08-119 shall constitute a day of regular pay status for purposes of
42 this section.

43 (2) Use of Sick Leave. An employee may use sick leave for absence due to
44 illness, injury or other incapacity that renders the employee unable to perform the

1 duties of his/her position, or for the purpose of medical and dental appointments,
2 or due to enforced quarantine in accordance with health regulations.

3 Where illness or injury to an employee's spouse, child or other dependent
4 requires the employee's personal attendance to provide necessary care of the
5 family member, the use of sick leave, for up to three days in a calendar year, by
6 the employee, may be allowed by the employing official. The three day limit will
7 not apply in cases when sick leave is used to care for a child of the employee
8 under the age of 18 with a health condition that requires treatment or supervision.

9 Both male and female employees may take up to five days of sick leave
10 during and immediately following the birth or adoption of their infant child. In
11 addition, a female employee may take sick leave for periods of temporary
12 disability related to child birth when a request for such leave is accompanied by a
13 written physician's statement in accordance with the disability leave provisions of
14 this title.

15 (3) On the Job Injury. Whenever an employee is injured on the job and
16 compelled to seek immediate medical treatment, the employee will be
17 compensated in full for the remaining part of the day of injury without effect to his
18 or her sick leave or vacation account. Scheduled workdays falling within the first
19 three calendar days following the day of injury are compensable through accrued
20 sick leave, provided however, if the period of disability extends beyond 14
21 calendar days, then accrued leave taken shall be reimbursed by worker's
22 compensation on a pro rata basis. Sick leave pay may be used to supplement
23 industrial insurance benefits in an amount equal to the difference between the
24 compensation to which the person is entitled under the Industrial Insurance Act
25 and regular county net pay, not to exceed the amount of the employee's accrued
26 sick leave. Any earned vacation may be used in a like manner after sick leave is
27 exhausted. Employees, who are temporarily disabled and are being
28 compensated through industrial insurance, are entitled to continue to receive the
29 normal health benefits subject to any copayment requirements. Sick leave and
30 vacation shall only accrue, however, for hours in pay status.

31 (4) Sick Leave Reporting. In order to qualify for sick leave payment,
32 employees shall report their illness or disability to their immediate supervisor at
33 the beginning of any period of sick leave and daily thereafter unless otherwise
34 arranged. Failure to report within a reasonable time may result in the denial of
35 sick leave benefits.

36 For any sick leave exceeding three working days, the employee may be
37 required upon returning to work to submit a written physician's statement
38 explaining the nature of the illness or disability and/or assessing the employee's
39 fitness to resume his/her duties. Failure to provide such written physician's
40 statement upon request of the employing official may result in the denial of sick
41 leave benefits and/or other disciplinary action. Nothing shall prohibit the county
42 from requiring an employee to be examined by a physician of the county's
43 choice. The county shall bear the cost of any charges above those covered by
44 any insurance carrier for an examination required by the county. The employee

1 shall immediately sign over to the county any reimbursement received from an
2 insurance carrier for the required examination.

3 (5) Current Leave Account. There is established for each eligible employee
4 a current leave account (CLA) within which shall be retained the most recent sick
5 leave hours accrued but unused and from which employees may use sick leave
6 for one and two day absences.

7 (6) Sick Leave - Maximum Accrual - Current Leave Account. Accrued but
8 unused sick leave in the CLA shall not exceed 24 days at any time. When the
9 accrual of sick leave would generate hours in excess of the 24-day maximum,
10 the oldest sick leave hours will be removed in an amount sufficient to return the
11 account to the maximum allowed. Sick leave hours removed from the CLA shall
12 be deposited in an extended leave account.

13 (7) Current Leave Account - Cash Payment upon Termination. Upon
14 termination from county employment, the employee shall be paid a lump sum
15 payment from accrued sick leave reserves in the current leave account (CLA) up
16 to and including the maximum amount specified in the following schedule:

Length of Classified Service	Maximum Number of Days Paid	Maximum Number of Hours Paid
Date of employment to end of 5th year	0	0
Beginning of 6th year to end of 10th year	5	40
Beginning of 11th year to end of 15th year	10	80
Beginning of 16th year to end of 20th year	15	120
Beginning of 21st year and thereafter	24	192

17 Upon the death of any employee in regular pay status, his/her estate shall
18 be paid for accrued sick leave in accordance with the above schedule.

19 (8) Extended Leave Account. There is established for each eligible
20 employee an extended leave account (ELA) which shall hold sick leave hours
21 displaced from the CLA and from which employees may use sick leave for
22 extended absences of three days or more commencing with the third day. The
23 extended leave account may be used for one and two day absences if the
24 current leave account is exhausted, a physician's treatment plan requires one
25 and two day absences for the treatment of a long term illness and the director
26 has approved such use of the extended leave account.

1 (9) Extended Leave Account - Cash Payment upon Termination. Upon
2 termination, employees with 20 or more years of service or who are 65 or more
3 years of age shall be paid a lump sum payment from accrued ELA sick leave
4 reserves. Such payment shall be based upon one day of pay for each 10 days of
5 accrued leave at the employee's then current daily pay rate. The time in the ELA
6 shall be reduced by 10 percent by this payment.

7 (10) Upon termination from the classified service for the purpose of
8 receiving LEOFF II or PERS retirement benefits, a classified employee may
9 exchange unused accrued leave for retiree medical coverage subject to the
10 following provisions:

11 (a) Leave to be exchanged shall only be that leave which remains after
12 the classified employee has been compensated in accordance with (7) and (9), if
13 applicable, above. Leave may be exchanged on the basis of 100 hours of
14 exchanged leave shall equal one month of paid medical coverage for a retiree or
15 retiree and spouse in the county's retiree medical program.

16 (b) Leave may only be exchanged in 100-hour increments to a
17 maximum of 1,200 hours.

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

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

23
24 Section 3. Snohomish County Code Section 3A.06.050, last amended by Amended
25 Ordinance No. 97-099 on December 3, 1997, is amended to read:

26 **3A.06.050 Vacation Leave.**

27 Eligible employees as defined in SCC 3A.06.010 shall accrue vacation leave based
28 on the number of hours actually worked or while on paid leave status in accordance with
29 the schedule shown below. Vacation leave shall not accrue during periods of leave
30 without pay nor for hours worked in excess of 40 hours per week. In calendar year
31 2009 a furlough day as described in Section 9(a)(1) of Amended Ordinance 08-119
32 shall constitute a day of regular pay status for purposes of this section.

33 (1) Vacation Leave Accrual. During each year of employment eligible employees
34 shall accrue vacation leave up to and including the maximum amount shown in the
35 schedule below. Regular full time employees shall accrue vacation leave at the rates
36 shown in the schedule below. Employees who are on regular pay status for less than a
37 full calendar month and employees whose regular pay status is less than full time (40
38 hours per week) shall accrue vacation leave proportionately to the number of hours they
39 are on regular pay status. Vacation leave accrual shall be based upon the total time of
40 continuous active employment with the county. Vacation leave accrued shall not be
41 credited or used until the end of the month in which it is earned.

Length of Continuous Service (Years)	Monthly Accrual (hours)	Annual Accrual (hours)
Date of employment to end of 1st year	6.7072	80.49
Beginning of 2nd year to end of 2nd year	8.0347	96.42
Beginning of 3rd year to end of 5th year	10.0433	120.52
Beginning of 6th year to end of 9th year	12.0520	144.62
Beginning of 10th year to end of 11th year	14.0607	168.73
Beginning of 12th year to end of 13th year	14.7244	176.69
Beginning of 14th year to end of 15th year	15.4056	184.87
Beginning of 16th year to end of 17th year	16.0693	192.83
Beginning of 18th year to end of 24th year	16.7331	200.80
Beginning of 25th year and thereafter	18.7417	224.90

1 (2) Vacation Leave - Maximum Accrual. Vacation leave shall not be permitted to
2 accrue in excess of 240 hours by December 31 of any year.

3 (3) Vacation Leave -- Cash Payment upon Termination. Upon termination from
4 county employment, the employee shall be paid a lump sum payment for all accrued
5 vacation leave up to a maximum of 240 hours; PROVIDED, That such payment
6 continues to be allowed under state law. Accrued vacation leave in excess of 240 hours
7 shall be forfeited.

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