

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington



CO00037472

AMENDED ORDINANCE NO. 09-147

RELATING TO COUNTY EMPLOYMENT, LIMITING FORFEITURE  
OF 2010 LEAVE AND HOLIDAY PAY, PROVIDING FOR VOLUNTARY  
FURLOUGHS, AND AMENDING CHAPTERS 3.68 AND 3A.06 SCC

WHEREAS, on November 23, 2009, the County Council adopted the 2010 annual budget as Amended Ordinance No. 09-113; and

WHEREAS, Amended Ordinance No. 09-113 provides for staff salary reductions offset by additional leave time granted in the form of furlough days; and

WHEREAS, this ordinance facilitates use of furloughs by providing for 2010 leave and holiday pay that would otherwise be forfeited under existing provisions of the county personnel code; and

WHEREAS, the Council recognizes that additional savings may be achieved by allowing employees to volunteer for additional furloughs beyond any furlough days that which may be mandatory in 2010; and

WHEREAS, this ordinance is intended to facilitate the use of voluntary furloughs in 2010 as part of the County's expenditure reduction efforts within the meaning of RCW 41.40.010(17)(c);

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code Section 3A.06.020, last amended by Ordinance No. 08-162 on December 17, 2008, 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 each) during each calendar year. Each employee may select the dates on which the employee desires to take the additional holidays provided for herein subject to approval of the supervisor. These two floating holidays shall be used in the calendar year earned and shall be noncumulative and noncompensable upon termination. New employees shall be eligible for floating holidays only upon completion of 60 calendar days of continuous employment. Employees hired after June 30 shall be eligible for one floating holiday during that calendar year.

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

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

(4) Forfeiture of Holiday Pay. Any employee shall forfeit his/her right to payment for any recognized holiday if he/she is on leave without pay on the last regular working day preceding such holiday or on the next regular working day following such holiday. This subsection shall not require forfeiture of payment for any holiday in calendar year 2009 or 2010 that would otherwise result solely from a furlough as described in Section 9(a)(1) of Amended Ordinance No. 08-119, Section 5 of Amended Ordinance No. 09-113, SCC 3.68.060, or SCC 3A.06.060(6).

Section 2. Snohomish County Code Section 3A.06.040, last amended by Amended Ordinance No. 08-162 on December 17, 2008, is amended to read:

**3A.06.040 Sick leave.**

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

(1) Sick Leave Accrual. Eligible full time (1.0 FTE) employees as defined in SCC 3A.06.010 shall accrue sick leave at the rate of one working day (eight hour maximum) for each full calendar month of employment. Employees who are on regular pay status for less than a full calendar month and employees whose regular pay status is less than full time (40 hours per week) shall accrue sick leave proportionately to the number of hours they are on regular pay status. Sick leave accrued shall not be awarded or used until the end of the accounting period in which it is earned. Employees who are covered by the disability leave provisions of the LEOFF I system shall not be eligible for sick leave accrual. In

calendar year ((2009)) 2010 a furlough day as described in Section ((9(a)(1) of Amended Ordinance No. 08-119)) 5 of Amended Ordinance No. 09-113, SCC 3.68.060, or SCC 3A.06.060(6) shall constitute a day of regular pay status for purposes of this section.

(2) Use of Sick Leave. An employee may use sick leave for absence due to illness, injury or other incapacity that renders the employee unable to perform the duties of his/her position, or for the purpose of medical and dental appointments, or due to enforced quarantine in accordance with health regulations.

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

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

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

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

For any sick leave exceeding three working days, the employee may be required upon returning to work to submit a written physician's statement explaining the nature of the illness or disability and/or assessing the employee's

fitness to resume his/her duties. Failure to provide such written physician's statement upon request of the employing official may result in the denial of sick leave benefits and/or other disciplinary action. Nothing shall prohibit the county from requiring an employee to be examined by a physician of the county's choice. The county shall bear the cost of any charges above those covered by any insurance carrier for an examination required by the county. The employee shall immediately sign over to the county any reimbursement received from an insurance carrier for the required examination.

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

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

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

<b>Length of Classified Service</b>	<b>Maximum Number of Days Paid</b>	<b>Maximum Number of Hours Paid</b>
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

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

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

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

(10) Upon termination from the classified service for the purpose of receiving LEOFF II or PERS retirement benefits, a classified 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 remains after the classified employee has been compensated in accordance with (7) and (9), if applicable, above. Leave may be exchanged on the basis of 100 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 100-hour increments to a maximum of 1,200 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 (b) above has been exhausted.

Section 3. Snohomish County Code Section 3A.06.050, last amended by Amended Ordinance No. 08-162 on December 17, 2008, is amended to read:

**3A.06.050 Vacation Leave.**

Eligible employees as defined in SCC 3A.06.010 shall accrue vacation leave based on the number of hours actually worked or while on paid leave status in accordance with the schedule shown below. Vacation leave shall not accrue during periods of leave without pay nor for hours worked in excess of 40 hours per week. In calendar year 2009 or 2010 a furlough day as described in Section 9(a)(1) of Amended Ordinance 08-119, Section 5 of Amended Ordinance No. 09-113, SCC 3.68.060, or SCC 3A.06.060(6) shall constitute a day of regular pay status for purposes of this section.

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

<b>Length of Continuous Service (Years)</b>	<b>Monthly Accrual (hours)</b>	<b>Annual Accrual (hours)</b>
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

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

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

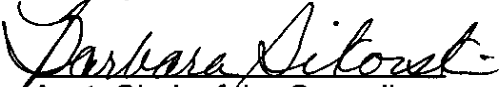
Section 4. **Savings.** With respect to the subject matter of this ordinance the County will retain the status quo working conditions of county employees covered by existing collective bargaining agreements or a dynamic status quo until such time as the working conditions of those employees are changed in accordance with law.

PASSED this 16th day of December, 2009.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington


  
Chairperson

ATTEST:

  
Asst. Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE: 12/21/09

  
~~Deputy Executive~~  
MARK SOINE  
County Executive

ATTEST:



Approved as to form only:

\_\_\_\_\_  
Deputy Prosecuting Attorney

D-30