

Approved: 10/09/13  
Effective: 10/20/13

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

ORDINANCE NO. 13-070

RELATING TO COUNTY EMPLOYMENT; REVISING COUNTY  
PERSONNEL RULES; AMENDING TITLE 3A SCC

BE IT ORDAINED:

Section 1. Snohomish County Code Section 3A.02.010, adopted by Ordinance No. 84-129 on November 21, 1984, is amended to read:

**3A.02.010 Anniversary date.**

The date which signifies the completion of each year of ~~((full time equivalent))~~ service by ~~((a regular))~~ an employee in a regular ~~((position))~~ appointment.

Section 2. Snohomish County Code Section 3A.02.030, adopted by Ordinance No. 84-12 on November 21, 1984, is repealed.

Section 3. Snohomish County Code Section 3A.02.190, adopted by Ordinance No. 84-129 on November 21, 1984, is repealed.

Section 4. Snohomish County Code Section 3A.02.210, adopted by Ordinance No. 84-129 on November 21, 1984, is amended to read:

**3A.02.210 Layoff.**

The removal of an employee from ~~((his/her))~~ the employee's position ~~((or a reduction in the employee's scheduled hours of work))~~ because of lack of work, lack of funds, or reorganization.

Section 5. Snohomish County Code Section 3A.02.280, adopted by Ordinance No. 84-129 on November 21, 1984, is amended to read:

**3A.02.280 Position.**

A group of duties and responsibilities requiring the ~~((full))~~ full- or part-time employment of one person on a ~~((permanent))~~ regular or temporary basis. Position is used interchangeably with the term "job" in these rules.

Section 6. A new section is added to Chapter 3A.02 of the Snohomish County Code to read:

**3A.02.322 Reduction in force (RIF).**

The elimination of one or more occupied positions within a specific department, division or office.

1  
2 Section 7. Snohomish County Code Section 3A.02.325, adopted by Ordinance  
3 No. 89-056 on June 28, 1989, is amended to read:

4  
5 **3A.02.325 Regular appointment.**

6 ((Regular appointment means any)) An appointment to a budgeted position  
7 vacancy in the classified service. May also be called "regular full-time employment" or  
8 "regular part-time employment."

9  
10 Section 8. Snohomish County Code Section 3A.02.340, last amended by  
11 Amended Ordinance No. 94-050 on July 6, 1994, is amended to read:

12  
13 **3A.02.340 Rules or ((human resources)) personnel rules.**

14 The provision of this title.

15  
16 Section 9. Snohomish County Code Section 3A.02.370, adopted by Ordinance  
17 No. 84-129 on November 21, 1984, is amended to read:

18  
19 **3A.02.370 Temporary appointment.**

20 An appointment of ((not more)) less than six months ((180 calendar days)) 1040  
21 hours in a 12-month period duration to fill a temporary, emergency or short term need  
22 ((, or to fill a position for which no employment register is currently available)).

23  
24 Section 10. Snohomish County Code Section 3A.02.380, adopted by Ordinance  
25 84-129 dated November 24, 1984 is repealed.

26  
27 Section 11. A new section is added to Chapter 3A.02 of the Snohomish County  
28 Code to read:

29  
30 **3A.02.405 Vacancy.**

31 An unfilled position declared a vacancy by the director.

32  
33 Section 12. Snohomish County Code Section 3A.04.040, adopted by Ordinance  
34 No. 84-129 on November 21, 1984, is amended to read:

35  
36 **3A.04.040 Effect of classification changes on employees.**

37 Whenever a position is reclassified from one class to another class, the  
38 employee ((shall)) will remain in the position with the same benefits and credit for  
39 service as ((he/she)) the employee had in the position prior to its reclassification, except  
40 as follows:

41 (1) Whenever a position is reclassified from one class to a higher class,  
42 the employee ((shall)) will be promoted and continue in the position only if  
43 ((he/she)) the employee possesses the minimum qualifications for the higher  
44 class and thereafter successfully completes a trial service period for the higher  
45 class, as provided for in chapter 3A.09 SCC.

1 (2) Whenever a position is reclassified from one class to a lower class the  
2 employee ~~((shall))~~ will normally be demoted and remain in the position.  
3 ~~((However, an employee so affected may also seek transfer to another position  
4 vacancy in the original class (if any) in accordance with the transfer provisions of  
5 these rules.))~~

6 (3) Whenever an employee is ineligible to continue in a reclassified  
7 position or is not transferred, promoted or demoted, the employee ~~((shall))~~ will be  
8 laid off in accordance with the provisions of chapter 3A.10 SCC.  
9

10 Section 13. Snohomish County Code Section 3A.05.020, last amended by  
11 Amended Ordinance No. 97-054, § 1, on July 9, 1997, is amended to read:  
12

13 **3A.05.020 Rates of pay.**

14 No employee ~~((shall))~~ will be paid at a rate of pay less than the minimum nor  
15 more than the maximum established for the employee's job as set forth in the pay plan  
16 unless otherwise provided for in these rules. All pay rates in the pay plan are based  
17 upon full-time employment at the normal working hours for the position. For purposes of  
18 pay administration, full-time employment is defined as work consisting of at least 35  
19 ~~((but no more than 40))~~ hours per week.

20 (1) Starting Rate upon Initial Employment. New employees ~~((shall))~~ will be  
21 appointed at the minimum step of the pay range in effect for the particular  
22 classification or position to which the appointment is made unless the employing  
23 official has requested and received prior authorization from the director to fill the  
24 position at some other step in the pay range. In no event ~~((shall))~~ will the starting  
25 rate of pay exceed the maximum rate of the pay range.

26 (2) Pay Rate upon Promotion. An employee who is promoted ~~((shall))~~ will  
27 be paid at ~~((that))~~ the step in the pay range for the classification to which the  
28 employee is promoted, which represents at least a one-step pay increase over  
29 the rate of pay received immediately prior to the promotion or at the minimum  
30 step of the new pay range, whichever is greater; ~~((PROVIDED, That))~~ however  
31 such increase ~~((does))~~ may not exceed the maximum step of the new pay range.  
32 A greater pay rate may be permitted upon promotion to correct the situation  
33 where a supervisor would receive less than a subordinate through application of  
34 this rule.

35 (3) Pay Rate upon Demotion. An employee who is demoted to a lower  
36 classification for reasons other than misconduct may be paid at ~~((any rate))~~ the  
37 step in the pay range assigned to the lower classification which is appropriate to  
38 the circumstances surrounding the demotion as determined by the director, the  
39 affected employee's experience and training, and the availability of funds. ~~((An  
40 employee who is demoted from trial service following promotion shall receive the  
41 same pay rate as the employee received prior to promotion.))~~ An employee who  
42 accepts a voluntary demotion because of organizational changes or reduction in  
43 force or who requests a voluntary demotion for personal reasons ~~((shall))~~ will be  
44 paid at that step in the lower pay range that results in at least a one-step

1 reduction in pay unless such reduction would result in the employee being paid  
2 below the minimum step in the lower pay range.

3 (4) Pay Rate upon Demotion from Promotion. An employee who is  
4 demoted from trial service following promotion will be paid at the step in the lower  
5 pay range that the employee held before promotion, however adjustments will be  
6 made to take into account any pay increase that would have occurred had the  
7 employee not been promoted.

8 ~~((4))~~ (5) Pay Rate upon Transfer. An employee who transfers from one  
9 position to another within the same class, or from a position in one class to a  
10 position in a different class that is assigned to the same pay range, ~~((shall))~~ will  
11 continue to receive the same rate of pay as before the transfer.

12 ~~((5))~~ (6) Pay Rate upon Reinstatement or Rehire. A person who is  
13 recalled from layoff within two years, or who returns from an approved unpaid  
14 leave of absence, or who is rehired following separation from county employment  
15 within one year from the date of break in service, and who is reemployed in the  
16 same classification as held before the break in service ~~((and who is reemployed~~  
17 ~~within one year from the date of the break in service)),~~ ~~((shall))~~ will, unless  
18 otherwise prohibited by state or federal law, ((receive)) be paid at the same step  
19 in the pay range as held prior to the break in service, subject to the availability of  
20 budgeted funds. If such person is reemployed in a classification other than the  
21 original classification, the rate of pay ((shall)) will be at the minimum step of the  
22 pay range for the new classification, unless otherwise approved by the director.

23 ~~((6))~~ (7) Pay Rate Following Reclassification. An employee occupying a  
24 position that is reclassified to another class with the same pay range ~~((shall))~~ will  
25 receive the same rate of pay as before the reclassification. If the position is  
26 reclassified to a class with a higher pay range, the employee ~~((shall))~~ will receive  
27 an increase in pay as provided for in cases of promotion. If a position is  
28 reclassified to a class with a lower pay range, the employee's rate of pay ~~((shall))~~  
29 will be ~~((reduced as provided in these rules for voluntary demotion, unless the~~  
30 ~~director recommends and the council approves an incumbent pay rate.))~~ frozen  
31 for a period of twelve calendar months. Upon expiration of the twelve-month  
32 period, the employee will be paid at the step in the lower pay range that results in  
33 the least reduction in pay.

34 ~~((7))~~ (8) Pay Rate Following Adjustment to the Pay Range. If a class is  
35 reassigned to a new pay range, with no change in duties or responsibilities, the  
36 employee ~~((shall))~~ will be paid at that step in the new pay range that most closely  
37 corresponds to the employee's placement in the original pay range.

38 ~~((8))~~ (9) Pay Rate for Temporary and Regular Part-time Employment.  
39 Temporary and regular part-time employees ~~((shall))~~ will be paid for actual hours  
40 worked at an hourly rate of pay equivalent to the rate paid regular full-time  
41 employees performing substantially the same type of work. Where no similar  
42 work is normally performed, the director ~~((shall))~~ will establish an appropriate pay  
43 rate after consulting with the employing official.

44 ~~((9))~~ (10) Call-Back Pay. When an employee has completed the  
45 employee's regularly scheduled shift or work week and is "called back", ~~((the~~

1 employee shall be paid at the rate of one and one-half times the employee's  
2 regular rate of pay for actual hours worked; PROVIDED, That if the employee is  
3 called back and subsequently works less than two hours, the employee shall  
4 receive a minimum of two hours of pay at the regular rate of pay)) the employee  
5 will be entitled to a minimum of three hours call-back pay at the employee's  
6 regular hourly rate of pay. Employees whose jobs normally require attendance at  
7 meetings outside of normal office hours or whose working conditions require  
8 regular call-backs as a normal part of the job ((shall)) will not be entitled to call-  
9 back pay. When the total number of hours worked in one week exceeds 40  
10 hours, the call-back provisions of this section ((shall)) will cease to apply and the  
11 overtime provisions of subsection ((40)) (11) of this section ((shall)) will apply.

12 ((40)) (11) Overtime Compensation for a Fair Labor Standards Act  
13 (FLSA) Non-Exempt Employee(s). In the case of a FLSA non-exempt  
14 employee(s) who ((are)) is working less than a 40-hour work week, all hours  
15 worked in excess of the normally scheduled work week up to a maximum of 40  
16 hours per week shall be compensated at the straight-time rate of pay ((,unless  
17 the call-back provisions of subsection 9 of this section are applicable)). For hours  
18 worked in excess of 40 in a work week, overtime compensation shall be paid or  
19 compensatory time shall be granted upon approval by supervisor in conformity  
20 with the requirements of the ((Fair Labor Standards Act)) ((f))FLSA((f)) and  
21 applicable state wage and hours laws. Holidays, sick leave, bereavement leave,  
22 vacation leave and compensatory time will be considered time worked for the  
23 purpose of calculating overtime pay. In order for a holiday to be considered time  
24 worked, the holiday must either be worked or fall within the employee's  
25 scheduled work days.

26 ((41)) (12) Additional Compensation for a FLSA-Exempt Employee(s).  
27 A FLSA-exempt employee may receive compensation in addition to his or her  
28 regular salary ((where)) if: (a) the FLSA-exempt employee is required to directly  
29 supervise subordinate employees in their performance of overtime work caused  
30 by an unplanned emergency; (b) the supervised overtime is substantial; (c)  
31 failure to grant such additional compensation would result in the pay of  
32 subordinates exceeding that of their supervisors; and (d) necessary funds are  
33 available and have been specifically budgeted for this purpose. Additional  
34 compensation may be paid to a FLSA-exempt employee under the  
35 circumstances listed above if the department head verifies that the  
36 circumstances listed above have been met. If additional compensation is paid, it  
37 ((shall)) will be paid at the rate of one and a half times the FLSA-exempt  
38 employee's equivalent hourly rate of pay. Holidays, sick leave, bereavement  
39 leave, vacation leave and compensatory time will be considered time worked for  
40 the purpose of calculating overtime pay. In order for a holiday to be considered  
41 time worked, the holiday must either be worked or fall within the employee's  
42 scheduled work days.

43 ((42) Holiday Pay for Employees. All work on holidays shall be paid at  
44 the regular rate of pay for all hours actually worked in addition to the regular  
45 holiday pay based on the normal work day. Compensatory time off in lieu of pay

1 may be granted in an equivalent amount for hours actually worked on the holiday  
2 by FLSA non-exempt employees in accordance with state and federal law. All  
3 work on Thanksgiving Day and Christmas Day shall be paid at two times the  
4 employee's regular straight time rate of pay, and shall be in addition to the  
5 employee's regular holiday pay.)

6 (13) ~~((Special Pay Provisions))~~ Out-of-Class-Pay. An employee who is  
7 temporarily assigned work in a higher classification and, in fact, performs  
8 substantially the full scope of the work of the higher classification for a period of  
9 ~~((three))~~ one ~~((consecutive))~~ working ~~((days))~~ day or more, including consecutive  
10 hours the following day, ~~((shall))~~ will be paid at the rate of pay assigned to the  
11 higher classification according to the provisions of these rules governing pay rate  
12 upon promotion for all hours actually worked in the higher classification.

13 (14) Temporary Upgrade. When an out-of-class assignment is expected  
14 to continue for more than thirty calendar days, the employee will be placed in a  
15 temporary upgrade. All hours worked or designated as paid leave while in a  
16 temporary upgrade will be paid at the rate of pay assigned to the higher  
17 classification.

18  
19 Section 14. Snohomish County Code Section 3A.05.030, last amended by  
20 Amended Ordinance No. 94-074, § 1, on August 17, 1994, is amended to read:

21  
22 **3A.05.030 Advancement within a pay range.**

23 Employees in regular appointments ~~((shall))~~ will receive increases in pay within  
24 the steps of the pay range for their classification contingent upon: ~~((1))~~ satisfactory job  
25 performance~~((1))~~, as determined by ~~((evaluation))~~ the hiring official ~~((1))~~; and~~((2))~~ ~~((2))~~  
26 the availability of funds, as determined by the council. An employee ~~((Employee))~~ in a  
27 regular appointment ~~((are))~~ is eligible to be considered for such performance increase  
28 annually on ~~((each anniversary))~~ the employee's anniversary date representing the  
29 completion of one year of ~~((full-time employment or equivalent))~~ service in the same job  
30 classification at the same step in the pay range except as provided herein.

31 ~~((These employees hired prior to January 1, 1980 and who, upon adoption of~~  
32 ~~these rules, have an anniversary date of January 1 shall continue to have the same~~  
33 ~~anniversary date unless thereafter such anniversary date is adjusted by any of the~~  
34 ~~circumstances shown ((in subsection (2) of this section.))~~

35 ~~Regular part-time employees shall be considered for a performance increase~~  
36 ~~annually on each anniversary date representing the completion of one year of~~  
37 ~~employment.))~~

38  
39 (1) Deferral of Performance Increase. Performance increases are  
40 contingent upon satisfactory job performance as determined by the hiring official  
41 ~~((on the job))~~ and the availability of ~~((budgeted))~~ funds as determined by the  
42 council. If an employee's performance is less than satisfactory during the year  
43 preceding the employee's anniversary date, ~~((for a step))~~ the employing official  
44 may, with prior approval of the director, defer the increase for a stipulated period  
45 of time until specific improvement is made in the employee's performance. The

1 reasons for denial of a performance increase ((shall)) will be provided to the  
2 employee. A denied performance increase may be approved at any time the  
3 employing official determines that the employee has demonstrated satisfactory  
4 performance improvement. If the denial exceeds six months because the  
5 employee's performance has not improved sufficiently, any pay increase ((shall))  
6 will be withheld until the employee's next anniversary date.

7  
8 ~~(2) ((Adjustments to the Anniversary Date. The anniversary date increase  
9 for an employee shall be adjusted under the following circumstances:~~

10 ~~(a) Upon promotion or demotion, except in the case of demotion from trial  
11 service, the existing anniversary date shall be eliminated and the date of such  
12 promotion or demotion shall be used to calculate the new anniversary date;~~

13 ~~(b) When an employee is demoted from trial service following promotion,  
14 the anniversary date held prior to such promotion shall be reestablished;~~

15 ~~(c) When an employee returns from layoff or unpaid leave of absence and  
16 is reemployed in the same classification as originally held, the original  
17 anniversary date will be extended by an amount of time equal to the period of  
18 layoff or leave of absence in order to give credit for time served in a pay step  
19 prior to such layoff or leave of absence. The anniversary date shall only be  
20 adjusted for each unpaid leave of absence of 10 or more consecutive working  
21 days;~~

22 ~~(d) When an employee returns from layoff or unpaid leave of absence  
23 and is reemployed in a classification other than that originally held, the original  
24 anniversary date shall be eliminated and the date of reemployment shall be used  
25 to calculate the new anniversary date.))~~

26 Anniversary Date Administration. The anniversary date for an increase in  
27 pay within the steps of the pay range shall be the first day of the month as  
28 specified in this subsection. An employee hired between the first and the  
29 fifteenth of any month will have an anniversary date of the first of the month in  
30 which the hiring occurred. An employee hired between the sixteenth and the last  
31 day of any month will have an anniversary date of the first of the following month.

32  
33 (3) Adjustment to Anniversary Date.

34 (a) The anniversary date once established at the time of initial  
35 employment will not be changed due to subsequent reclassification,  
36 promotion or demotion, but will, unless otherwise prohibited by state or  
37 federal law, be adjusted for any leave without pay or layoff period of more  
38 than ninety consecutive calendar days. When an employee returns from a  
39 leave without pay or a layoff that is ninety days or longer and is  
40 reemployed in the same classification, the anniversary date will, unless  
41 otherwise prohibited by state or federal law, be extended by the number of  
42 days equal to the period of leave without pay or layoff in excess of ninety  
43 calendar days. A new anniversary date will be calculated from this revised  
44 date in accordance with subsection (2) of this section.

1                   **(b) When an employee returns from leave without pay or layoff and**  
2                   **is reemployed in a classification other than that originally held, the original**  
3                   **anniversary date will, unless otherwise prohibited by state or federal law,**  
4                   **be eliminated and the date of reemployment will be used to calculate the**  
5                   **new anniversary date.**  
6

7                   ~~((3))~~ (4) Alternative Advancement Program. The director may  
8 recommend alternative advancement programs covering specific occupations to  
9 the council as a part of the annual pay plan(s). Such programs ~~((shall))~~ will only  
10 be effective when approved by the council and may modify or supersede the  
11 program described by this chapter. Criteria for advancement in such programs  
12 may include but are not limited to employee performance, demonstrated  
13 knowledge, skill or ability, completed training and education and increased  
14 longevity.  
15

16                   Section 15. Snohomish County Code Section 3A.08.010, last amended by  
17 Amended Ordinance No. 04-141 on January 19, 2005, is amended to read:  
18

19                   **3A.08.010 Eligible registers.**

20                   (1) Each appointment to fill a regular position in the classified service  
21 ~~((shall))~~ will be made from an eligible register established for the class of  
22 positions by the affected elected official or department head. An eligible register  
23 ~~((shall))~~ will contain the names of candidates who are qualified for appointment to  
24 the class. An eligible register may be abolished or reestablished whenever it is  
25 determined by the affected elected official or department head, after consulting  
26 the director, to be in the best interests of the county.

27                   (2) Types of Registers.

28                   (a) Layoff. A layoff register ~~((shall))~~ will be formed for each job  
29 classification from which employees have been laid off.

30                   (b) Reemployment. ~~((The names of employees who have been~~  
31 ~~separated from the county in good standing or who have been reclassified~~  
32 ~~to a classification with a lower pay range may, at the employee's request,~~  
33 ~~be placed on a reemployment register for the period of one year.))~~ The  
34 names of employees who were laid off due to medical restrictions ~~((shall))~~  
35 will be placed on the reemployment list in accordance with ~~((3A.06.060))~~  
36 3A.06.040.

37                   (c) County Only/Open. A register ~~((shall))~~ will be formed at the  
38 conclusion of each county only or open examination and ~~((shall))~~ will  
39 contain the names of those candidates who have achieved the minimum  
40 rating which is determined to be necessary by the director. Candidates  
41 with the same score or rank are considered to be equally qualified and are  
42 generally to be afforded the same treatment in certification and selection  
43 processes.  
44



1 Section 16. Snohomish County Code Section 3A.08.030, last amended by  
2 Ordinance No. 04-141 on January 19, 2005, is amended to read:

3  
4 **3A.08.030 Types of appointments.**

5 (1) Regular Appointment. Regular appointment is any appointment to a  
6 ~~((regular))~~ budgeted position vacancy in the classified service.

7 (2) Temporary Appointment. Temporary appointment is any appointment  
8 to perform work which is temporary, emergency or short term in nature.  
9 Temporary appointment of any individual shall not exceed 1040 hours during a  
10 12-month period. Qualified county employees on layoff status ~~((shall))~~ will be  
11 given first consideration for temporary appointments. The temporary employment  
12 of an intern who is enrolled as a student in a bona fide course of study at a  
13 college or university ~~((shall))~~ will be permitted. Conditions of employment  
14 including salary, hours of work and length of employment ~~((shall))~~ will be  
15 determined by agreement between the county and the college or university. The  
16 director ~~((shall))~~ will be notified in writing by the department head of all such  
17 agreements.

18 (3) In-Training Appointment. Whenever an elected official or department  
19 head determines it is in the best interests of their office or department, the  
20 elected official or department head may approve the in-training appointment of  
21 an applicant who does not meet the minimum qualifications for a classification. In  
22 such cases, the employing official ~~((shall))~~ will provide justification for the  
23 appointment and ~~((shall))~~ will establish a training program that will satisfy the  
24 deficiency in qualifications within one year from the date of appointment. During  
25 the training period, the employee ~~((shall))~~ will be compensated at a lower rate  
26 than that of the class for which training is being given. At the end of the training  
27 period, if the employee has successfully completed the necessary training, the  
28 employee ~~((shall))~~ will be placed on a probationary period in accordance with  
29 these rules and ~~((shall))~~ will be placed at the first step of the salary range for the  
30 appropriate class. Time spent in training status ~~((shall))~~ will not be credited  
31 toward satisfaction of the probationary period. Removal of the employee during  
32 training or probationary period ~~((shall))~~ will be at the discretion of the employing  
33 official.

34 (4) Acting Appointment. Acting appointment is a form of temporary  
35 appointment in which a regular classified county employee is given an  
36 assignment in a position in a different classification having the same or higher  
37 pay range, to replace another employee. The employee retains regular  
38 appointment status in accordance with these rules.

39 (5) Exempt Appointment. Exempt appointment is the appointment of an  
40 employee to an exempt position not subject to this title and shall be governed by  
41 the rules and procedures of chapter 3.68 SCC.

42  
43 Section 17. Snohomish County Code Section 3A.10.010, adopted by Ordinance  
44 No. 84-129 on November 21, 1984, is amended to read:

1           **3A.10.010 General**

2           ~~((Voluntary resignation, retirement and layoff are considered separations.))~~

3 Separation for voluntary resignation, retirement and layoff shall be in good standing and  
4 the employee ~~((shall))~~ will be eligible for reinstatement under the rules of this chapter if:

5 (1) The employee has provided written notice at least 10 working days prior to the  
6 effective date (in cases of voluntary resignation or retirement); (2) The employee has  
7 not resigned to avoid disciplinary action; and (3) The employee has a satisfactory  
8 performance record.

9  
10           Section 18. Snohomish County Code Section 3A.10.020, adopted by Ordinance  
11 No. 84-129 on November 21, 1984, is amended to read:

12  
13           **3A.10.020 Reduction in force - Layoff.**

14           When the elimination or reorganization of work or lack of funds causes ~~((a~~  
15 ~~reduction in hours or))~~ the elimination of one or more occupied positions, a layoff will be  
16 declared.

17           (1) Identification of Layoff Unit. The layoff unit ~~((shall))~~ will consist of all  
18 positions in the affected job classification within the ~~((divisional organization))~~  
19 division affected by the reduction. Departments without division level programs  
20 will be considered as the whole layoff unit. A position within a classification may  
21 be excluded from a layoff unit as a specialty where:

22                   (a) The specialty position was filled using substantially different  
23 qualifications;

24                   (b) Transfer between the specialty and other positions in the  
25 classification does not normally occur; and

26                   (c) Qualification for the specialty position could not be easily  
27 obtained through a short orientation or familiarization period.

28           (2) Order of Layoff. In-training, acting, temporary and probationary  
29 employees within the layoff unit will be laid off first in the order stated. Order of  
30 layoff between regular employees within the layoff unit will be ~~((determined by~~  
31 ~~considering))~~ based on each employee's job classification seniority and  
32 performance evaluation according to procedures prescribed by the director.  
33 Employees with the lowest scores be laid off first. In the event of a tie between  
34 two or more employees:

35                   (a) The employee with the least total unbroken service in the  
36 affected department shall be laid off first; if a tie still exists then,

37                   (b) The employee with the least total unbroken county service shall  
38 be laid off first.

39           (3) Job Classification Seniority--Defined. Job classification seniority for  
40 the purposes of consideration in layoff and bumping situations is the period of  
41 unbroken service in the affected job classification and all classifications  
42 previously held which were at the same or higher level within the same  
43 occupational group. An authorized leave of absence without pay does not  
44 constitute a break in service; however, ~~((time spent on such leave of 10~~  
45 ~~consecutive days or more will be subtracted from))~~ the seniority computation~~((:-))~~

1 will be adjusted on a day-for-day basis for all such leave days in excess of ninety  
2 consecutive calendar days unless otherwise prohibited by state or federal law.  
3 An employee on disability leave of absence on account of an industrial injury or  
4 occupational disease shall continue to accrue seniority during the first fifty-two  
5 weeks.

6 (4) Layoff Options. Within the affected division, a regular or probationary  
7 employee who is scheduled for layoff may be offered, in lieu of layoff, one or  
8 more of the following options if available:

9 (a) A voluntary demotion to a position in a lower level job  
10 classification in which the employee has held classified status(~~(:~~  
11 ~~PROVIDED, That he/she))~~ if the employee continues to meet the minimum  
12 qualifications and has greater job classification seniority than the occupant  
13 (if any) of the position in the lower class.

14 (b) A voluntary demotion to a lower level job classification in the  
15 employee's promotional line may be permitted whether or not the  
16 employee has held regular status in the lower class(~~(:~~ ~~PROVIDED, That~~  
17 ~~he/she))~~ if the employee meets the minimum qualifications and has  
18 greater job classification seniority than the occupant (if any) of the position  
19 in the lower class. Such demotions (~~(shall))~~ will be restricted to  
20 promotional lines which are defined and promulgated by the director.

21 (c) A transfer to a vacant position in a job classification at the  
22 same level or demotion to a lower level classification, not previously held,  
23 provided the employee meets the minimum qualifications. Such transfers  
24 or demotions may be made without examination. An employee who  
25 accepts such an option must complete a six month probationary period  
26 before being granted status in the class and is subject to all rules covering  
27 probationary employees. A transfer or demotion to a job classification in  
28 which classified status was previously held (~~(shall))~~ will not require a new  
29 probationary period.

30  
31 No employee (~~(shall))~~ will be offered a promotion as a direct result of being  
32 affected by a layoff situation but may apply for any available promotional  
33 opportunity in accordance with rules covering application.

34  
35 A classified employee who is offered an option as specified (~~(above))~~ in this  
36 section may indicate acceptance or rejection within three working days of its  
37 receipt. Failure to do so shall constitute rejection of the offer.

38  
39 ~~(5) ((Career Employee Retention. In the event that bumping and transfer~~  
40 ~~options within the division are not made available and the employee has five or~~  
41 ~~more years of continuous service with the county, the director may attempt to~~  
42 ~~identify other referral options in the following order:~~

43 ~~(a) Vacant positions within job classifications previously held by the~~  
44 ~~employee, first within the employee's department and then county-wide.~~

1           (b) ~~Vacant positions in a job classification at the same or lower level not~~  
2 ~~previously held: PROVIDED, That the employee meets the minimum~~  
3 ~~qualifications, first within the employee's department and then county wide.~~

4           (c) ~~Positions occupied by temporary or probationary employees within job~~  
5 ~~classifications previously held by the employee, first within the employee's~~  
6 ~~department and then county wide.)~~

7           (((6))) Notice of Layoff. A notice of layoff, signed by the appropriate  
8 division or department head, shall be given to affected employees at least ((10))  
9 twenty working days prior to the effective date. Where necessary the county may  
10 issue a corrected notice of layoff. The date of layoff for an employee receiving  
11 such corrected notice will be adjusted to ensure the employee at least five  
12 working days notice of the change. A copy of each layoff notice will be provided  
13 to the director.

14           (((7))) (6) Placement of Laid Off Employees on Layoff Register. The  
15 names of regular classified and probationary employees who have been laid off  
16 (including acceptance of a demotion option) shall be placed on a layoff register  
17 for the classification from which the employee was separated. An employee's  
18 name shall remain on the register for ((one year)) two years from the date of  
19 layoff. An employee's name may be removed for any of the following reasons:

20           (a) Inability to contact the employee by mail at the employee's last  
21 known address.

22           (b) Rejection by the employee of an offer to interview for a county  
23 vacancy in the same job classification.

24           (c) Acceptance by the employee of other employment or an  
25 expression that ((he/she)) the employee has no further interest in returning  
26 to county employment.

27           (d) Reappointment of the employee to ((his/her)) the employee's  
28 former classification.

29  
30           Section 19. Snohomish County Code Section 3A.10.040, adopted by Ordinance  
31 No. 84-129 on November 21, 1984, is amended to read:

32  
33           **3A.10.040 Reinstatement.**

34           (1) A regular or probationary employee who is separated from a job  
35 classification in good standing, except employees placed on a layoff register,  
36 may be reinstated to a vacancy in the same classification within one year of  
37 separation without competition. A regular or probationary employee who is  
38 separated from a job classification and placed on a layoff register may be  
39 reinstated to a vacancy in the same classification within two years of separation  
40 without competition.

41           Such employees ((shall)) will be credited with:

42           (a) Assumption of the previous job classification seniority and  
43 anniversary dates adjusted for the time gone.

44           (b) The previous rate of sick leave and vacation accrual based on  
45 years of service.

1 (c) Reinstatement of previous sick leave accrual balances;  
2 however, if any previous payment for accrued sick leave had been  
3 received, it must first be repaid.

4 (d) Regular status only if reinstatement is to the department from  
5 which separation in good standing or layoff occurred and if regular status  
6 had been previously attained. In other instances, a six month  
7 probationary period must be served. ((A)) An employee who is reinstated  
8 ((employee)) from a layoff register who fails to complete the probationary  
9 period ((shall)) will be returned to the layoff register for the remainder of  
10 the ((one)) two year eligibility period established by the date of original  
11 layoff.

12 (e) Benefits in accordance with any restrictions or waiting period  
13 imposed by plan documents.

14  
15 (2) An employee who is reinstated from a layoff register to a classification  
16 not previously held in accordance with SCC 3A.10.030 shall be:

17 (a) Required to serve a probationary period. A reinstated  
18 employee who fails to complete probationary period shall be returned to  
19 the layoff register for the remainder of the ((one)) two year period  
20 established by the date of original layoff.

21 (b) Given new job classification seniority and anniversary dates.

22 (c) Given the previous rate of sick leave and vacation accrual  
23 based on years of service.

24 (d) Credited with previous sick leave accrual balances; however, if  
25 any previous payment for accrued sick leave had been received, it must  
26 first be repaid

27 (e) Given benefits in accordance with any restrictions or waiting  
28 period imposed by the plan documents.

29  
30 Section 20. Snohomish County Code Section 3A.11.025, last amended by  
31 Amended Ordinance No. 97-089, § 3, on October 8, 1997, is amended to read:

32  
33 **3A.11.025 Grievance procedures.**

34 The following procedures govern the conduct of the grievance process for classified  
35 employees~~((:))~~. To be valid, a grievance must state in writing the article and section of  
36 Title 3A that is allegedly violated, the nature of the grievance and the requested remedy.  
37 If an employee fails ((to submit a grievance in a timely manner or)) to adhere to the time  
38 limits established in the steps below, the employee shall have waived the grievance. If  
39 an employee does not receive a response within the number of working days outlined in  
40 the steps below, the employee may proceed to the next step in the grievance process.  
41 The time limit specified in any of the steps may be waived by mutual agreement.

42 Step I. An employee shall have ((five)) ten working days from the  
43 occurrence ((of the event giving rise to)) on which the alleged grievance is based  
44 to ((orally)) present the grievance in writing to the employee's immediate  
45 supervisor. A grievance meeting shall be held within ten working days of the

1 supervisor's receipt of the grievance. The supervisor shall provide the employee  
2 with ~~((an oral))~~ a written response within ~~((three))~~ ten working days of the  
3 grievance meeting. A copy of the written response will be provided to the  
4 director.

5 Step II. ~~((An employee dissatisfied with the supervisors oral response))~~ In  
6 the event the grievance is not settled satisfactorily at step I, the employee shall  
7 have ~~((five))~~ ten working days from the day of ~~((such))~~ the step I response to  
8 submit ~~((a))~~ the written grievance to the employing official. ~~((The written~~  
9 ~~grievance shall specify the subject matter of the grievance and the remedy which~~  
10 ~~is desired.))~~ All further actions concerning the grievance shall be limited to the  
11 matters specified in the grievance submitted at step I. The employing official will  
12 review the grievance~~((,))~~ and will meet with the employee and supervisor within  
13 ten working days of receipt of the grievance~~((,))~~. ~~((and))~~ The employing official  
14 will respond in writing within ~~((40))~~ ten working days of ~~((receipt of the employee's~~  
15 ~~written grievance))~~ the meeting. A copy of the written response will be provided  
16 to the director.

17 Step III. In the event the grievance is not settled satisfactorily at step II, the  
18 employee shall have ~~((five))~~ ten working days from the date of the employing  
19 official's response to submit a written grievance to the director. The director will  
20 investigate the grievance, make a written determination, and transmit such  
21 determination to the grievant and the employing official by certified mail ~~((or~~  
22 ~~personal service))~~ , unless other arrangements have been made, within ~~((15))~~  
23 twenty working days of receipt of the written grievance.

24 Step IV. If the employee disagrees with the director's determination and  
25 desires a hearing on the grievance before the personnel hearings examiner, the  
26 employee shall submit a written request for hearing to the director within five  
27 working days from receipt of the director's determination. The director will provide  
28 copies of the grievance and the county's responses, and related documents, to  
29 the personnel hearings examiner within five working days following receipt of the  
30 request for hearing. The personnel hearings examiner shall conduct a hearing on  
31 the grievance within ~~((20))~~ twenty working days following receipt of the grievance  
32 unless a later date is set by the personnel hearings examiner based on  
33 agreement of the parties or a finding of good cause. Failure of the personnel  
34 hearings examiner to timely convene a hearing under these rules shall not affect  
35 the rights of the parties. Proceedings will be in accordance with Chapter 2.04.  
36

37 Section 21. Snohomish County Code Section 3A.13.010, last amended by  
38 Amended Ordinance No. 07-091 on October 10, 2007, is amended to read:

39  
40 **3A.13.010 Exemptions - County charter.**

41 The following positions and employees are exempt from coverage under these  
42 rules in accordance with Section 7.20 of the county charter:

43 (1) All county elected officials, except that district court judges pursuant to  
44 RCW 3.34.100 shall accrue and use sick leave as provided in SCC 3A.06.040(1),

1 (2)~~((3))~~ and (8) only. No other provisions of Title 3A SCC shall apply to district  
2 court judges;

3 (2) Four employees in the county executive's office as designated by the  
4 county executive;

5 (3) Not more than two employees in each other elected official's office as  
6 designated by each elected official;

7 (4) The head of each executive and administrative department as  
8 designated by ordinance;

9 (5) The members of all boards and commissions appointed by the county  
10 council or county executive;

11 (6) Those employees in the prosecuting attorney's and sheriff's offices to  
12 the extent that the provisions of this chapter have been preempted by state law;

13 (7) All persons employed on an independent contractual basis;

14 (8) Such other employees as may be designated as exempt by ordinance;  
15 ~~((and))~~

16 (9) All persons exempt under the provisions of any applicable state law,  
17 including court personnel to the extent governed by Human Resource rules or  
18 guidelines adopted by the court pursuant to Rules of General Application (GR)  
19 29((-)); and

20 (10) All persons employed in a temporary appointment.

21  
22 Section 22. Snohomish County Code Section 3A.13.040, adopted by Ordinance  
23 No. 85-116 on December 11, 1985, is amended to read:

24  
25 **3A.13.040 Compensation plan for certain sheriff's department employees.**

26 (1) Other provisions of chapter 3A.13 SCC notwithstanding, the following  
27 positions/employees within the Snohomish county sheriff's department shall not  
28 be exempted from the personnel rules of the county which relate to salary, wages  
29 and benefits, in particular, chapters 3A.05 and 3A.06 SCC:

30 (a) ~~((Animal control supervisor))~~ Administrative coordinator;

31 (b) ~~((Captain))~~; Director of community partnerships;

32 (c) ~~((Community assistance information manager))~~ Evidence control  
33 supervisor;

34 (d) ~~((Community assistance information officer;-))~~ Fiscal resource  
35 analyst;

36 (e) ~~((Fiscal manager;-))~~ Staff services manager;

37 (f) ~~((Staff services manager;-))~~ Technical services supervisor.

38  
39 (2) Where any provision of this section conflicts with the provisions of  
40 chapter 41.14 RCW, civil service for sheriff's office, or other state law, such state  
41 law shall control.

42  
43 Section 23. Snohomish County Code Section 3A.15.010, adopted by Ordinance  
44 No. 84-129 on November 21, 1984, is amended to read:

1           **3A.15.010 Personnel records.**

2           The director ~~((shall))~~ will establish and maintain a personnel records system  
3 which ~~((shall))~~ will include a copy of each employee's application, the job title under  
4 which the employee is employed, the rate of pay, date of employment, the  
5 organizational unit assignment, reports of all personnel actions including disciplinary  
6 actions, reports of work performance, employment history and such other records,  
7 reports or information as deemed pertinent. The ~~((personnel department))~~ human  
8 resources department ~~((shall))~~ will be the central depository for all such personnel  
9 records and files.

10  
11           Section 24. Snohomish Code Section 3A.15.020, adopted by Ordinance No. 84-  
12 129 on November 21, 1984, is amended to read:

13  
14           **3A.15.020 Reports of personnel actions.**

15           Every appointment, transfer, promotion, demotion, termination, dismissal,  
16 suspension, leave of absence, change of pay rate or other ~~((temporary or permanent))~~  
17 change in an employee's status ~~((shall))~~ will be reported to the ~~((personnel department))~~  
18 human resources department in writing in the manner, time, form and method  
19 prescribed by the director.

20  
21           Section 25. Snohomish Code Section 3A.15.030, adopted by Ordinance No. 84-  
22 129 on November 21, 1984, is amended to read:

23  
24           **3A.15.030 Confidentiality of personnel records and files.**

25           ~~((Each employee's personnel records))~~ Personnel records and files specifically  
26 exempt from public disclosure by law shall be considered confidential and shall not be  
27 open to inspection by any person other than the employee, the employee's supervisor,  
28 the employing official and the ~~((personnel department))~~ human resources department  
29 staff in the conduct of personnel administration, unless the employee consents in writing  
30 to the other inspection or the director determines other inspection appropriate. Each  
31 employee shall have access to ~~((his/her))~~ the employee's personnel records or to any  
32 information pertaining to ~~((him/her))~~ the employee which is maintained by the  
33 ~~((personnel department))~~ human resources department during normal office hours in  
34 accordance with procedures as the director may provide.  
35 ~~((Personnel records and files specifically exempt from public disclosure by law shall be~~  
36 ~~considered confidential and shall not be subject to public disclosure unless otherwise~~  
37 ~~specifically designated by the director.))~~ Any employee who fails to maintain the  
38 confidentiality of personnel records and files exempt from public disclosure by law shall  
39 be subject to disciplinary action.

40  
41           Section 26. Snohomish Code Section 3A.15.040, adopted by Ordinance No. 84-  
42 129 on November 21, 1984, is amended to read:

43  
44           **3A.15.040 Public records.**



1 ((Such ~~p~~)) Personnel records and files that are not specifically exempt from  
2 public disclosure by ((statute)) law ((~~or confidential under SCC 3A.15.030~~)) shall be  
3 open to inspection by interested parties during normal office hours and in accordance  
4 with such procedures as the director may provide. Copies of public records shall be  
5 provided upon request at no more than the actual cost to the ((personnel)) human  
6 resources department as determined by the director. For the purposes of these rules,  
7 public records shall be taken to include:

- 8 (1) Personnel rules;
- 9 (2) ((Personnel department)) Human resources department policies and  
10 procedures;
- 11 (3) ((Personnel department)) Human resources department budget and  
12 program plans;
- 13 (4) ((Personnel department)) Human resources department classification  
14 and compensation plans;
- 15 (5) Factual staff reports and studies;
- 16 (6) Collective bargaining agreements; and
- 17 (7) Such other documents, records and reports as the director may  
18 determine are subject to public disclosure.

19  
20 Pursuant to RCW ((42.17.260)) 42.56 et. seq., the ((Personnel department)) human  
21 resources department may ((delete)) redact details to the extent required to prevent  
22 invasion of personal privacy when it makes available or publishes any public record.  
23

24 Section 27. Snohomish Code Section 3A. 15. 050, adopted by Ordinance No.  
25 84-129 on November 21, 1984, is amended to read:

26  
27 **3A.15.050 Verification of employment and other references.**

28 The ((personnel department)) human resources department ((shall)) will respond  
29 to all written requests for verification of employment of current and former employees  
30 and ((shall)) will provide only the following information, unless the employee has  
31 provided written consent to provide specific additional information:

- 32 (1) The employee's full name;
- 33 (2) Dates of employment;
- 34 (3) Employment status;
- 35 (4) Classification job title and pay ((range)) rate; and
- 36 (5) Department and division worked for.

37  
38 An employing official or designee, who responds to a request for a personal reference  
39 on a current or former employee, ((shall)) will limit his/her response to objective  
40 information that is verifiable by documented facts.  
41

42 Section 28. Snohomish County Code Section 3A.16.030, adopted by Ordinance  
43 No. 84-129 on November 21, 1984, is amended to read:  
44

