

Adopted: 12/20/17  
Effective: 01/15/18

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

AMENDED ORDINANCE NO. 17-105

AMENDING TITLE 3A RELATING TO PERSONNEL RULES; AND ADDING A NEW  
CHAPTER TO TITLE 3A ESTABLISHING A SHARED LEAVE VACATION PROGRAM  
FOR COUNTY EMPLOYEES; AND ADDING A NEW SUBSECTION TO CHAPTER  
3.68 EXEMPT PERSONNEL

WHEREAS, Snohomish County has a long history of adopting policies and practices that create a supportive environment for its employees; and

WHEREAS, a pilot program is in place that allows employees to donate hours of vacation leave to other employees who have experienced a catastrophic medical condition, illness, injury or impairment; and

WHEREAS, the Snohomish County Council has determined that it is in the best interest of the County to codify the shared leave program and adopt standardized procedures for allowing employees to assist one another through the donation of leave hours;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. A new chapter is added to title 3A of the Snohomish County Code to read:

**Chapter 3A.17**  
**SHARED VACATION LEAVE PROGRAM**

Sections:

- Section 3A.17.010 Purpose
- Section 3A.17.020 Definitions
- Section 3A.17.030 Eligibility for Shared Vacation Leave
- Section 3A.17.040 Use of Donated Vacation Leave
- Section 3A.17.050 Application and Approval Process
- Section 3A.17.060 Donation of Hours
- Section 3A.17.070 Administration
- Section 3A.17.080 Appeal Process

**3A.17.010 Purpose**

To provide a method for employees to donate their vacation leave to other employees in order to provide additional paid leave for eligible employees who have experienced a catastrophic medical condition, illness, injury or impairment and have no remaining paid leave available to them.

1 Snohomish County has established a Shared Vacation Leave program enabling  
2 employees to transfer vacation leave to provide additional paid leave for an  
3 eligible employee. This program will cover catastrophic medical conditions,  
4 illnesses, injuries or impairments of the employee or the employee's immediate  
5 family member (as defined below) after the employee has exhausted all other  
6 available leave.

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8 **3A.17.020 Definitions**

9 (1) "Shared Vacation Leave" means a program of donated hours for an employee  
10 who has exhausted all other forms of paid leave due to the employee's or  
11 employee's immediate family member's qualifying catastrophic medical condition,  
12 illness, injury or impairment.

13 (2) "Medically Documented Extraordinary or Severe Medical Condition, Illness,  
14 Injury or Impairment" means the employee or an employee's immediate family  
15 member is suffering from an extraordinary or severe medical illness, injury or  
16 impairment which is likely to cause the employee to take leave without pay or to  
17 terminate his or her employment.

18 (3) "Immediate family member" shall include an employee's spouse, children (son  
19 or daughter), and parents as defined by the Family Medical Leave Act. The term  
20 "parent" does not include a parent "in-law."

21 (4) "Donee employee" shall mean an employee who requests contributions of  
22 vacation leave due to a qualifying condition as outlined herein.

23 (5) "Donor employee" shall mean an employee who desires to contribute  
24 vacation leave to a specific employee who requests contributions of vacation  
25 leave due to a qualifying condition as outlined herein.

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27 **3A.17.030 Eligibility for Shared Vacation Leave**

28 (1) Only regular employees who have completed six continuous months of  
29 regular employment with Snohomish County, based on date-of-hire, are eligible  
30 to participate in the Shared Vacation Leave Program.

31 (2) Temporary or seasonal employees, contract workers, and volunteers are not  
32 eligible to participate in the Shared Vacation Leave program.

33 (3) An employee must exhaust all available vacation hours, sick leave hours,  
34 compensatory time hours, or any other type of paid leave before requesting  
35 shared vacation leave.

36 (4) Employees collecting workers compensation benefits under chapter 51.32  
37 RCW, or who are collecting long term disability benefits through the County's  
38 long term disability insurance provider are not eligible for the Shared Vacation  
39 Leave program.

40 (5) The employee requesting shared vacation leave must provide medical  
41 documentation supporting the extraordinary or severe medical condition, illness,  
42 injury or impairment necessitating the request for shared leave.

1           **3A.17.040    Use of Donated Vacation Leave.**

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3           (1) Use of donated shared leave shall not be considered hours worked under the  
4           Washington Minimum Wage Act or the Fair Labor Standards Act.

5           (2) Probation will be extended for all time that an employee is out on shared  
6           leave.

7           (3) Any use of Shared Vacation Leave will be counted toward the twelve (12)  
8           week allowance under the Family and Medical Leave Act (FMLA), if applicable.

9           (4) No unused hours of shared vacation leave will be paid upon separation from  
10          employment for any reason.

11  
12          **3A.17.050    Application and Approval Process.**

13          (1) Eligible employees may apply for Shared Vacation Leave during, or after, the  
14          pay cycle in which accrued paid leave hours will be exhausted.

15          (2) Upon exhaustion of all other available accrued paid leave, the donee  
16          employee or his or her legal representative will make a written request for shared  
17          leave upon forms available from the human resources department. The forms  
18          and accompanying medical documentation must be returned to the human  
19          resources department.

20          (3) Upon receipt of an application for the Shared Vacation Leave Program, the  
21          human resources department director or designee shall determine whether the  
22          donee employee is eligible to receive donations and inform the director of the  
23          department in which the donee employee is employed of that determination. In  
24          consultation with the human resources department director or designee, and  
25          after reviewing all required forms and accompanying medical documentation, the  
26          director of the department employing the donee employee will make the final  
27          determination regarding whether to approve the donation.

28          (4) Upon disapproval of the request or a determination that the donee employee  
29          is ineligible for donations, the human resources department director shall notify  
30          the donee employee or his or her legal representative of the reasons for  
31          disapproval and/or ineligibility and the appeal procedures outlined in section  
32          3A.17.080.

33          (5) A donee employee may make one subsequent request for donated leave of  
34          up to 80 hours (these hours will be prorated for less than full time employees)  
35          arising from the same qualifying condition.

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37          **3A.17.060    Donation of Hours.**

38          (1) A donor employee may donate vacation leave hours as follows:

39          (a) Regular full-time and part-time employees may donate their accrued  
40          annual vacation leave in a minimum of four (4) hour increments, up to a  
41          maximum of 120 hours per calendar year. The assignment of hours will  
42          occur upon written request of the donor employee and approval by the  
43          human resources director or designee; and

44          (b) Donating employees must maintain a vacation leave balance of no less  
45          than 10 work days.

- 1 (2) Donated vacation leave hours shall not revert back to the donor  
2 employee.
- 3 (3) Donations of vacation leave are prohibited if the donor currently exceeds  
4 the maximum allowed accrued vacation leave either under the County Code  
5 or collective bargaining agreements. The donor may become eligible once  
6 the donor employee's leave balance is below the maximum accrual allowed.
- 7 (4) Donations between funds are not allowed. The finance department will  
8 verify that a donation does not require a cross-fund transfer.

9  
10 **3A.17.070 Administration.**

- 11 (1) Once an employee has been approved for Shared Vacation Leave, the  
12 director of the department in which the donee employee is employed will  
13 inform staff of the request for donation. Such notice will include a deadline  
14 by which donations must be made.
- 15 (2) Donation of vacation leave is voluntary. Employees are prohibited from  
16 soliciting, offering, or receiving monetary or any other compensation or  
17 benefits in exchange for donating vacation leave hours.
- 18 (3) Donations are designated for a specific person and are not for a general  
19 pool.
- 20 (4) Vacation hours donated by a donor employee to a donee employee shall  
21 be transferred from the donor employee's department to the donee  
22 employee's department using a form created by the human resources  
23 department. Vacation hours donated shall be converted to a dollar value  
24 based on the donor employee's straight time hourly rate at the time of  
25 donation. Such dollar value will then be divided by the receiving employee's  
26 hourly rate to determine the actual number of hours received.
- 27 (5) The finance department shall calculate the value of the donated leave  
28 hours to be donated to the donee employee.
- 29 (6) All hourly donations will be credited to the donee employee on an "as  
30 needed basis" each pay cycle until all donations are exhausted.
- 31 (7) Donated Shared Vacation Leave hours are excluded from any payoff  
32 provisions contained in the Snohomish County Code and relevant provisions  
33 of collective bargaining agreements.
- 34 (8) The donee employee of Shared Vacation Leave may be subject to  
35 taxation for receipt of compensable earnings to the extent authorized in  
36 chapter 41.40 RCW and prevailing IRS regulations.
- 37 (9) Snohomish County has the right at any time to request that the employee  
38 provide additional certification from a health care provider attesting to the  
39 medical condition, illness, injury or impairment of the employee or  
40 employee's immediate family member. An employee's failure or  
41 unwillingness to cooperate will render the employee ineligible for shared  
42 leave.
- 43 (10) When an employee has been granted Shared Vacation Leave and the  
44 basis for the leave ceases to exist or qualify, the employee may not receive  
45 additional hours and any unused hours will be deemed forfeited.

1 (11) Abuse, misuse and falsification of facts regarding the Shared Vacation  
2 Leave Program may be grounds for disciplinary action, up to and including  
3 termination.

4 (12) Shared Vacation Leave will not be authorized when the employee's  
5 condition, illness, injury, or impairment occurred during and was related to  
6 employment with an entity other than Snohomish County.

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8 **3A.17.080 Appeal Process.**

9 (1) If an application is denied in whole or part, or a determination is made that the  
10 requesting employee is ineligible for donations, it may be appealed in writing and  
11 must be addressed to the director of the department in which the requesting  
12 employee is employed as well as the department of human resources director or  
13 designee.

14 (2) The appeal must be filed within 10 working days after receipt of denial. The  
15 employee or his/her legal representative's written request shall include:

16 (a) A copy of the application for shared leave;

17 (b) The facts in support of reconsideration;

18 (c) The remedy which the employee is seeking.

19 (3) If requested by the employee or deemed necessary by the department  
20 director in consultation with the department of human resources director or  
21 designee, the department director and the department of human resources shall  
22 schedule an appeal hearing within 15 working days after receipt of the  
23 employee's request for review, with the employee, or the employee's legal  
24 representative, to present any materials, additional facts, documents, or other  
25 evidence to the department director and the department of human resources  
26 director or designee who shall make a full and fair review of each application.

27 (4) On the basis of the review, the decision of the department director in  
28 consultation with the department of human resources director or designee shall  
29 be final and conclusive. Written notice of the decision shall be given to the  
30 employee within 10 working days from the date of the appeal hearing, if a  
31 hearing is held. If a hearing is not held, a written notice shall be given within 20  
32 working days after receipt of the employee's request for review.

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34 Section 2. A new chapter is hereby added to title 3, chapter 3.68 of the  
35 Snohomish County Code to read:

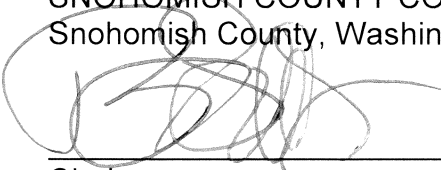
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37 **3.68.75 Shared Vacation Leave Program.**

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39 Employees covered under this chapter shall be eligible to participate in the  
40 Shared Vacation Leave Program established in chapter 3A.17 SCC.

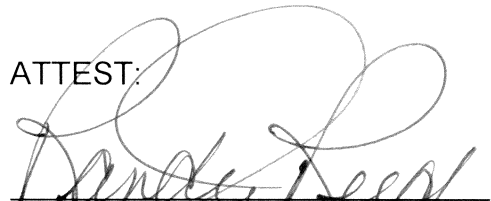
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PASSED this 20<sup>th</sup> day of December 2017.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

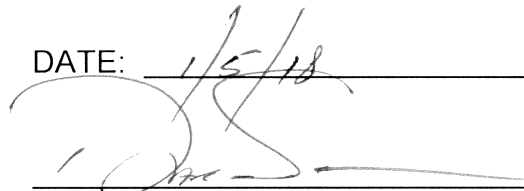
  
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Chairperson

ATTEST:

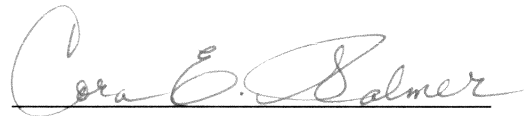
  
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Asst. Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE:

1/5/18  
  
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County Executive

ATTEST:

  
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Approved as to form only:

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Deputy Prosecuting Attorney