

COUNTY COUNCIL
Snohomish County, Washington



CO00029015

ORDINANCE NO. 82-003
(AMENDED)

RELATING TO CONDITIONS OF EMPLOYMENT
OF PERSONNEL EXEMPT FROM THE COUNTY
PERSONNEL SYSTEM

BE IT ORDAINED:

A new chapter reading as follows is added to the
Snohomish County Code.

Chapter 3.68

EXEMPT PERSONNEL

Sections:

- 3.68.020 Exempt Positions Defined.
- 3.68.030 Selection of Exempt Positions and Personnel.
- 3.68.040 Termination of Exempt Appointment.
- 3.68.050 Salary Administration and Adjustments.
- 3.68.060 Statement of Benefits.
- 3.68.070 Leave with Pay.
- 3.68.080 Additional Benefit Programs.
- 3.68.090 Extent of Authority.

3.68.020 Exempt Personnel Defined.

ORDINANCE RELATING TO CONDITIONS OF EMPLOYMENT
OF PERSONNEL EXEMPT FROM THE COUNTY PERSONNEL SYSTEM - 1

(1) The term "exempt personnel" as used in this ordinance means all county officials and employees exempt from the county personnel system as stated in charter section 7.20; Provided, the following are not included in the term:

(a) elected officials, except for benefits provided in section 3.68.060(1);

(b) deputy prosecuting attorneys and other exempt positions of the prosecuting attorney;

(c) all officials and employees subject to collective bargaining agreements;

(d) temporary employees;

(e) contract employees, including professional consultants;

(f) all personnel, including deputies and staff, of the sheriff's office who are in "classified" service as defined by RCW 41.14.070.

(2) With reorganization of any part of county government resulting in the creation of any new position encompassed by the above definition, such position shall be subject to this chapter.

(3) Positions under the present organization which are "exempt" personnel under this ordinance are:

Two exempt positions from each of the following offices:

Each council position

Each district court judge

Each superior court judge

Assessor

Auditor

Clerk

Treasurer

Four exempt positions from the county executive.

Sheriff's Office

Undersheriff

Chief Criminal Deputy

Chief Civil Deputy

Inspector

Chief of Detention

Administrative Secretary

Department Heads

Airport Manager

Assigned Counsel Administrator

Public Works Director

Information Services Director

Finance Director

CETA Administrator
Personnel Director
Property Procurement & Management Director
Fair Manager
Grants Fiscal Director
Developmental Disabilities Director
Mental Health Director
Risk Manager
Office on Aging Social Service Director
Director of Department of Community Affairs
Coroner

(4) The following position(s) is/are exempted from the personnel system and is/are subject to this exempt personnel ordinance:

(a) Solid Waste Director

3.68.030 Selection of Exempt Positions and Personnel.

(1) Each public official shall designate the position or positions the official selects as exempt under charter section 7.20 in writing, which writing the official shall file with the council and executive. Each public official shall designate the person selected to fill each exempt position designated as provided herein in writing, which writing the official shall file with the council and

executive. Such designation is irrevocable until such person leaves county employ or is transferred by any means to a position other than an exempt position in county employment.

(2) Exempt positions which are subject to council confirmation as provided by charter section 3.40 shall be:

(a) Filled utilizing competitive procedures and recruitment processes that comply with applicable laws and as conducted by the Department of Human Resources regulations and county policy relative to Equal Employment Opportunity and Affirmative Action and

(b) Appointed on the basis of their abilities, qualifications, integrity and prior experience concerning the duties of the office to which they shall be appointed.

3.68.040. Termination of Exempt Appointment.

(1) An exempt employee shall serve at the pleasure of the appointing authority and may be removed for any reason, unless otherwise provided by applicable sections of the county code.

(2) An employee holding regular status in the personnel system or civil service and then appointed to an exempt position, upon termination of the exempt appointment, shall

be eligible to return to the same or like position in any class in which non-exempt standing was held prior to exempt appointment provided that:

(a) Such eligibility shall only extend to positions within the department or its equivalent in which non-exempt standing was held by the exempt employee, and the position(s) must exist.

(b) Termination of the exempt appointment was for reasons other than for cause.

(c) Where return of the exempt employee shall displace another employee, a layoff shall be declared subject to applicable layoff rules.

(d) Time spent in the exempt service shall be included in seniority computations.

(3) An exempt employee shall not exercise rights over any other employee occupying a position in Snohomish County except as provided by this section. This section shall not apply where prohibited by collective bargaining contract.

(4) Transfer of an exempt employee to an existing or new vacancy not previously held is permitted, subject to the availability of funds and provided the employee meets the minimum requirements for the classification. In all such cases, the exempt employee will be required to complete a

probationary period before being granted permanent status in the classification.

(5) Where the exempt employee's return rights are not granted because his retention would not be in the best interests of the county, the employee may appeal such decision to the Grievance Board or Civil Service Board, as appropriate. The decision of either Board shall be binding.

3.68.050 . . . Salary Administration and Adjustment.

(1) Prior to July 1 of each year, the personnel director shall designate a midpoint salary for each exempt position and a range of salary which shall have a minimum salary 15% below the midpoint and a maximum salary 15% above the midpoint. The midpoint salary shall be determined by consideration of current salary, competitive salaries for the same or similar positions in the labor market, salary relationships within the county, the county's ability to pay, results of collective bargaining, recommendations of supervising officials, and other applicable factors. The designated salaries and ranges shall be referred to the executive for review and modification if deemed appropriate by the executive, who shall incorporate the final midpoint salaries and salary ranges allowed into the budget for the

following year prepared in accord with charter sections 6.10 through 6.30.

The council shall consider, modify, approve or disapprove the midpoint salaries and salary ranges as part of the process of adopting the budget for the ensuing year in accord with charter sections 6.20 through 6.60.

Nothing herein shall limit the power of the council to change any salary based upon the fiscal requirements of the county, any reorganization of county government, or emergency as defined by law.

(2) The council shall appropriate salaries at such midpoint salaries as it shall determine and shall also appropriate to each involved office or department such sum as the council deems appropriate for merit raises in each such office or department.

(3) The salary for exempt positions for the year 1982 shall be the salary fixed in the 1982 budget for such positions and the sum available for salary adjustments as fixed in the 1982 budget and hereafter transferred or appropriated for such use.

(4) After the budget is adopted, the official or officials to whom any exempt position is responsible shall determine the actual salary for such exempt position for the

following year. The salary for a person initially appointed to an exempt position after January 1 of each year shall be the minimum level in the budgeted salary range unless an initial salary at a level not to exceed the salary midpoint for such position has been approved by the appointing authority. The salary for an exempt position which has already been filled as of January 1, shall be initially the midpoint salary within the range of salaries provided for such position in the budget. The official or officials determining such salary may make adjustments in such salary provided that no salary or adjustment shall result in salary outside the established range of salary for such position or result in incurring obligations beyond the sum appropriated for such salary and salary increases, and provided that notice of any salary adjustment shall be given to the official or employee receiving such salary increase and the County Auditor not less than one (1) month before the effective date of such salary increase.

(5) All payments, including upward adjustments in salaries made hereunder, shall be deemed salaries and shall be treated in all respects the same as any other salary. No retroactive adjustment in salary shall be made or paid.

(6) Guidelines for salary adjustments under any official's control shall be prepared by such official and reviewed by the budget and personnel directors prior to any adjustments in salary to other than the midpoint salary.

3.68.060. Statement of Benefits.

(1) Exempt personnel and elected officials shall be eligible for the following benefits in the same manner and to the same extent as other, non-exempt employees not represented by collective bargaining.

- (a) Retirement.
- (b) Medical Insurance.
- (c) Dental Insurance.
- (d) Life Insurance.
- (e) Industrial Insurance.
- (f) Social Security.
- (g) Legal Holidays.
- (h) Leave for Jury Duty and Military Leave.

(2) Exempt employees shall be eligible for leave with pay as provided in section 3.68.070 which shall replace:

- (a) Compensatory Time Off.
- (b) Overtime.
- (c) Birthday Leave.
- (d) Maternity/Paternity Leave.

(e) Bereavement Leave

(f) Vacation Leave.

(g) Sick Leave.

(3) Consistent with the needs of the county, leave without pay may be granted to an exempt employee upon approval of the official to whom such employee is responsible. Such leaves may be extended, shortened or terminated by such official with reasonable notice to the employee.

(4) Other benefit programs later developed for non-exempt unrepresented employees shall accrue to exempt employees unless specifically denied in the implementing document or by amendment to this ordinance.

3.68.070 Leave with Pay.

(1) Initially on the effective date of this chapter and annually on January 1 of each year thereafter, each exempt employee shall be granted earned leave in the amounts specified according to the following schedule based on months of county service completed:

Months of County Service Completed as of January 1 of Each Year	Earned Leave* Entitlement Granted
0 - 12	25 days
13 - 36	35 days
37+	40 days**

*Exempt employees covered by the LEOFF retirement system shall receive an entitlement which is reduced by 12 days.

**Any employee hired prior to January 1, 1960 shall receive 45 days.

(2) During the course of the year, absences from work for any reason other than for legal holidays, jury or military leave and leave without pay as provided in section 3.68.060(3) shall be charged against the entitlement.

(3) New exempt employees may not use more than one-half of their entitlement until they have completed six months of service.

(4) At the end of each year, unused leave will be placed in a reserve which is accumulated.

(5) Upon termination from the exempt service, including voluntary resignation, up to 60 days accrued leave pay shall be made from accumulated reserves and/or the current year's grant. Calculation of accrued leave pay shall be based upon a maximum of 30 days for each full year completed in the exempt service.

Accrued leave pay will not be available to any exempt employee who is removed from an exempt position due to a conviction of a felony against the county. Where such felony charges are pending, accrued leave pay shall be withheld by the county until the result is known.

(6) An exempt employee who becomes an elected official shall also be eligible for the above accrued leave pay.

(7) When an employee enters the exempt system from the personnel system or civil service, vacation and sick leave accruals earned in that service shall be frozen for use at a later date as follows:

(a) If an exempt employee's time allowed under subsection (1) has been used up, the employee's supervising official may permit use of all or any part of accrued vacation and/or sick leave for leave with pay purposes.

(b) Upon termination, the employee will be paid for such vacation and sick leave as provided in the rules applicable to the employment under which such vacation and sick leave was accrued.

(c) When an exempt employee transfers to non-exempt employment, the employee's frozen non-exempt sick and vacation leave accounts, if any, will be reactivated, and unused leave days accrued under this section will be transferred as apportioned by the employee; Provided, that the resulting leave balances may not exceed maximums prescribed by the respective non-exempt system. When such a transfer occurs after

January 1 of a calendar year, monthly non-exempt accruals shall begin January 1 of the following year at a rate which reflects total years of completed county service.

(8) Any person entering an exempt position after the effective date of this chapter shall receive as his/her leave for the year of entry into the exempt position, days of leave provided in subsection (1), prorated in proportion to the time remaining in the year at the time of assuming the position. The leave allowable to those filling exempt positions on a part time or temporary basis shall be similarly prorated; however, a person working in an exempt position less than half-time shall receive no leave or other benefits under this chapter.

(9) Accurate records of leave accruals and use thereof shall be maintained by the supervising official of each exempt employee.

3.68.080 Additional Benefit Programs. The personnel director shall be responsible to review all exempt benefit and leave provisions in order to insure that they continue to be competitive and will enhance the county's ability to attract and retain qualified employees. Proposals for revisions to the current program may be submitted annually

and should consider the opinions and desires of exempt employees. The director may form an advisory committee for that purpose.

3.68.090 Extent of Authority. Nothing in this chapter shall affect the application of any state statute or regulation which applies to positions or situations covered by this chapter and which has preempted the field of authority with respect thereto. Nothing in this chapter shall affect any constitutional rights of any county official or employee.

PASSED this 17 day of March, 1982.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Cliff Bailey
Chairperson

ATTEST:

Ellie Snyder
Clerk of Council

() APPROVED

() VETOED

() EMERGENCY

DATE: 3-22-82

ATTEST:

Diana Leigh Johnson

Willis D. Tucker
County Executive

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