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COUNTY COUNCIL

SNOHOMISH COUNTY, WASHINGTON

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WIL	KJB	BJY

ORDINANCE NO. 85- 113
RELATING TO
EXEMPT EMPLOYEES

BE IT ORDAINED:

Section 1. That sections 3.68.020, and 3.68.050 of the Snohomish County Code adopted by Ordinance on March 22, 1982, are repealed.

Section 2. That a new section 3.68.010 is added to the Snohomish County Code to read as follows:

3.68.010 Scope of chapter. The provisions of this chapter apply to the following positions:

(1) Two positions designated by each district court judge and each superior court judge;

(2) Two positions designated by each of the following elected officials: assessor, auditor, clerk, treasurer, prosecuting attorney, and each county councilmember;

(3) Four positions designated by the county executive;

(4) The undersheriff, chief criminal deputy/bureau chief, chief civil deputy/bureau chief, inspector and administrative secretary in the sheriff's office;

(5) The department heads appointed by the executive and confirmed by the council;

(6) The division directors and division managers and deputy department heads of executive and administrative departments whose department head is appointed by the executive and confirmed by the council: PROVIDED, That employees holding these positions on the effective date of this ordinance shall make an election whether or not to be subject to the provisions of this chapter within thirty (30) days after the enactment of this ordinance.

(7) The professional employees within the executive's office: PROVIDED, That employees holding these positions on the effective date of this ordinance shall make an election whether or not to be subject to the provisions of this chapter within thirty (30) days after the enactment of this ordinance; and

(8) Deputy Prosecuting Attorneys in the Prosecuting Attorney's Office as provided in Snohomish County ordinances 83-147 and 85-005.

Section 3. That a new section 3.68.015 is added to the Snohomish County Code to read as follows:

3.68.015 Exclusions. The provisions of this chapter shall not apply to:

- (1) All county elected officials, except for benefits provided in SCC 3.68.060(1) and 3.68.080;
- (2) All personnel subject to collective bargaining agreements;
- (3) All employees subject to the provisions of Title 3a.SCC.
- (4) Temporary employees;
- (5) Contract employees, including professional consultants;
- (6) All personnel, including deputies and staff, of the sheriff's office who are in "classified" service as defined in RCW 41.14.070;
- (7) Members of all boards and commissions appointed by the county council or county executive; and
- (8) All other persons exempt under applicable state law.

Section 4. That section 3.68.030 of the Snohomish County Code as adopted by Ordinance on March 22, 1982 is amended to read as follows:

3.68.030 Selection of exempt positions and personnel.

(1) Each ((public)) elected official shall designate the position or positions the official selects as exempt ((~~under Charter Section 7-20~~)) in accord with SCC 3.68.010, in writing, which writing the official shall file with the council and executive. Each ((public)) elected 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~~)), or is dismissed from, or transfers from the position designated as exempt or unless such position is transferred to the classified service.

(2) ((~~Exempt positions which are subject to council confirmation as provided by Charter Section 3-40 shall be:~~))

The department head, deputy department heads, division directors, and division managers of executive and administrative departments shall be appointed:

(a) ~~((Filled-a))~~ 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 which shall be conducted by the personnel department; and

(b) ~~((Appointed-on-the-basis-of-their))~~ Considering the applicant's abilities, qualifications, integrity and prior experience ~~((concerning))~~ which are applicable to the duties of the office to which ((they-shall-be-appointed)) appointment is to be made.

(c) Employees appointed to exempt positions prior to the effective date of this ordinance shall not be required to be re-appointed by way of the procedure provided in SCC 36.68.030(2) but shall serve in that position until that person leaves or is dismissed from the position.

Section 5. That a new section 3.68.050 is added to the Snohomish County Code to read as follows:

3.68.050 Salary Plan and Administration. Exempt employees shall be covered by a management and exempt compensation plan which shall be initially prepared by the personnel director and submitted to the executive and council for consideration and adoption. Amendments to the plan may be prepared from time to time by the personnel director for submittal to the executive and council after consideration of 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 and other applicable factors. The plan shall recommend salary ranges for each exempt position and shall specify rules for administration and advancement through the salary range. Any such plan is subject to the availability of funds and appropriations therefor. Any such plan or plan amendment shall be subject to the approval of the council and shall comply with all budgetary procedures.

Section 6. That subsection SCC 3.68.070(5) is amended to read as follows:

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

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.

Section 7. That subsection SCC 3.68.070(7) is amended to read as follows:

(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.))~~
For each absence from work for other than legal holidays, jury or military leave and leave without pay, an exempt employee may designate whether such leave was required as a result of illness or for vacation purposes and such amount may be charged against vacation and/or sick leave accrued under the non-exempt plan. Accordingly, that amount of time will be charged to the appropriate frozen vacation or sick leave accruals earned during non-exempt employment. If no such designation is made the leave time will be deducted from exempt entitlement.

(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 nonexempt employment, the employee's frozen nonexempt 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-nonexempt-system:))~~ the employee transferring from the exempt system may either freeze the maximum accrual of exempt time as provided in SCC 3.68.070 for cash out upon discontinuance of service with the county or the employee may cash out the maximum accrual of exempt time as provided in SCC 3.68.070 upon transferring to the non-exempt position; and, provided, further that amounts of leave accrued under the exempt plan which exceed the maximum annual accrual of thirty days as provided in SCC 3.68.070(5) may be used by the employee for up to twenty-four months after the effective date of the transfer to a non-exempt position. When such a transfer occurs after January 1st of a calendar year, monthly nonexempt accruals shall begin January 1st of the following year at a rate which reflects total years of completed county service.

PASSED this 20th day of November, 1985.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Donald R. Butler
Vice-Chairperson

ATTEST:

Kathryn A. Morton
Clerk of the Council

Approved as to form:

John T. Allen
Deputy Prosecuting Attorney

- (X) APPROVED
() VETOED
() EMERGENCY

ATTEST:

Cindy Ringstad
Ordinance No. 85- 113
Relating to Exempt Employees
Page 5

DATE: 11/25/85
Thomas G. Carlson
County Executive
THOMAS G. CARLSON
DEPUTY EXECUTIVE

D-16