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COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

Amended
ORDINANCE NO. 89 - 172



RELATING TO EXEMPT EMPLOYEES:

AMENDING SNOHOMISH COUNTY CODE CHAPTER 3.68

BE IT ORDAINED:

Section 1. New Section. A new section 3.68.005 is added to the Snohomish County Code Chapter 3.68 to read as follows:

3.68.005 Definition of Terms. The terms used in this Chapter shall have the meaning as provided for in SCC 3a.02 and SCC 3a.08, except where the context clearly indicates otherwise.

Section 2. Snohomish County Code Section 3.68.010 adopted by Ordinance 85-113 on November 20, 1985, is amended 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 chiefs, (~~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.)) EXCEPT, that the classified employees holding such exempt positions on the effective date of this ordinance shall continue in their status as classified employees.
- (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)) EXCEPT, that classified employees holding such exempt positions on the effective date of this ordinance shall continue in their status as classified employees.

- (8) Deputy Prosecuting Attorneys in the Prosecuting Attorney's Office except as provided in Snohomish County ordinances 83-147 and 85-005.
- (9) The professional employees within the County Council's Office.

Section 3. Snohomish County Code Section 3.68.030, last amended by Section 4 of Ordinance 85-113 on November 20, 1985, is amended as follows:

3.68.030 Selection of exempt positions and personnel.

- (1) Each elected official shall designate the position or positions the official selects as exempt in accord with SCC 3.68.010, in writing, which writing the official shall file with the council and executive. Such designation of position is irrevocable until the incumbent leaves or is dismissed from or transfers from the position designated as exempt, or unless such position is transferred to the classified service. Each 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.
- (2) The ((~~department head~~)) deputy department heads, division directors, and division managers of executive and administrative departments shall be appointed:
 - (a) Utilizing competitive procedures and recruitment processes, that comply with applicable laws, regulations and county policy relative to equal employment opportunity and affirmative action which shall be conducted by the personnel department; and
 - (b) Considering the applicant's abilities, qualifications, integrity and prior experience which are applicable to the duties of the office to which the 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 3.68.030(2) but shall serve in that position until that person leaves or is dismissed from the position.
- (3) Heads of executive and administrative departments shall be appointed by the executive and confirmed by the council on the basis of abilities, qualifications, integrity and prior experience which are applicable to the duties of the office to which the appointment is to be made.

Section 4. Section 3.68.040 of the Snohomish County Code, adopted by Ordinance 82-003 on March 22, 1982 is amended to read as follows:

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))~~ regular status was held prior to exempt appointment provided that:
 - (a) Such eligibility shall only extend to an existing position((s)) within the department or its equivalent in which ~~((non-exempt standing))~~ regular status was held by the exempt employee ~~((7 and the position(s) must exist))~~ prior to holding an exempt position.
 - (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 regular ((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 Personnel Board or Civil Service Board, as appropriate. The decision of either Board shall be binding.

Section 5. Snohomish County Code Section 3.68.050, adopted by Ordinance 85-113 on November 20, 1985 is amended to read:

3.68.050 Salary Plan and Administration.

Exempt employees shall be covered by a management and exempt employees 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 therefore. Any such plan or plan amendment shall be subject to the approval of the council and shall comply with all budgetary procedures.

Section 6. New Section. A new Section 3.68.055 is added to the Snohomish County Code to read as follows:

3.68.055 Acting Appointments.

- (1) An acting appointment to fill a vacant Management and Exempt position shall be permitted during the recruitment and selection process, when such appointment is necessary to insure operational continuity. An acting appointment may also be utilized, to replace an employee on leave or while organizational changes are being deliberated. Such an appointment shall not be permitted to circumvent confirmation decisions made by the Council.
- (2) Employees who receive an acting appointment to positions covered by the Management and Exempt Employees Compensation Plan will be paid in accordance with normal county policy covering promotions, demotions, transfers, or initial employment, whichever is appropriate.
- (3) Employees who are promoted, demoted, or transferred on an acting basis to an exempt position will continue to receive benefits as they did prior to appointment. New hires who receive an acting appointment are not eligible for benefits.
- (4) Upon termination of an acting appointment, regular employees will be reinstated to their previous position without loss of status. Time spent in acting status will be considered as time in their regular position. New employee(s) will be terminated upon expiration of the acting appointment(s).
- (5) Acting appointments shall not exceed six (6) months unless an extension is granted by the Council. At the completion of an acting appointment, the regular employee will return to the range and step that he/she would have occupied had he/she not received the acting appointment. Time spent in an acting capacity shall not be credited toward satisfying any time requirements under the Management and Exempt Employees Compensation Plan.

Section 7. Snohomish County Code Section 3.68.060 adopted by Ordinance 82-003 on March 22, 1982 is amended as follows:

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, as provided for in SCC 3a.06.
 - (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.

Section 8. Chapter 3.68.070 of Snohomish County Code last amended by Section 7 of Ordinance 85-113 on November 20, 1985, is amended as follows:

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 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 shall forfeit any and all accrued leave. 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) 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~~)) personnel or civil service plan. Accordingly, that amount of time will be charged to the appropriate frozen vacation or sick leave accruals earned during ((~~non-exempt~~)) personnel or civil service 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.

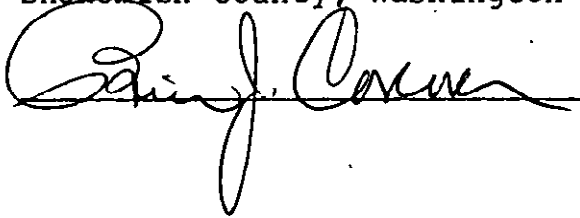
(c) When an exempt employee transfers to non-exempt employment, the employee's frozen non-exempt sick and vacation leave accounts, if any, will be reactivated, and unused leave days accrued under this section will be transferred to the employees sick and vacation leave accounts as apportioned by the employee; provided, that 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 non-exempt accruals shall begin January 1st 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.

PASSED this 10th day of January, 1990.

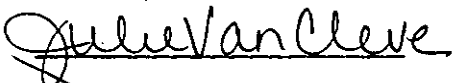
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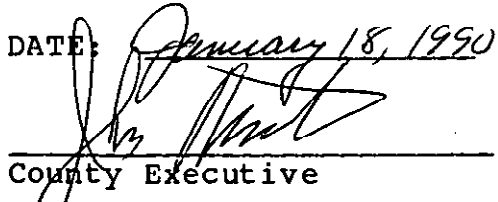
Approved as to Form:

W. Langry date 10/7/89

ATTEST:



- APPROVED
- VETOED
- EMERGENCY

DATE: January 18, 1990

County Executive

PUBLISHED _____ and _____