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SNOHOMISH COUNTY
EXECUTIVE OFFICE



COUNTY COUNCIL

Snohomish County, Washington

ORDINANCE NO. 91-118

AMENDING SNOHOMISH COUNTY CODE CHAPTER 3.68
RELATING TO EXEMPT EMPLOYEES

TO ESTABLISH ADDITIONAL POSITIONS TO BE DESIGNATED AS EXEMPT
AND TO AMEND THE EXEMPT LEAVE WITH PAY SYSTEM

BE IT ORDAINED:

Section 1. Snohomish County Code Section 3.68.010 adopted by Ordinance 85-113 on November 20, 1985, last amended by Ordinance 90-110 on August 1, 1990, 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) Six positions designated by the sheriff in accordance with RCW 41.14.070;
- (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; (~~EXCEPT, That the classified employees holding such~~

ORDINANCE NO. 91-118 - 1

~~exempt-positions-on-the-effective-date-of-this-chapter-shall
continue-in-their-status-as-classified-employees)~~)

(7) The professional employees within the executive's office;
~~((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 ((s))Snohomish
~~((e))~~County ordinance((s)) 83-147 ((and-85-005));

(9) The professional employees within the county council's
office;

(10) Two positions designated by each superior court judge,
the superior court administrator, the assistant superior court
administrator, and the juvenile court administrator;

(11) The hearing examiner and any deputy examiners selected
and appointed pursuant to SCC 2.02.030 and 2.02.040.

(12) Any classified employee transferred, reclassified or
promoted to an exempt position on or after the effective date of
this subsection.

Section 2. A new section, 3.68.020, is added to the Snohomish
County Code Chapter 3.68 to read as follows:

3.68.020 Election. Any classified employee who, prior to the
effective date of this section, was transferred, reclassified or
promoted to an exempt position and is holding such position on the
effective date of this section, may elect to be subject to the
provisions of this chapter; PROVIDED, such election is submitted in
writing to the director within thirty (30) days after the enactment
of this section.

Section 3. Snohomish County Code Section 3.68.040 adopted by
Ordinance 82-003 (part) on March 22, 1982, and last amended by

Ordinance 89-172, Section 4, on January 10, 1990, is amended to read as follows:

3.68.040 Termination of exempt appointment.

(1) An exempt employee, with the exception of the hearing examiner and any deputy examiners selected and appointed pursuant to SCC 2.02.030 and 2.02.040, shall serve at the pleasure of the appointing authority and may be removed for any reason. Removal of an examiner shall be governed by the provisions of SCC 2.02.050.

(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 regular status was held prior to exempt appointment, provided that:

(a) Such eligibility shall only extend to an existing position with the department or its equivalent in which regular status was held by the exempt employee 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 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.

Section 4. Snohomish County Code Section 3.68.070 last amended by Section 8 of Ordinance 89-172 on January 10, 1990, is amended as follows:

3.68.070 Leave with pay.

(1) There is hereby established for each exempt employee a current leave account within which shall be retained the most recent leave entitlement and a reserve leave account within which shall be retained any balance of leave exceeding 80 days.

~~((†))~~ (2) Annually on January 1st ~~((of-each-year))~~ each exempt employee shall be granted a current earned leave entitlement which shall be deposited to the current leave account in the amount~~((s))~~ specified according to the following schedule based on months of county service completed:

| Months of County Service Completed as of January 1st of Each Year | <u>Current</u> Earned Leave ((*)) Entitlement Granted <u>Per Year*</u> |
|-------------------------------------------------------------------|------------------------------------------------------------------------------------|
| 0 - 12 | 25 days |
| 13 - 36 | 35 days |
| 37 + | 40 days** |

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

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

(3) When the balance in the current leave account exceeds 80 days, those days exceeding 80 will be moved to a reserve leave account.

~~((2))~~ (4) During the course of the year, each absence(~~s~~) from work for any reason other than for legal holidays, jury or military leave and leave without pay as provided in SCC 3.68.060(3) shall be charged against the ~~((entitlement))~~ reserve leave account until that balance is depleted, and thereafter it will be charged against the current leave account.

~~((3))~~ (5) New exempt employees may not use more than one-half of their leave ~~((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))~~ (6) Upon termination from the exempt service, including voluntary resignation, up to sixty days accrued leave pay shall be made from the current leave account ~~((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.

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))~~ (7) An exempt employee who becomes an elected official shall also be eligible for the above accrued leave pay.

~~((7))~~ (8) 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 personnel or civil service plan. Accordingly, that amount of time will be charged to the appropriate frozen vacation or sick leave accruals earned during personnel or civil service employment. If no such designation is made the leave time will be deducted from exempt entitlement pursuant to SCC 3.68.070(4).

(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))~~ classified 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 to the employee's 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))~~ a classified 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))~~(6) may be used by the employee for up to twenty-four months after the effective date of the transfer to a ~~((non-exempt))~~ classified position. When such a transfer occurs after January 1st of a calendar year, monthly ~~((nonexempt))~~ sick and vacation accruals shall begin January 1st


of the following year at a rate which reflects total years of completed county service.

((8)) (9) Any person entering an exempt position after the effective date of this chapter shall receive as his/her leave entitlement for the year of entry into the exempt position, days of current leave entitlement provided in subsection ((8))(2), prorated in proportion to the time remaining in the year at the time of assuming the position. The leave entitlement 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 entitlement or other benefits under this chapter.

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

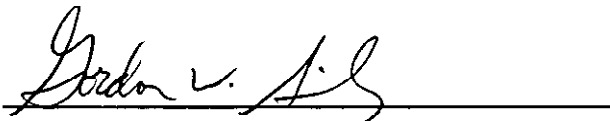
PASSED this 28th day of August, 1991.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Chairperson

Approved as to Form:



Deputy Prosecuting Attorney

ATTEST:

Sheila McCallister
Clerk of Council, *asst*

) APPROVED

) VETOED

) EMERGENCY

DATE: SEP 8 1991

[Signature]
County Executive

PUBLISHED _____ and _____