



SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 97-054

AMENDING CHAPTER 3A.05 OF THE SNOHOMISH
COUNTY CODE RELATING TO RATES OF PAY
AND OVERTIME COMPENSATION FOR COUNTY EMPLOYEES

BE IT ORDAINED:

Section 1. Snohomish County Code Section 3A.05.020, last amended by Amended Emergency Ordinance No. 92-151 on November 25, 1992, is amended to read:

3A.05.020 Rates of pay.

No employee shall be paid at a rate of pay less than the minimum nor more than the maximum established for ~~((his/her))~~ the employee's job as set forth in the pay plan unless otherwise provided for in these rules. All pay rates in the pay plan are based upon full-time employment at the normal working hours for the position. For purposes of pay administration, full-time employment is defined as work consisting of at least 35 but no more than 40 hours per week.

(1) Starting Rate upon Initial Employment. New employees shall be appointed at the minimum step of the pay range in effect for the particular classification or position to which the appointment is made unless the employing official has requested and received prior authorization from the director to fill the position at some other step in the pay range. In no event shall the starting rate of pay exceed the maximum rate of the pay range.

(2) Pay Rate upon Promotion. An employee who is promoted shall be paid at that step in the pay range for the classification to which ~~((he/she))~~ the employee is promoted, which represents at least a one step pay increase over the rate of pay received immediately prior to the promotion or at the minimum step of the new pay range, whichever is greater; PROVIDED, That such increase does not exceed the maximum step of the new pay range. A greater pay rate may be permitted upon promotion to correct the situation where a supervisor would receive less than a subordinate through application of this rule.

(3) Pay Rate upon Demotion. An employee who is demoted to a lower classification for reasons other than misconduct may be paid at any

rate in the pay range assigned to the lower classification which is appropriate to the circumstances surrounding the demotion, the affected employee's experience and training, and the availability of funds. An employee who is demoted from trial service following promotion shall receive the same pay rate as (~~he/she~~) the employee received prior to promotion. An employee who accepts a voluntary demotion because of organizational changes or reduction in force or who requests a voluntary demotion for personal reasons shall be paid at that step in the lower pay range that results in at least a one step reduction in pay unless such reduction would result in the employee being paid below the minimum step in the lower pay range.

(4) Pay Rate upon Transfer. An employee who transfers from one position to another within the same class, or from a position in one class to a position in a different class that is assigned to the same pay range, shall continue to receive the same rate of pay as before the transfer.

(5) Pay Rate upon Reinstatement or Rehire. A person who is recalled from layoff, who returns from an unpaid leave of absence, or who is rehired following separation from county employment, and who is reemployed in the same classification as held before the break in service and who is reemployed within one year from the date of the break in service, shall receive the same step in the pay range as held prior to the break in service, subject to the availability of budgeted funds. If such person is reemployed in other than the original classification, the rate of pay shall be at the minimum step of the pay range for the new classification, unless otherwise approved by the director.

(6) Pay Rate Following Reclassification. An employee occupying a position that is reclassified to another class with the same pay range shall receive the same rate of pay as before the reclassification. If the position is reclassified to a class with a higher pay range, the employee shall receive an increase in pay as provided for in cases of promotion. If a position is reclassified to a class with a lower pay range, the employee's rate of pay shall be reduced as provided in these rules for voluntary demotion, unless the director recommends and the council approves an incumbent pay rate.

(7) Pay Rate Following Adjustment to the Pay Range. If a class is reassigned to a new pay range, with no change in duties or responsibilities, the employee shall be paid at that step in the new pay range that most closely corresponds to the employee's placement in the original pay range.

(8) Pay Rate for Temporary and Part-time Employment. Temporary and part-time employees shall be paid for actual hours worked at an hourly rate of pay equivalent to the rate paid regular full-time employees performing substantially the same type of work. Where no similar work is normally

performed, the director shall establish an appropriate pay rate after consulting with the employing official.

(9) Call Back Pay. When an employee has completed ~~((his/her))~~ the employee's regularly scheduled shift or work week and is "called back", the employee shall be paid at the rate of one and one-half times ~~((his/her))~~ the employee's regular rate of pay for actual hours worked; PROVIDED, That if the employee is called back and subsequently works less than two hours, ~~((he/she))~~ the employee shall receive a minimum of two hours of pay at the regular rate of pay. Employees whose jobs normally require attendance at meetings outside of normal office hours or whose working conditions require regular call backs as a normal part of the job shall not be entitled to call back pay. When the total number of hours worked in one week exceeds 40 hours, the call back provisions of this section shall cease to apply and the overtime provisions of subsection (10) of this section shall apply.

(10) Overtime Compensation for FLSA non-exempt employees. In the case of FLSA non-exempt employees who are working less than a 40-hour work week, all hours worked in excess of the normally scheduled work week up to a maximum of 40 hours per week shall be compensated at the straight time rate of pay, unless the call back provisions of subsection (9) of this section are applicable. For hours worked in excess of 40 in a work week, overtime compensation shall be paid or compensatory time shall be granted in conformity with the requirements of the Fair Labor Standards Act (FLSA) and applicable state wage and hours laws. ~~((Overtime pay at the rate of one and one-half times the employee's regular rate of pay shall be paid for any work authorized and performed in excess of 40 hours per week for all employees except those employees for whom overtime pay is not required by law. Employees who do not receive overtime pay may receive compensatory time off for hours actually worked in excess of 40 hours per week on an hour for hour basis with prior approval of the employing official. Employees who are eligible for overtime pay may receive compensatory time off equivalent to the number of overtime hours worked in lieu of overtime pay. Compensatory time off shall not be permitted to accrue beyond an 80-hour maximum for any employee. Compensatory time accrued shall be scheduled as time off within 30 days of the date it is earned. Any unused compensatory time shall lapse upon an employee's separation from county service. Department heads may approve the payment of overtime pay to employees not ordinarily receiving such pay where: (a) The employees are required to supervise directly subordinate employees in the performance of overtime work caused by an unplanned emergency; (b) the overtime is substantial; (c) failure to grant such overtime pay would result in the pay of subordinates exceeding that of their supervisors; and (d) budgeted funds are available to pay the overtime.~~

(11) Additional Compensation for FLSA Exempt Employees. A FLSA exempt employee may receive compensation in addition to his or her regular salary where: (a) the FLSA exempt employee is required to directly supervise subordinate employees in their performance of overtime work caused by an unplanned emergency; (b) the supervised overtime is substantial; (c) failure to grant such additional compensation would result in the pay of subordinates exceeding that of their supervisors; and (d) necessary funds are available and have been specifically budgeted for this purpose. Additional compensation may be paid to a FLSA exempt employee under the circumstances listed above if the department head verifies that the circumstances listed above have been met. If additional compensation is paid, it shall be paid at the rate of one and a half times the FLSA-exempt employee's equivalent hourly rate of pay.

(12) Holiday Pay for Employees. All work on holidays shall be paid at the regular rate of pay for all hours actually worked in addition to the regular holiday pay based on the normal work day. Compensatory time off in lieu of pay may be granted in an equivalent amount for hours actually worked on the holiday by FLSA non-exempt employees in accordance with state and federal law. All work on Thanksgiving Day and Christmas Day shall be paid at two times the employee's regular straight time rate of pay, and shall be in addition to the employee's regular holiday pay.

~~((41))~~ (13) Special Pay Provisions. An employee who is temporarily assigned work in a higher classification for a period of three consecutive working days or more, shall be paid at the rate of pay assigned to the higher classification according to the provisions of these rules governing pay rate upon promotion for all hours actually worked in the higher classification.

~~((Section 2. Effective date. This ordinance shall take effect ten days after it is signed by the County Executive or otherwise enacted as provided in Section 2.110 of the county charter. It shall not have retroactive effect.))~~

PASSED this 9th day of July, 1997.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Chairperson

ORDINANCE NO. 97 - 054
AMENDING CH. 3A.05 SCC RELATING TO RATES OF PAY AND OVERTIME
COMPENSATION FOR COUNTY EMPLOYEES - 4

Barbara Sitonsti
Clerk of the Council, Asst.

APPROVED

EMERGENCY

VETOED

DATE: 7-10-97

Joan M. Earl
County Executive

JOAN M. EARL
Deputy Executive

Attest J. Swanson

Approved as to form only:

Margery Nite 5/14/97
Deputy Prosecuting Attorney

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