

**Title 3A
PERSONNEL RULES**

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*Code reviser's note: Title 3A was repealed and replaced by Ordinance 84-129, effective of December 1, 1984.

Chapter 3A.01 PURPOSE, ADOPTION AND AMENDMENT OF RULES

Sections:

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3A.01.010 Purpose.

It is the purpose of these personnel rules to provide basic statements of personnel policy which shall be applied to employees in the classified service. They are published to inform employees, supervisors, and administrators of their rights and responsibilities under these rules, and to define the basis on which elected and appointed officials, including the human resources director shall administer this system of personnel management.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Ord. 04-141, Jan. 19, 2005, Eff date Jan. 31, 2005).

3A.01.020 Positions covered by the rules.

The rules shall apply to all positions of employment except those exempted under the provisions of chapters [3A.13](#) and chapter 3.68 and subject to limitations imposed by chapter [3A.14](#) SCC.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.01.030 Amendment of rules.

It shall be the duty of the human resources director to review with department heads and elected officials any proposed modifications of these rules. Such proposed modifications shall become effective upon adoption by ordinance by the council.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Ord. 04-141, Jan. 19, 2005, Eff date Jan. 31, 2005).

3A.01.040 Employer rights.

The county reserves any legal rights with respect to matters of general legislative or managerial policy, which include but are not limited to the exclusive right to determine the mission of its constituent departments and commissions; select standards for employment and promotion; direct its employees; take disciplinary action; relieve its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the

technology of performing its work.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.01.900 Severability.

If any provision of this title or its application to any person or circumstances are held invalid, the remainder of the title or the application of the provisions to other persons or circumstances is not affected.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

Chapter 3A.02 DEFINITION OF TERMS

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- [3A.02.405](#) Vacancy.
- [3A.02.410](#) Work area.

3A.02.005 Generally.

The following terms wherever used in these rules shall have the meaning indicated in this chapter except where the context clearly indicates otherwise.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.010 Anniversary date.

The date which signifies the completion of each year of service by an employee in a regular appointment.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013).

3A.02.020 Call back pay.

Pay granted to an employee who actually leaves the work area at the end of the work shift or work week and is requested to return to work by the employing official.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.030 Call in.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Repealed by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013).

3A.02.040 Certification.

The identification of qualified candidates from various eligible registers by the employing official with the advice and assistance of the director in accordance with certification procedures so that selection to fill a vacant position may be completed.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Ord. 04-141, Jan. 19, 2005, Eff date Jan. 31, 2005).

3A.02.050 Class.

One or more positions sufficiently similar with respect to duties and responsibilities that: (1) The same descriptive title may be used to designate each position in the class; (2) The same general qualification requirements are needed for performance of the duties of the class; (3) The same tests of fitness may be used to select employees; and (4) The same schedule of pay can be applied with equity to all positions in the class under the same or substantially similar working conditions.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.060 Classification.

The assignment of an individual position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work of the position.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.070 Classified service.

All positions in the employ of Snohomish county not exempted by chapters [3A.13](#) and 3.68 SCC. May also be termed classified staff service.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.080 Collective bargaining.

The performance of the mutual obligation of the employer and the exclusive bargaining representative to meet at reasonable times, to confer and bargain in good faith, and to execute a written agreement with respect to those personnel matters over which the employer is obligated by law to collectively bargain.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.090 Council.

The Snohomish county council. Hereafter in these rules referred to as the council.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.100 Demotion.

The change of an employee from a position in one class to a position in another class which has a lower maximum salary.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.110 Department head(s).

Those appointed and elected officials designated as department head(s) by charter or ordinance. Where referenced in these rules, the responsibilities accorded shall be performed by the department head and not normally delegated except when the department head is unavailable.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.120 Director.

The human resources director or the director's designee.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended Ord. 94-050, § 2, July 6, 1994).

3A.02.130 Dismissal.

The separation of an employee from employment for cause.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.140 Eligible register(s).

A list or lists of candidates qualified for employment, promotion, demotion or reinstatement by examination or due to other circumstances as described by these rules and who are available for certification.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Ord. 04-141, Jan. 19, 2005, Eff date Jan. 31, 2005).

3A.02.150 Employing official.

An administrative, managerial or supervisory employee, appointed or elected, who is responsible for the employment, discipline or termination of employees.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.160 Executive.

The county executive. Hereafter in these rules referred to as the executive.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.170 Exempt position.

A position excluded from coverage of these rules by chapter [3A.13](#) and 3.68 SCC.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.180 Full-time employment.

Work consisting of at least 35 hours per week.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.190 Incumbent pay rate.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Repealed by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013).

3A.02.200 In-training appointment.

An appointment where the employee does not fully meet the minimum requirements of training and/or experience for the class and in which a bona fide training program is established to satisfy the deficiency in qualifications within one year from the date of the appointment.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.210 Layoff.

The removal of an employee from the employee's position because of lack of work, lack of funds, or reorganization.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013).

3A.02.220 Nepotism.

The exercise of preferential treatment based upon familial relationship.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.230 Occupational group.

A grouping within a broad occupational category which encompasses two or more classes in the same specific functional work area and which is defined by the county's classification plan.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.240 Official personnel file.

A central repository maintained by the director for all records, reports and data concerning each employee's work history.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.250 Part-time employment.

Work of less than 35 hours per week.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.260 Pay range.

The rate(s) of pay assigned to a classification in the pay plan.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.270 Pay status.

The normal employment situation in which the employee is paid for time worked or where the employee is on paid vacation, sick leave or other paid leave of absence. Unpaid leaves of absence do not qualify as pay status.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.280 Position.

A group of duties and responsibilities requiring the full- or part-time employment of one person on a regular or temporary basis. Position is used interchangeably with the term "job" in these rules.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013).

3A.02.290 Probationary period.

A working test period, to be considered an integral part of the examination process during which an appointee is required to demonstrate his/her suitability for the position by actual performance of its duties.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.300 Promotion.

The change of an employee from a position in one class to a position in another class having a higher maximum salary.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.310 Promotional line.

A series of classes in which service in the lower classification qualifies the employee for the higher classification and where promotion from the lower classification to the higher classification normally

occurs.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.320 Reclassification.

The change of a position from one classification to another classification.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.322 Reduction in force (RIF).

The elimination of one or more occupied positions within a specific department, division or office.

(Added by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013).

3A.02.325 Regular appointment.

An appointment to a budgeted position vacancy in the classified service. May also be called "regular full-time employment" or "regular part-time employment."

(Added Ord. 89-056, § 2, June 28, 1989; Amended by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013).

3A.02.330 Resignation.

The separation from employment by an employee at his/her request.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.340 Rules or personnel rules.

The provisions of this title.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended Ord. 94-050, § 3, July 6, 1994; Amended by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013).

3A.02.350 Step.

Any subdivision(s) of a pay range to which a job classification is assigned.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.360 Suspension.

The temporary separation of an employee from active service with or without pay for a specified period of time for disciplinary reasons.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.370 Temporary appointment.

An appointment of less than six months (1,040 hours in a 12-month period) duration to fill a temporary, emergency or short term need.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013).

3A.02.380 Temporary employee.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Repealed by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013)

3A.02.390 Transfer.

The change of an employee from one position to another position in the same class or in another class with the same maximum salary.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.400 Trial service period.

A six month working test period following a promotion or reclassification.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.02.405 Vacancy.

An unfilled position declared a vacancy by the director.

(Added by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013)

3A.02.410 Work area.

The employee's assigned location(s) for carrying out the responsibilities of his/her position which shall include all locations, over which the employer has the right of access or control, where the employee is required to be during his/her work day.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

Chapter 3A.03
ORGANIZATION FOR HUMAN RESOURCES MANAGEMENT

Sections:

[3A.03.010](#) The human resources director.

[3A.03.020](#) The employing official.

3A.03.010 The human resources director.

(1) Appointment. The executive shall appoint a qualified, full-time employee subject to confirmation by the council who shall act as human resources director for the county.

(2) Powers and Duties. The director shall administer all of the activities of the human resources department and shall conduct a professional system of human resources management for the classified staff service in accordance with these rules. The director shall have the authority to develop administrative procedures and guidelines as necessary to assist in the administration of the human resources system.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended Ord. 94-050, § 4, July 6, 1994).

3A.03.020 The employing official.

The employing official has the authority to initiate personnel actions including appointment, discipline, and termination of employees within the scope of these rules.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended Ord. 94-050, § 4, July 6, 1994).

Chapter 3A.04 CLASSIFICATION

Sections:

- [3A.04.010](#) Classification plan.
- [3A.04.020](#) Class specifications.
- [3A.04.030](#) Classification of positions.
- [3A.04.040](#) Effect of classification changes on employees.
- [3A.04.050](#) Use of class titles.

3A.04.010 Classification plan.

The director shall develop and maintain a classification plan for all positions of employment with the county. Such plan shall be submitted to and approved by the council. The classification plan shall consist of an index of class titles for each class of positions within the classified service arranged by: (1) Broad job categories; (2) Occupational groups within job categories; and (3) Class series within such occupational groups. The director shall administer the plan and may make recommendations to the council for revisions to the plan.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.04.020 Class specifications.

The director shall maintain a class specification for each class of positions. Each class specification shall include the class title, a description of representative duties and responsibilities of positions included in the class, and a statement of the qualifications required and/or desired for positions in the class.

(1) Interpretation of Class Specifications. Class specifications are intended to be a general description of the kinds of positions that are classified to the class as determined by their duties and responsibilities and are not to be construed as prescribing what the duties of any individual position shall be. The class specifications are to be used as a guide by the employing official in assigning, directing and controlling the work of the employees under his/her supervision. The use of specific expressions or illustrations pertaining to the duties, qualifications or other requirements of the class are descriptive only and shall not be construed to exclude others not specifically mentioned which are of a related nature.

(2) Statement of General Qualifications. Qualifications commonly required of all employees such as acceptable physical condition, honesty, sobriety and industry shall be implied as entrance requirements to each class and need not be specifically mentioned in the specifications.

(3) Use in Examination. The class specifications shall be used as the basis for determining the suitability of candidates for employment by supplying information basic to the preparation of qualifying tests and

examinations. The specification for any class shall constitute the basis and source of authority for the examination for the class and for the evaluation of the qualifications of applicants.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.04.030 Classification of positions.

Each position in the classified service shall be classified to its appropriate class in accordance with the character, difficulty and responsibility of its designated duties. In determining the class to which any position should be classified, the specification for the class shall be considered as a whole.

Consideration shall be given to the general duties, the specific tasks, responsibilities, qualification requirements, and the relationship thereof to other classes, as a composite description of the kind of employment that the class is intended to embrace. The examples of duties set forth in such specifications shall not be construed as all inclusive or restrictive, and an example of a typical task or a combination of two or more examples shall not be taken, without relation to all parts of the specification, as determining that a position should be included within a class.

(1) Classification Studies. From time to time, classification studies may be made of individual positions or groups of positions whenever it is deemed necessary by the director. Such classification studies may be made upon the request of an employing official or an affected employee as provided in subsection (4) of this section.

(2) New Classification. Whenever an employing official desires to create a new position, a notice of such proposed action together with a description of the duties and responsibilities of the proposed position shall be submitted to the director. If the director approves the proposal, he/she may classify such position, subject to the availability of budgeted funds, and shall notify the employing official and the budget office of such classification.

(3) Reclassification. Whenever an employing official makes permanent and substantial changes in the duties and responsibilities of a position, the employing official shall notify the director in writing of such changes within 10 working days of the date of such change. The director shall determine the proper classification for such position and notify the employing official and the budget office of such classification. Reclassifications shall not be implemented unless sufficient funding is available to transfer within the department's current budget to accommodate any necessary salary adjustments. If sufficient funding is not available, the director shall direct that the affected employee be reassigned duties consistent with the original classification of the position and that the position continue to be classified to the original class.

(4) Classification Review. If an employee believes that his/her position is improperly classified, or if an employing official believes that a position under his/her supervision is improperly classified, the

employee or employing official may request that the director review the classification of the position. In such cases, the employee or employing official shall prepare a written request stating the reasons for such review and setting forth arguments in support of it. In cases of an employee generated request, the employee shall provide a copy of the request to the employing official. The director shall review the request and make a written determination regarding the proper classification of the position to the affected employee, employing official and the budget office. The determination of the director shall be final and not subject to the grievance procedure.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.04.040 Effect of classification changes on employees.

Whenever a position is reclassified from one class to another class, the employee will remain in the position with the same benefits and credit for service as the employee had in the position prior to its reclassification, except as follows:

(1) Whenever a position is reclassified from one class to a higher class, the employee will be promoted and continue in the position only if the employee possesses the minimum qualifications for the higher class and thereafter successfully completes a trial service period for the higher class, as provided for in chapter [3A.09](#) SCC.

(2) Whenever a position is reclassified from one class to a lower class the employee will normally be demoted and remain in the position.

(3) Whenever an employee is ineligible to continue in a reclassified position or is not transferred, promoted or demoted, the employee will be laid off in accordance with the provisions of chapter [3A.10](#) SCC.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013).

3A.04.050 Use of class titles.

The class title shall be the official title of every position classified to the class for the purpose of personnel actions and shall be used on all payroll, budget and other official records and reports relating to the position. Any abbreviation or code symbol approved by the director may be used in lieu of the class title to designate the class of a position for official records. Working titles other than the class title may be authorized by the employing official to be used as a designation of a position for purposes of internal administration or in oral or written contact with the public.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

Chapter 3A.05 PAY ADMINISTRATION

Sections:

- [3A.05.010](#) Pay plan.
- [3A.05.020](#) Rates of pay.
- [3A.05.030](#) Advancement within a pay range.
- [3A.05.040](#) Adjudicative proceeding to dispute a determination of overpaid wages.

3A.05.010 Pay plan.

The director shall prepare and submit an annual pay ordinance to the council. The proposed ordinance shall contain an annual pay plan setting forth the official pay range for each class of work in the classification plan. The council may amend or alter the proposed ordinance in any manner.

The director shall administer the pay plan for all positions in the classified service in accordance with the provisions of this title. The director may at any time recommend to the council amendments or revisions to the plan.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.05.020 Rates of pay.

No employee will be paid at a rate of pay less than the minimum nor more than the maximum established for 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 hours per week.

(1) Starting Rate upon Initial Employment. New employees will 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 will the starting rate of pay exceed the maximum rate of the pay range.

(2) Pay Rate upon Promotion. An employee who is promoted will be paid at the step in the pay range for the classification to which 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; however such increase may 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 the step in the pay range assigned to the lower classification which is appropriate to the circumstances surrounding the demotion as determined by the director, the affected employee's experience and training, and the availability of funds. An employee who accepts a voluntary demotion because of organizational changes or reduction in force or who requests a voluntary demotion for personal reasons will 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 Demotion from Promotion. An employee who is demoted from trial service following promotion will be paid at the step in the lower pay range that the employee held before promotion, however adjustments will be made to take into account any pay increase that would have occurred had the employee not been promoted.

(5) 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, will continue to receive the same rate of pay as before the transfer.

(6) Pay Rate upon Reinstatement or Rehire. A person who is recalled from layoff within two years, or who returns from an approved unpaid leave of absence, or who is rehired following separation from county employment within one year from the date of break in service, and who is reemployed in the same classification as held before the break in service, will, unless otherwise prohibited by state or federal law, be paid at 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 a classification other than the original classification, the rate of pay will be at the minimum step of the pay range for the new classification, unless otherwise approved by the director.

(7) Pay Rate Following Reclassification. An employee occupying a position that is reclassified to another class with the same pay range will 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 will 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 will be frozen for a period of 12 calendar months. Upon expiration of the 12-month period, the employee will be paid at the step in the lower pay range that results in the least reduction in pay.

(8) 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 will be paid at that step in the new pay range that most closely corresponds to the employee's placement in the original pay range.

(9) Pay Rate for Temporary and Regular Part-time Employment. Temporary and regular part-time employees will 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 will establish an appropriate pay rate after consulting with the employing official.

(10) Call-Back Pay. When an employee has completed the employee's regularly scheduled shift or work week and is "called back," the employee will be entitled to a minimum of three hours call-back pay at the employee's regular hourly 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 will 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 will cease to apply and the overtime provisions of subsection (11) of this section will apply.

(11) Overtime Compensation for a Fair Labor Standards Act (FLSA) Non-Exempt Employee. In the case of a FLSA non-exempt employee who is 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. For hours worked in excess of 40 in a work week, overtime compensation shall be paid or compensatory time shall be granted upon approval by supervisor in conformity with the requirements of the FLSA and applicable state wage and hours laws. Holidays, sick leave, bereavement leave, vacation leave and compensatory time will be considered time worked for the purpose of calculating overtime pay. In order for a holiday to be considered time worked, the holiday must either be worked or fall within the employee's scheduled work days.

(12) Additional Compensation for a FLSA-Exempt Employee. A FLSA-exempt employee may receive compensation in addition to his or her regular salary if: (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 will be paid at the rate of one and a half times the FLSA-exempt employee's equivalent hourly rate of pay. Holidays, sick leave, bereavement leave, vacation leave and compensatory time will be considered time worked for the purpose of calculating overtime pay. In order for a holiday to be considered time worked, the holiday must either be worked or fall within the employee's scheduled work days.

(13) Out-of-Class-Pay. An employee who is temporarily assigned work in a higher classification and, in

fact, performs substantially the full scope of the work of the higher classification for a period of one working day or more, including consecutive hours the following day, will 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.

(14) Temporary Upgrade. When an out-of-class assignment is expected to continue for more than 30 calendar days, the employee will be placed in a temporary upgrade. All hours worked or designated as paid leave while in a temporary upgrade will be paid at the rate of pay assigned to the higher classification.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended Emergency Ord. 92-151, Nov. 25, 1992; Amended Ord. 97-054, § 1, July 9, 1997, Eff date July 20, 1997; Amended by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013).

3A.05.030 Advancement within a pay range.

Employees in regular appointments will receive increases in pay within the steps of the pay range for their classification contingent upon: satisfactory job performance, as determined by the hiring official; and the availability of funds, as determined by the council. An employee in a regular appointment is eligible to be considered for such performance increase annually on the employee's anniversary date representing the completion of one year of service in the same job classification at the same step in the pay range except as provided herein.

(1) Deferral of Performance Increase. Performance increases are contingent upon satisfactory job performance as determined by the hiring official and the availability of funds as determined by the council. If an employee's performance is less than satisfactory during the year preceding the employee's anniversary date, the employing official may, with prior approval of the director, defer the increase for a stipulated period of time until specific improvement is made in the employee's performance. The reasons for denial of a performance increase will be provided to the employee. A denied performance increase may be approved at any time the employing official determines that the employee has demonstrated satisfactory performance improvement. If the denial exceeds six months because the employee's performance has not improved sufficiently, any pay increase will be withheld until the employee's next anniversary date.

(2) Anniversary Date Administration. The anniversary date for an increase in pay within the steps of the pay range shall be the first day of the month as specified in this subsection. An employee hired between the first and the fifteenth of any month will have an anniversary date of the first of the month in which the hiring occurred. An employee hired between the sixteenth and the last day of any month will have an anniversary date of the first of the following month.

(3) Adjustment to Anniversary Date.

(a) The anniversary date once established at the time of initial employment will not be changed due to subsequent reclassification, promotion or demotion, but will, unless otherwise prohibited by state or federal law, be adjusted for any leave without pay or layoff period of more than 90 consecutive calendar days. When an employee returns from a leave without pay or a layoff that is 90 days or longer and is reemployed in the same classification, the anniversary date will, unless otherwise prohibited by state or federal law, be extended by the number of days equal to the period of leave without pay or layoff in excess of 90 calendar days. A new anniversary date will be calculated from this revised date in accordance with subsection (2) of this section.

(b) When an employee returns from leave without pay or layoff and is reemployed in a classification other than that originally held, the original anniversary date will, unless otherwise prohibited by state or federal law, be eliminated and the date of reemployment will be used to calculate the new anniversary date.

(4) Alternative Advancement Program. The director may recommend alternative advancement programs covering specific occupations to the council as a part of the annual pay plan(s). Such programs will only be effective when approved by the council and may modify or supersede the program described by this chapter. Criteria for advancement in such programs may include but are not limited to employee performance, demonstrated knowledge, skill or ability, completed training and education and increased longevity.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended Ord. 94-074, § 1, Aug. 17, 1994; Amended by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013).

3A.05.040 Adjudicative proceeding to dispute a determination of overpaid wages.

(1) As used in this section, "director" shall mean the director of the department of finance or his or her designee.

(2) Any non-represented employee wishing to dispute a determination of overpaid wages pursuant to RCW 49.48.210(5) and as the same may be hereafter amended may request an adjudicative proceeding before the hearing examiner in the manner set forth below.

(3) Applications for adjudicative proceedings shall be processed pursuant to the provisions of chapter 2.02 SCC except as otherwise provided by this section.

(4) The employee's application for an adjudicative proceeding must:

(a) Be in writing;

- (b) State the basis for contesting the overpayment notice;
- (c) Include a copy of the director's notice of overpayment; and
- (d) Include a copy of the director's decision on review of the employee's challenge to the overpayment notice.

(5) The application for adjudicative proceeding must be served on the director within 28 calendar days of the employee's receipt of the director's decision following review of the employee's challenge under chapter 49.48 RCW and as the same may be hereafter amended.

(6) The employee must serve the director with the application for adjudicative proceeding by certified mail, return receipt requested.

(7) Once the employee has notified the director that he or she wishes to appeal the director's review decision, the director shall transmit the employee's application for an adjudicative proceeding (request for hearing) to the office of hearings administration (OHA) within three business days after receiving it from the employee.

(8) In any wage overpayment matter that is appealed, the director shall provide OHA with the following information:

- (a) The name of the director's contact in the matter and any contact information;
- (b) The name of the employee and any contact information, including address and telephone number;
- (c) The name and address of the director's designee where the file should be sent after OHA closes the adjudicative proceeding.

(9) Within five business days of receipt of the employee's request for hearing, the director shall also transmit to OHA the relevant case file, including documents which the director intends to use as exhibits in the hearing. The case file and documents may be transmitted to OHA together with the request for hearing. If the case file and documents are exceptionally voluminous, the director should contact OHA for instructions before transmitting them.

(10) The OHA shall issue notice of hearing to the employee and the director pursuant to SCC 2.02.125.

(11) Either party may request a prehearing conference.

(12) The hearing may be held telephonically at the discretion of the hearing examiner unless the rights of the parties will be prejudiced thereby.

(13) The hearing examiner shall hear the evidence presented by both the employee and the director regarding the wage overpayment. The hearing examiner shall decide based upon that evidence whether a wage overpayment has occurred and, if so, shall determine the amount, if any, of the overpayment of wages received by the employee.

(14) If the employee fails to attend or participate in the adjudicative proceeding, upon a showing of valid service of the notice of hearing, the hearing examiner may enter an order declaring the amount claimed in the notice sent to the employee after the director's review of the employee's challenge to the overpayment to be assessed against the employee and subject to collection action by the director as provided in RCW 49.48.200 and as the same may be hereafter amended.

(15) The decision of the hearing examiner in any wage overpayment adjudicative proceeding shall be considered a final order. Judicial review of the hearing examiner's decision may be sought pursuant to SCC 2.02.195.

(Added by Ord. 14-061, Aug. 20, 2014, Eff date Sep. 7, 2014).

Chapter 3A.06 EMPLOYEE BENEFITS

Sections:

- [3A.06.010](#) Employee benefits -- eligibility.
- [3A.06.020](#) Holidays.
- [3A.06.030](#) Insurance and medical benefit plans.
- [3A.06.040](#) Sick Leave and disability leave.
- [3A.06.050](#) Vacation Leave
- [3A.06.060](#) Other leaves of absence.
- [3A.06.070](#) Return from leave of absence.
- [3A.06.080](#) Tuition reimbursement and education leave.

3A.06.010 Employee benefits -- eligibility.

Unless otherwise provided for in these rules, or by benefit plan documents, employees who receive a regular appointment and who are employed for 20 hours per week or more are eligible for the full range of employee benefits. Part-time employees who receive a regular appointment and work less than 20 hours per week are eligible for military leave and for accrual and use of sick leave and vacation leave in accordance with the provisions of this chapter but shall not be entitled to any other benefits provided for by this chapter. Temporary appointment employees are not entitled to benefits under this chapter except for military leave, as provided in RCW 38.40.060. The county's contribution toward the monthly medical insurance premium for an employee in a regular part-time appointment will be pro-rated in an amount equal to the F.T.E. percentage the employee is assigned.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended Ord. 89-056, § 1, June 28, 1989; Ord. 08-110, Oct. 15, 2008, Eff date Oct. 28, 2008; Amended by Ord. 10-115, Jan. 12, 2011, Eff date Jan. 23, 2011).

3A.06.020 Holidays.

A paid legal holiday is any day other than Sunday designated by RCW 1.16.050 as a legal holiday as that statute is constituted on the date of the occurrence of a holiday. An employee who is employed in a regular position of twenty hours per week or more is eligible for paid status on holidays. A maximum of eight hours pay will be paid for each holiday, provided that an employee who is on a work schedule of four 10-hour days mandated by the department head will be entitled to ten hours pay for holidays listed below. If the employee is entitled to no more than eight hours of holiday pay, but works four 10-hour days, the employee may use up to two hours of accrued leave through any combination of compensatory time, vacation leave, or may request pre-authorized additional work, or may take leave without pay. An employee in a regular part-time appointment shall receive holiday pay on a pro-rata basis. The following days are currently recognized as holidays with pay for all eligible employees:

New Year's Day	First day of January
Martin Luther King, Jr. Day	Third Monday of January
Presidents' Day	Third Monday of February
Memorial Day	Last Monday of May
Independence Day	Fourth day of July
Labor Day	First Monday of September
Veterans' Day	Eleventh day of November
Thanksgiving Day	Fourth Thursday of November
Day after Thanksgiving	Day immediately following Thanksgiving Day
Christmas Day	Twenty-fifth day of December

(1) Floating Holidays. In addition to those holidays specified in this section, employees shall receive two floating holidays (maximum of eight hours each) during each calendar year. An employee who is on a work schedule of four 10-hour days mandated by the department head is entitled to a maximum of ten hours pay for each floating holiday. An employee in a regular part-time appointment shall receive floating holidays on a pro-rata basis. Each employee may select the dates on which the employee desires to take the additional holidays provided for herein subject to approval of the supervisor except that an employee may, with prior notice, take one holiday for a personal emergency. These two floating holidays shall be used in the calendar year earned and are noncumulative and noncompensable upon termination. New employees shall be eligible for floating holidays only upon completion of sixty calendar days of continuous employment. Employees hired after June 30 shall be eligible for one floating holiday during that calendar year.

(2) Holidays Falling on Saturday, Sunday or other Regularly Scheduled Days Off. Any recognized holiday that falls on a Saturday will be observed on the preceding Friday. Any holiday that falls on a Sunday will be observed on the following Monday. If a holiday falls on one of the employee's regularly scheduled days off, other than Saturday or Sunday, the employee may take an alternative day off by arrangement between the employee and employer.

(3) Holidays Occurring While on Paid Leave Status. Holidays that occur during vacation leave, sick leave or while on other paid leave status shall not be charged against such leave.

(4) Work on Holidays. All work on holidays will be paid at one and one-half times the regular straight-time rate of pay for all hours worked in addition to the employee's regular holiday pay in accordance with this

section. Compensatory time off in lieu of straight-time pay may be granted upon supervisor approval and shall be scheduled when the work load permits. All work on Thanksgiving Day and Christmas Day will 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.

(5) Forfeiture of Holiday Pay. An employee will forfeit his or her right to payment for any recognized holiday if he or she is on leave without pay or on leave that has not been approved on the last regular working day preceding such holiday or on the next regular working day following such holiday. An employee who is on sick leave on the day before or on the day after a holiday will receive holiday pay if approved by the department head, who may require a physician's statement that verifies employee's need for leave. An employee shall not be eligible for holiday pay when receiving "time loss" payments under the provisions of the Industrial Insurance Act, Title 51 RCW. However, if an employee supplements "time loss" benefits, holidays will accrue and be paid at the same rate of supplementation. This subsection shall not require forfeiture of payment for any holiday in calendar year 2009 or 2010 that would otherwise result solely from a furlough as described in Section 9(a)(1) of Amended Ordinance No. 08-119, Section 5 of Amended Ordinance No. 09-113 or SCC 3.68.060.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended Emergency Ord. 92-151, Nov. 25, 1992; Amended Ord. 98-025, § 1, May 13, 1998, Eff May 13, 1998; Amended by Amended Ord. 08-162, Dec. 17, 2008, Eff date Jan. 15, 2009; Amended by Amended Ord. 09-147, Dec. 16, 2009, Eff date Dec. 31, 2009; Amended by Ord. 10-115, Jan. 12, 2010, Eff date Jan. 23, 2011).

3A.06.030 Insurance and medical benefit plans.

Regular employees may participate in insurance and medical benefit programs offered by the county provided that they meet the eligibility requirements specified in these rules and in the contracts with the companies providing these programs. The human resources department will provide applications and information concerning these programs to all eligible employees and will arrange for payroll deductions to cover the employee's premiums, where applicable.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended by Ord. 10-115, Jan. 12, 2011, Eff date Jan. 23, 2011).

3A.06.040 Sick Leave and disability leave.

Sick leave is provided to employees as a protection against loss of income due to absence from work for medical reasons, including extended absence on account of illness or injury. Its use is restricted to health-related absences and employees are encouraged to accumulate sick leave to carry them through unforeseen and lengthy illness.

(1) Sick Leave Accrual. An eligible full-time (1.0 FTE) employee as set out in SCC [3A.06.010](#) will

accrue sick leave at the rate of one working day (eight- hour maximum) for each full calendar month of employment. An employee who is on regular pay status for less than a full calendar month and an employee whose regular pay status is less than full-time (40 hours per week) will accrue sick leave proportionately to the number of hours he or she is on regular pay status. Sick leave will be available for use only after it has been earned and credited to an employee's sick leave account. An employee who is covered by the disability leave provisions of the LEOFF I system shall not be eligible for sick leave accrual. There is no limitation on the amount of sick leave an employee may accrue. In calendar year 2010 a furlough day as described in Section 5 of Amended Ordinance No. 09-113 or SCC 3.68.060 shall constitute a day of regular pay status for purposes on this section.

(2) Sick Leave Authorization. Accrued sick leave may be taken under the following circumstances:

(a) Personal illness, injury, or pregnancy which renders the employee unable to perform the duties of the employee's position.

(b) Enforced quarantine in accordance with health regulations.

(c) A family member's illness or injury that necessitates care-giving by the employee, to the extent provided by state and federal law. An employee may use the employee's choice of sick leave and/or other paid time off. An employee may be required to obtain a physician's verification of the qualifying basis upon which the employee relies in requesting the time off from work.

(d) Medical and dental appointments.

(e) Both male and female employees may take up to five days of sick leave during and immediately following the birth or adoption of their infant child. In addition, a female employee may take sick leave for periods of temporary disability related to child birth when a request for such leave is accompanied by a written physician's statement in accordance with the medical leave and disability leave provisions of this title. Leave taken under this provision will run concurrently with certain other leaves to which the employee is entitled by law or under these rules.

(3) Sick Leave Administration. An employee must notify the employee's supervisor, or his or her designee, before the start of the shift if the employee is unable to report to work for reasons set forth herein. If the supervisor, or his or her designee, is not available, the employee must leave a message. The employee will be excused from making the notification if extenuating circumstances prevent the opportunity to notify, in which event notification shall be made as soon as possible. Failure to report within a reasonable time may result in the denial of sick leave benefits.

(4) Sick Leave Limitations. An employee whose attendance record is unsatisfactory and whose record has not improved after counseling may be notified that further absences from work may require a written

statement from a medical care provider verifying that a condition exists which affects the employee's ability to perform his or her job duties. For sick leave that exceeds three working days, the employee may be required upon returning to work to submit a written physician's statement explaining the nature of the illness or disability and assessing the employee's fitness to return to work. Failure to provide such a statement upon request of the employing official may result in the denial of sick leave benefits and/or other disciplinary action. Consistent with state and federal law, the county may require an employee to be examined by a physician of the county's choice. The county will bear the cost of any such examination.

(5) Sick Leave Accounting and Monitoring. Each department head will maintain a record of each employee's accrual and use of sick leave.

(6) Sick Leave Transfers. An employee changing from a position in one department or office to one in another department or office retains all accrued sick leave.

(7) Sick Leave Benefits at Termination.

(a) Base Cash Payment Upon Termination or Death. Upon termination from county employment, an employee will be paid a lump-sum payment from accrued sick leave reserves in the sick leave account up to the maximum amount specified in the following schedule:

Length of Classified Service	Maximum Number of Days Paid	Maximum Number of Hours Paid
Date of employment to end of 5th year	0	0
Beginning of 6th year to end of 10th year	5	40
Beginning of 11th year to end of 15th year	10	80
Beginning of 16th year to end of 20th year	15	120
Beginning of 21st year and thereafter	24	192

Upon the death of any employee in regular pay status, his or her estate will be paid for accrued sick leave in accordance with the above schedule.

(b) Additional Cash Payment Upon Termination. Upon termination, employees with twenty or more years of service or who are sixty-five years of age or older will be paid a lump-sum payment of one day of pay for each ten days of accrued sick leave remaining in the sick leave account after the base cash payment made pursuant to paragraph (7)(a) of this section. This payment will be made at the employee's then current pay rate.

(c) Upon termination from the classified service for the purpose of receiving LEOFF II or PERS retirement benefits, a classified employee may exchange unused accrued sick leave for retiree medical coverage subject to the following provisions:

(i) Leave to be exchanged shall be only that leave which remains after the classified employee has been compensated in accordance with (7)(a) and (b), if applicable, of this section. Leave may be exchanged on the basis of 100 hours of exchanged leave shall equal one month of paid medical coverage for a retiree or retiree and spouse in the county's retiree medical program.

(ii) Leave may be exchanged only in 100-hour increments, to a maximum of 1,200 hours.

(iii) Leave which is not used, exchanged or compensated for prior to or upon termination shall be forfeited.

(iv) Upon the death of a retiree, a surviving spouse who has been enrolled in the retiree medical plan may remain on the plan until paid medical coverage in (ii) above has been exhausted.

(8) Industrial Injuries.

(a) When an employee is injured on the job and seeks immediate medical treatment, the employee will be paid for the balance of the work day, which will not be charged to the employee's accrued sick leave or accrued vacation leave.

(b) Scheduled workdays falling within the first three calendar days following the day of an industrial injury are compensable through accrued sick leave, provided however, if the period of disability extends beyond fourteen calendar days, then sick leave taken will be reimbursed by worker's compensation on a pro-rata basis. Upon the employee's written request, sick leave pay may be used to supplement industrial insurance benefits in an amount equal to the difference between the compensation to which the employee is entitled under the Industrial Insurance Act and the employee's regular county net pay, not to exceed the amount of the employee's accrued sick leave. Any accrued vacation or compensatory time may be used in a like manner after accrued sick

leave is exhausted.

(c) An employee who is temporarily disabled and is being compensated through industrial insurance is entitled to continuation of his or her usual health and life insurance benefits, but the employee will be required to self-pay the employee's portion of the premium contribution. However, sick leave and vacation shall accrue only for hours in county pay status. An employee receiving industrial insurance may also be eligible for benefits under long-term disability insurance. An employee must submit a completed return-to-work authorization form to the employee's supervisor and obtain approval before resuming any duties.

(9) Disability Leave.

(a) Disability leave will be granted when an employee is temporarily disabled and unable to perform the essential duties of his or her position as verified by the required medical documentation. Disability leave may be granted for up to twenty-six weeks within any two-year period for disabilities that do not stem from an industrial injury or occupational disease. Disability leave may be granted for up to fifty-two weeks for disabilities caused by an industrial injury or occupational disease. All leave stemming from periods of disability shall be considered in calculating the allowable leave regardless of whether the leave is intermittent or taken over a continuous period from the beginning of such leave. For a medical condition that is not an industrial injury or occupational disease, an employee is required to exhaust accrued sick leave, compensatory time and vacation leave before applying for or being granted leave without pay. An employee is responsible for paying medical, dental, vision, life, and other appropriate premiums while on disability leave without pay. An employee may also be eligible for long-term disability insurance.

(b) Unless otherwise required by state or federal law, when an employee is unable to return to work in the employee's position after exhausting the disability leave provided under the previous paragraph, the county may either hold the position for a reasonable time if the position can be kept vacant or filled on a temporary basis or lay off the employee and place him or her on a reemployment list for the class of the position or for a class that is appropriate to the employee's medical condition. If it is determined that the employee will not be able to return to work in any capacity, the county may terminate the employee after a pre-determination hearing, if applicable.

(c) An employee must submit a completed return-to-work authorization form to the employee's supervisor and obtain approval before resuming any duties.

(10) Medical and Family-Related Leave. Medical and family-related leaves of absence will be granted in accordance with federal and state laws, and these rules. The county reserves the right to require medical documentation to verify the need for leave. Upon request, an employee may be granted a leave

of absence without pay and maintain up to a total of forty hours of paid leave accruals in any designated combination of sick leave, vacation leave, compensatory time and floating holidays. Failure to make such a request will result in the required exhaustion of all leave accruals before taking leave without pay. Requests for leave covered by state and federal family and medical leave laws should be submitted to the employee's immediate supervisor at least thirty days before the date leave is expected to commence, except in cases of unexpected events.

(Added Ord. 84-129, § 2, November 21, 1984; Amended Ord. 88-048, June 22, 1988; Amended Ord. 92-131, Dec. 2, 1992; Amended Ord. 97-100, § 1, Dec. 3, 1997, Eff date Dec. 15, 1997; Amended by Amended Ord. 08-162, Dec. 17, 2008, Eff date Jan. 15, 2009; Amended by Amended Ord. 09-147, Dec. 16, 2009, Eff date Dec. 31, 2009; Amended by Ord. 10-115, Jan. 12, 2011, Eff date Jan. 23, 2011).

3A.06.050 Vacation Leave

An eligible employee as set out in SCC [3A.06.010](#) will accrue vacation leave based on the number of hours actually worked or while on paid leave status in accordance with the schedule shown below. Vacation leave will not accrue during periods of leave without pay nor for hours worked in excess of 40 hours per week. In calendar year 2009 or 2010 a furlough day as described in Section 9(a)(1) of Amended Ordinance No. 08-119, Section 5 of Amended Ordinance No. 09-113 or SCC 3.68.060 shall constitute a day of regular pay status for purposes of this section.

(1) Vacation Leave Accrual. During each year of employment an eligible employee will accrue vacation leave up to and including the maximum amount shown in the schedule below. A regular full-time employee will accrue vacation leave at the rates shown in the schedule below. An employee who is on regular pay status for less than a full calendar month and an employee whose regular pay status is less than full-time (40 hours per week) will accrue vacation leave proportionately to the number of hours the employee is on regular pay status. Vacation leave accrual will be based upon the employee's total time of continuous active employment with the county. Vacation leave accrued may not be used until it has been earned and credited to the employee's vacation leave account.

Length of Continuous Service (Years)	Monthly Accrual (hours)	Annual Accrual (hours)
Date of employment to end of 1st year	6.7072	80.49
Beginning of 2nd year to end of 2nd year	8.0347	96.42
Beginning of 3rd year to end of 5th	10.0433	120.52

year		
Beginning of 6th year to end of 9th year	12.0520	144.62
Beginning of 10th year to end of 11th year	14.0607	168.73
Beginning of 12th year to end of 13th year	14.7244	176.69
Beginning of 14th year to end of 15th year	15.4056	184.87
Beginning of 16th year to end of 17th year	16.0693	192.83
Beginning of 18th year to end of 24th year	16.7331	200.80
Beginning of 25th year and thereafter	18.7417	224.90

(2) Vacation Leave - Maximum Accrual. Vacation leave shall not be permitted to accrue in excess of 240 hours by December 31 of any year.

(3) Vacation Leave -- Cash Payment upon Termination. Upon termination from county employment, an employee shall be paid a lump sum payment for all accrued vacation leave up to a maximum of 240 hours; PROVIDED, That such payment continues to be allowed under state law. Accrued vacation leave in excess of 240 hours shall be forfeited.

(4) Vacation Leave Administration. All requests to use vacation leave accruals must be pre-approved by the supervisor. Requests must be submitted to the county in advance to allow adequate time to arrange for workload coverage. The supervisor shall approve or deny the request in writing, within fifteen days of receipt of the request.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended Ord. 85-044, § 1, May 22, 1985; Amended Ord. 90-012, March 14, 1990; Amended Emergency Ord. 92-151, Nov. 25, 1992; Amended Ord. 97-014, § 1, April 23, 1997, Eff date May 8, 1997; Amended Ord. 97-099, § 1, Dec. 3, 1997, Eff date Dec. 15, 1997; Amended by Amended Ord. 08-162, Dec. 17, 2008, Eff date Jan. 15, 2009; Amended by Amended Ord. 09-147, Dec. 16, 2009, Eff date Dec. 31, 2009; Amended by Ord. 10-115, Jan. 12, 2011, Eff date Jan. 23, 2011).

3A.06.060 Other leaves of absence.

The county shall provide additional leaves of absence to employees under such circumstances as are specified in this section.

(1) Bereavement Leave. Upon request, an employing official shall grant an eligible employee bereavement leave with pay in the event of a death in the immediate family of the employee. The maximum leave shall be three working days unless the death occurs at a distance of 300 miles or more from the employee's home, in which case up to four additional working days may be granted to attend the funeral and to make necessary arrangements. If the employee is the personal representative or the trustee of the deceased, the employing official shall grant an additional three days of bereavement leave and the employee may also, upon request to the supervisor, use two days of sick leave. In this section, the term "immediate family" shall include:

- (a) Spouse of the employee, children of the employee and children of the spouse;
- (b) Mother, father, brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, stepmother, stepfather, stepbrother, and stepsister of the employee or spouse;
- (c) Grandparents and grandchildren of the employee or spouse; and
- (d) Any relative living in the immediate household of the employee.

In relationships other than those set forth above, or in cases in which an employee is responsible for making funeral arrangements, bereavement leave may be granted by the employing official upon request.

(2) Jury Duty and Court Service. An eligible employee will be granted leave with pay while required to perform jury duty or when required to appear in court on any matter in which the employee is not a party.

- (a) The employee will receive the employee's normal daily earnings for jury duty and court service; however, the employee must submit to the payroll section the employee's jury duty warrant or witness fee for the time served.
- (b) An employee shall report for work during all hours the employee is released from jury duty or court service. If less than one hour remains from the time of such release to the end of the employee's regular shift, the employee shall call the employee's supervisor for instructions.
- (c) An employee who works on swing or graveyard shift will be transferred to day shift for the period of jury duty or court service. An employee shall notify his or her supervisor within two working days of receipt of a notice of jury duty or court service.

(3) Military Leave.

(a) Any employee who is a member of the Washington national guard or organized military reserve or armed forces of the United States shall be granted a military leave of absence from employment in accordance with RCW 38.40.060.

(b) Any employee who vacates a position of employment for service in the uniformed services shall be reemployed to the extent required by RCW 73.16.033 - .035 or any other provision of state or federal law.

(4) Leave Without Pay. An employee may request leave without pay by submitting a written request to the employing official. Each request for such leave shall be considered in light of the circumstances involved and the needs of the organization. Such leave shall be for a defined period of time, not to exceed six months. Any leave without pay beyond six months duration must have the county executive's approval for good cause shown. All leaves of absence without pay shall be reported to the human resources department in the manner prescribed by the director and may cause the employee's seniority and anniversary dates to be adjusted.

(5) Civil Duty. Any employee who is elected or appointed to a political or legislative position which is compatible with the employee's county employment may be granted leave without pay to perform his or her civil duty or may utilize accrued vacation leave and compensatory time if approved by the employee's supervisor.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Ord. 08-110, Oct. 15, 2008, Eff date Oct. 28, 2008; Amended by Ord. 10-032, June 23, 2010, Eff Date July 10, 2010; Amended by Ord. 10-115, Jan. 12, 2011, Eff date Jan. 23, 2011).

3A.06.070 Return from leave of absence.

At the expiration of any authorized leave of absence, including vacation leave, the employee shall be returned to his/her last held position unless other conditions were stipulated in writing by the employing official upon granting the leave or unless otherwise stipulated in these rules. Any employee who fails to return to work within three working days after the expiration of such leave shall be considered to have resigned unless the employee, prior to the expiration of such leave, has requested and been granted an extension of leave.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.06.080 Tuition reimbursement and education leave.

An employee may be granted a leave of absence with pay to attend conferences, seminars or other education or training programs when such events or programs are intended to improve or upgrade the

employee's job related knowledge, skills or abilities. If it is found to be in the best interests of the county, reimbursement to an employee of the cost of tuition for such event or program may be allowed subject to the availability of funds and the prior approval of the department head in accordance with appropriate reimbursement procedures. Any employee who desires to attend a conference, seminar or other function, or who desires to enroll in an accredited educational institution, shall apply to the department head at least 10 working days in advance of the proposed enrollment and shall submit a course description. If approved, reimbursement for the cost of tuition at an accredited educational institution shall be contingent upon satisfactory completion of the course (i.e., a grade of "C" or better or the equivalent thereof). An employee, who is granted tuition reimbursement and then voluntarily terminates county employment, shall be required to repay any reimbursement which is received during the last six months of his/her employment. If the employee is required to attend such training by the county, he/she shall be reimbursed for allowable and documented expenses incurred incident to such training.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

Chapter 3A.07 RECRUITMENT AND EXAMINATION

Sections:

- [3A.07.010](#) Recruitment.
- [3A.07.020](#) Applications.
- [3A.07.030](#) Examinations – General.
- [3A.07.040](#) Examination administration.
- [3A.07.050](#) Examination and rating review.

3A.07.010 Recruitment.

Recruitment of candidates for vacant positions in the classified service of Snohomish county shall be the responsibility of elected officials and department heads with the assistance of the director. The director will develop and recommend to elected officials and department heads an active recruitment program designed to meet current and projected employment needs. Recruitment will be tailored to the various classes of positions to be filled and will be directed to sources likely to yield qualified candidates. Position vacancies may be filled by considering candidates from within Snohomish County employment ("county only") when the affected elected official or department head, after consulting with the director, deems it appropriate and in the best interests of the county. The director may assist elected officials and department heads so that vacancies are advertised or posted with other appropriate labor market sources.

(Added Ord. 97-042, § 1, May 28, 1997, Eff date June 12, 1997; Ord. 04-141, Jan. 19, 2005, Eff date Jan. 31, 2005).

3A.07.020 Applications.

Applications for employment shall be filed on such forms as may be prescribed by the director. The director may require proof of residence, education, experience, and other claims as he/she deems appropriate.

(Added Ord. 97-042, § 1, May 28, 1997, Eff date June 12, 1997).

3A.07.030 Examinations – General.

Suitability for appointment to the classified service shall be determined by examination relating to those matters which will test the capacity and fitness of the candidates to discharge the duties of the position. Examinations may include written, oral, physical or performance exercises, evaluations of training and experience, or any combination of these. They may take into consideration such factors as experience, education, aptitude, knowledge, skill, ability, character or any other job-related qualifications. Elected officials and department heads shall specify the nature and content of examinations based upon the

advice and information of the director and subject matter experts.

(Added Ord. 97-042, § 1, May 28, 1997, Eff date June 12, 1997; Ord. 04-141, Jan. 19, 2005, Eff date Jan. 31, 2005).

3A.07.040 Examination administration.

(1) Conduct of Examinations. Examinations shall be held at such times and places and in such manner, as, in the judgment of the affected elected official or department head, most nearly meet the practicability of administration and needs of the elected official or department head.

(2) Veterans Preference. War veterans shall have added to their final passing score a percentage preference in accordance with state law. In order to receive this percentage preference, eligible applicants must request such preference and provide proof of discharge in the manner prescribed by the director.

(Added Ord. 97-042, § 1, May 28, 1997, Eff date June 12, 1997; Ord. 04-141, Jan. 19, 2005, Eff date Jan. 31, 2005).

3A.07.050 Examination and rating review.

An applicant may, by written request within 10 days after his/her final rating, have his/her examination and rating reviewed by the director. If an error has been made, it will be corrected and the applicant's name will be placed in proper ranking order. A correction so made shall not invalidate any appointment previously made. Requests for review of an applicant's examination shall be granted only to the applicant, his/her authorized representative, and an affected employing official. To maintain security, no examination material will be provided to a candidate or his/her authorized representative for review.

(Added Ord. 97-042, § 1, May 28, 1997, Eff date June 12, 1997).

Chapter 3A.08 APPOINTMENT

Sections:

- [3A.08.010](#) Eligible registers.
- [3A.08.020](#) Certification.
- [3A.08.030](#) Types of appointments.
- [3A.08.040](#) Appointment following transfer of function.

3A.08.010 Eligible registers.

(1) Each appointment to fill a regular position in the classified service will be made from an eligible register established for the class of positions by the affected elected official or department head. An eligible register will contain the names of candidates who are qualified for appointment to the class. An eligible register may be abolished or reestablished whenever it is determined by the affected elected official or department head, after consulting the director, to be in the best interests of the county.

(2) Types of Registers.

- (a) Layoff. A layoff register will be formed for each job classification from which employees have been laid off.
- (b) Reemployment. The names of employees who were laid off due to medical restrictions will be placed on the reemployment list in accordance with SCC [3A.06.040](#).
- (c) County Only/Open. A register will be formed at the conclusion of each county only or open examination and will contain the names of those candidates who have achieved the minimum rating which is determined to be necessary by the director. Candidates with the same score or rank are considered to be equally qualified and are generally to be afforded the same treatment in certification and selection processes.

(Added Ord. 97-042, § 2, May 28, 1997, Eff date June 12, 1997; Ord. 04-141, Jan. 19, 2005, Eff date Jan. 31, 2005; Amended by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013).

3A.08.020 Certification.

Upon receipt of a request for certification from an employing official to fill a vacant position in the classified service, the director may certify to the employing official the names of qualified candidates from the various eligible lists established for the class of positions. The employing official may specify, in writing, requirements of particular experience, education, skills or qualifications. If, after review, the director finds that such specifications are essential for successful performance, a selective certification may be made of only those candidates who possess such requirements without regard for rank. A

certification may be limited to department employees in order to provide promotional opportunities.

(Added Ord. 97-042, § 2, May 28, 1997, Eff date June 12, 1997).

3A.08.030 Types of appointments.

(1) Regular Appointment. Regular appointment is any appointment to a budgeted position vacancy in the classified service.

(2) Temporary Appointment. Temporary appointment is any appointment to perform work which is temporary, emergency or short term in nature. Temporary appointment of any individual shall not exceed 1,040 hours during a 12-month period. Qualified county employees on layoff status will be given first consideration for temporary appointments. The temporary employment of an intern who is enrolled as a student in a bona fide course of study at a college or university will be permitted. Conditions of employment including salary, hours of work and length of employment will be determined by agreement between the county and the college or university. The director will be notified in writing by the department head of all such agreements.

(3) In-Training Appointment. Whenever an elected official or department head determines it is in the best interests of their office or department, the elected official or department head may approve the in-training appointment of an applicant who does not meet the minimum qualifications for a classification. In such cases, the employing official will provide justification for the appointment and will establish a training program that will satisfy the deficiency in qualifications within one year from the date of appointment. During the training period, the employee will be compensated at a lower rate than that of the class for which training is being given. At the end of the training period, if the employee has successfully completed the necessary training, the employee will be placed on a probationary period in accordance with these rules and will be placed at the first step of the salary range for the appropriate class. Time spent in training status will not be credited toward satisfaction of the probationary period. Removal of the employee during training or probationary period will be at the discretion of the employing official.

(4) Acting Appointment. Acting appointment is a form of temporary appointment in which a regular classified county employee is given an assignment in a position in a different classification having the same or higher pay range, to replace another employee. The employee retains regular appointment status in accordance with these rules.

(5) Exempt Appointment. Exempt appointment is the appointment of an employee to an exempt position not subject to this title and shall be governed by the rules and procedures of chapter 3.68 SCC.

(Added Ord. 97-042, § 2, May 28, 1997, Eff date June 12, 1997; Ord. 04-141, Jan. 19, 2005, Eff date

Jan. 31, 2005; Amended by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013).

3A.08.040 Appointment following transfer of function.

Where there is a transfer of function into the classified service from another personnel system or governmental entity, any incumbent employee shall be appointed without examination provided the duties and responsibilities of the affected position are not changed substantially. The director may provide employees so affected with a written determination of their status and benefits at the time of transfer.

(Added Ord. 97-042, § 2, May 28, 1997, Eff date June 12, 1997; Ord. 04-141, Jan. 19, 2005, Eff date Jan. 31, 2005).

Chapter 3A.09 PROBATIONARY AND TRIAL PERIODS

Sections:

- [3A.09.010](#) Purpose.
- [3A.09.020](#) Duration.
- [3A.09.030](#) Removal during probationary period.
- [3A.09.040](#) Trial service reversion.

3A.09.010 Purpose.

Probationary and trial service periods are working test periods and shall be an integral part of the examination process and shall be utilized as an opportunity to observe an employee's work, to train and aid the employee in adjustment to his/her position, and to reject any employee whose work performance fails to meet required work standards.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.09.020 Duration.

All initial and all promotional regular appointments shall be tentative and subject to a probationary or trial service period which starts upon the effective date of an appointment.

The probationary period for initial appointment to the classified service shall be 12 months in duration.

A probationary period following a transfer, demotion, or reinstatement, unless required otherwise by Chapter [3A.10](#), shall be six months in duration. A trial service period following promotion or reclassification shall also be six months in duration.

In the event an employee is on leave for more than 10 consecutive work days during a probationary or trial service period, the completion date shall be extended by an amount of time equal to the period of leave.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended Ord. 96-012, § 1, May 1, 1996, Eff date May 16, 1996).

3A.09.030 Removal during probationary period.

At any time during the probationary period the employing official may remove an employee who does not meet the required standards for the position: PROVIDED, That he/she shall report the removal and the reasons therefor in writing before the effective date of separation, to the director and to the employee concerned. Notice of 10 working days will normally be given an employee who is removed. An employee dismissed during the probationary period may not resort to the grievance procedure. This

section is not intended to confer any rights in employment upon probationary employees. Probationary employees may be terminated at will during the probationary period for any or no cause.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended Ord. 96-012, § 2, May 1, 1996, Eff date May 16, 1996).

3A.09.040 Trial service reversion.

A trial service employee who is removed from the new position for reasons other than misconduct and who was a regular employee in another position in the classified staff service immediately prior to his/her new appointment, shall be reinstated in his/her former position or in one of like status and pay. Where reinstatement through reversion is not possible because of the elimination of the previously held position or the unavailability of a position of like status and pay, the director shall declare a layoff under SCC [3A.10.020](#). Trial service reversion shall be conducted by the director upon recommendation of the employing official.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

Chapter 3A.10 SEPARATION - LAYOFF - RECALL - REINSTATEMENT

Sections:

- [3A.10.010](#) General.
- [3A.10.020](#) Reduction in force - Layoff.
- [3A.10.030](#) Recall from layoff.
- [3A.10.040](#) Reinstatement.

3A.10.010 General.

Separation for voluntary resignation, retirement and layoff shall be in good standing and the employee will be eligible for reinstatement under the rules of this chapter if: (1) The employee has provided written notice at least 10 working days prior to the effective date (in cases of voluntary resignation or retirement); (2) The employee has not resigned to avoid disciplinary action; and (3) The employee has a satisfactory performance record.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013).

3A.10.020 Reduction in force - Layoff.

When the elimination or reorganization of work or lack of funds causes the elimination of one or more occupied positions, a layoff will be declared.

(1) Identification of Layoff Unit. The layoff unit will consist of all positions in the affected job classification within the division affected by the reduction. Departments without division level programs will be considered as the whole layoff unit. A position within a classification may be excluded from a layoff unit as a specialty where:

- (a) The specialty position was filled using substantially different qualifications;
- (b) Transfer between the specialty and other positions in the classification does not normally occur; and
- (c) Qualification for the specialty position could not be easily obtained through a short orientation or familiarization period.

(2) Order of Layoff. In-training, acting, temporary and probationary employees within the layoff unit will be laid off first in the order stated. Order of layoff between regular employees within the layoff unit will be based on each employee's job classification seniority and performance evaluation according to procedures prescribed by the director. Employees with the lowest scores shall be laid off first. In the

event of a tie between two or more employees:

(a) The employee with the least total unbroken service in the affected department shall be laid off first; if a tie still exists then,

(b) The employee with the least total unbroken county service shall be laid off first.

(3) Job Classification Seniority - Defined. Job classification seniority for the purposes of consideration in layoff and bumping situations is the period of unbroken service in the affected job classification and all classifications previously held which were at the same or higher level within the same occupational group. An authorized leave of absence without pay does not constitute a break in service; however, the seniority computation will be adjusted on a day-for-day basis for all such leave days in excess of 90 consecutive calendar days unless otherwise prohibited by state or federal law. An employee on disability leave of absence on account of an industrial injury or occupational disease shall continue to accrue seniority during the first 52 weeks.

(4) Layoff Options. Within the affected division, a regular or probationary employee who is scheduled for layoff may be offered, in lieu of layoff, one or more of the following options if available:

(a) A voluntary demotion to a position in a lower level job classification in which the employee has held classified status if the employee continues to meet the minimum qualifications and has greater job classification seniority than the occupant (if any) of the position in the lower class.

(b) A voluntary demotion to a lower level job classification in the employee's promotional line may be permitted whether or not the employee has held regular status in the lower class if the employee meets the minimum qualifications and has greater job classification seniority than the occupant (if any) of the position in the lower class. Such demotions will be restricted to promotional lines which are defined and promulgated by the director.

(c) A transfer to a vacant position in a job classification at the same level or demotion to a lower level classification, not previously held, provided the employee meets the minimum qualifications. Such transfers or demotions may be made without examination. An employee who accepts such an option must complete a six month probationary period before being granted status in the class and is subject to all rules covering probationary employees. A transfer or demotion to a job classification in which classified status was previously held will not require a new probationary period.

No employee will be offered a promotion as a direct result of being affected by a layoff situation but may apply for any available promotional opportunity in accordance with rules covering application.

A classified employee who is offered an option as specified in this section may indicate acceptance or rejection within three working days of its receipt. Failure to do so shall constitute rejection of the offer.

(5) Notice of Layoff. A notice of layoff, signed by the appropriate division or department head, shall be given to affected employees at least 20 working days prior to the effective date. Where necessary the county may issue a corrected notice of layoff. The date of layoff for an employee receiving such corrected notice will be adjusted to ensure the employee at least five working days notice of the change. A copy of each layoff notice will be provided to the director.

(6) Placement of Laid Off Employees on Layoff Register. The names of regular classified and probationary employees who have been laid off (including acceptance of a demotion option) shall be placed on a layoff register for the classification from which the employee was separated. An employee's name shall remain on the register for two years from the date of layoff. An employee's name may be removed for any of the following reasons:

- (a) Inability to contact the employee by mail at the employee's last known address.
- (b) Rejection by the employee of an offer to interview for a county vacancy in the same job classification.
- (c) Acceptance by the employee of other employment or an expression that the employee has no further interest in returning to county employment.
- (d) Reappointment of the employee to the employee's former classification.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013).

3A.10.030 Recall from layoff.

First consideration to fill vacancies in county positions shall be given to employees on layoff registers. Upon notification by an employing official that a vacancy exists, the director will contact qualified candidates from the layoff register and certify the names of those interested, if any, to the employing official. Names will be submitted in the following order:

- (1) Employees laid off from the same layoff unit in which the vacancy exists.
- (2) Employees laid off from the classification which is currently vacant.
- (3) Employees laid off from other classifications at the same or a higher level who have the appropriate qualifications.

The employing official shall examine certified candidates and indicate to the director the selection results.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Ord. 04-141, Jan. 19, 2005, Eff date Jan. 31, 2005).

3A.10.040 Reinstatement.

(1) A regular or probationary employee who is separated from a job classification in good standing, except employees placed on a layoff register, may be reinstated to a vacancy in the same classification within one year of separation without competition. A regular or probationary employee who is separated from a job classification and placed on a layoff register may be reinstated to a vacancy in the same classification within two years of separation without competition.

Such employees will be credited with:

- (a) Assumption of the previous job classification seniority and anniversary dates adjusted for the time gone.
- (b) The previous rate of sick leave and vacation accrual based on years of service.
- (c) Reinstatement of previous sick leave accrual balances; however, if any previous payment for accrued sick leave had been received, it must first be repaid.
- (d) Regular status only if reinstatement is to the department from which separation in good standing or layoff occurred and if regular status had been previously attained. In other instances, a six month probationary period must be served. An employee who is reinstated from a layoff register who fails to complete the probationary period will be returned to the layoff register for the remainder of the two year eligibility period established by the date of original layoff.
- (e) Benefits in accordance with any restrictions or waiting period imposed by plan documents.

(2) An employee who is reinstated from a layoff register to a classification not previously held in accordance with SCC [3A.10.030](#) shall be:

- (a) Required to serve a probationary period. A reinstated employee who fails to complete probationary period shall be returned to the layoff register for the remainder of the two year period established by the date of original layoff.
- (b) Given new job classification seniority and anniversary dates.
- (c) Given the previous rate of sick leave and vacation accrual based on years of service.
- (d) Credited with previous sick leave accrual balances; however, if any previous payment for

accrued sick leave had been received, it must first be repaid.

(e) Given benefits in accordance with any restrictions or waiting period imposed by the plan documents.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013).

Chapter 3A.11 GRIEVANCE PROCEDURE

Sections:

- [3A.11.010](#) Grievance -- Definition -- Limitations.
- [3A.11.015](#) Who may file a grievance.
- [3A.11.020](#) Exclusive remedy.
- [3A.11.025](#) Grievance procedures.

3A.11.010 Grievance -- Definition -- Limitations.

A grievance is defined as a dispute or disagreement raised by an affected employee concerning the interpretation or application of the specific provisions of these rules, excepting those matters excluded by any terms of these rules from the grievance procedure.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended Ord. 97-089, § 1, Oct. 8, 1997, Eff date Oct. 19, 1997).

3A.11.015 Who may file a grievance.

Any classified employee may file a grievance, except that probationary employees may not grieve dismissal and trial service employees may not grieve reversions.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.11.020 Exclusive remedy.

A classified employee's exclusive remedy for a grievance shall be the grievance process described in this chapter, unless some other process is established by applicable collective bargaining agreement.

(Added Ord. 97-089, § 2, Oct. 8, 1997, Eff date Oct. 19, 1997).

3A.11.025 Grievance procedures.

The following procedures govern the conduct of the grievance process for classified employees. To be valid, a grievance must state in writing the article and section of this title that is allegedly violated, the nature of the grievance and the requested remedy. If an employee fails to adhere to the time limits established in the steps below, the employee shall have waived the grievance. If an employee does not receive a response within the number of working days outlined in the steps below, the employee may proceed to the next step in the grievance process. The time limit specified in any of the steps may be waived by mutual agreement.

Step I. An employee shall have 10 working days from the occurrence on which the alleged grievance is based to present the grievance in writing to the employee's immediate supervisor. A grievance meeting

shall be held within 10 working days of the supervisor's receipt of the grievance. The supervisor shall provide the employee with a written response within 10 working days of the grievance meeting. A copy of the written response will be provided to the director.

Step II. In the event the grievance is not settled satisfactorily at step I, the employee shall have 10 working days from the day of the step I response to submit the written grievance to the employing official. All further actions concerning the grievance shall be limited to the matters specified in the grievance submitted at step I. The employing official will review the grievance and will meet with the employee and supervisor within 10 working days of receipt of the grievance. The employing official will respond in writing within 10 working days of the meeting. A copy of the written response will be provided to the director.

Step III. In the event the grievance is not settled satisfactorily at step II, the employee shall have 10 working days from the date of the employing official's response to submit a written grievance to the director. The director will investigate the grievance, make a written determination, and transmit such determination to the grievant and the employing official by certified mail, unless other arrangements have been made, within 20 working days of receipt of the written grievance.

Step IV. If the employee disagrees with the director's determination and desires a hearing on the grievance before the personnel hearings examiner, the employee shall submit a written request for hearing to the director within five working days from receipt of the director's determination. The director will provide copies of the grievance and the county's responses, and related documents, to the personnel hearings examiner within five working days following receipt of the request for hearing. The personnel hearings examiner shall conduct a hearing on the grievance within 20 working days following receipt of the grievance unless a later date is set by the personnel hearings examiner based on agreement of the parties or a finding of good cause. Failure of the personnel hearings examiner to timely convene a hearing under these rules shall not affect the rights of the parties. Proceedings will be in accordance with chapter 2.04 SCC.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended Ord. 97-089, § 3, Oct. 8, 1997, Eff date Oct. 19, 1997; Amended by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013).

Chapter 3A.12 EMPLOYEE RELATIONS

Sections:

- [3A.12.010](#) Employee responsibilities.
- [3A.12.020](#) Performance evaluation.
- [3A.12.030](#) Forms of disciplinary action.
- [3A.12.040](#) Dismissal procedure.
- [3A.12.050](#) Employment of relatives.
- [3A.12.060](#) Sexual harassment.

3A.12.010 Employee responsibilities.

(1) Purpose. The orderly and efficient operation of the county government requires that employees accept certain responsibilities. Personal standards of conduct as well as standard operating procedures are necessary to protect the health and safety of all employees, to maintain uninterrupted service and to protect the county's property.

(2) Standards of Conduct. The county expects that certain standards of conduct will be maintained by county employees. Failure to follow such standards may result in disciplinary action. Department heads may establish additional standards appropriate to their organization. Such additional standards of conduct shall be submitted to the director for review and shall be approved by the executive prior to taking effect. An employee may be disciplined, up to and including termination, for any of the following misconduct, or for any other justifiable reason:

- (a) Dishonesty, including but not limited to dishonesty in securing appointment or falsification of documents;
- (b) Incompetency and/or inefficiency;
- (c) Neglect of duty;
- (d) Insubordination;
- (e) Excessive absenteeism or tardiness;
- (f) Unauthorized absence;
- (g) Failing to report immediately to supervisor unavailability for work;
- (h) Failing to follow all safety regulations or to report safety hazards, accidents or injury to their supervisor;

- (i) Misuse of or damage to county property, records or other materials;
- (j) Failing to deal with the public, county officials and other county employees in a courteous and professional manner;
- (k) Disorderly conduct while on duty;
- (l) Consumption of controlled drugs or substances or intoxicating beverages while on duty, or reporting to work while under the influence of such substances or beverages;
- (m) Restricting or interfering with the work of others;
- (n) Refusing to perform assigned work unless to perform such work would constitute a safety hazard;
- (o) Engaging in soliciting or political activity while on duty;
- (p) Using a position for personal gain, to solicit or conduct personal business or to coerce others;
- (q) Possessing or using unauthorized firearms or weapons;
- (r) Removing county property without express approval of the employing official;
- (s) Violating any lawful order, directive or policy of a superior.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.12.020 Performance evaluation.

- (1) Policy. The performance evaluation process is intended to improve productivity through systematic communication between supervisors and employees regarding performance standards, goals, employee concerns, problems, training needs and opportunities.
- (2) Rules.
 - (a) Each elected official and department head shall develop and maintain performance evaluation systems for all groups of employees.
 - (b) The performance evaluation systems shall be based on standards related to an employee's work assignment.
 - (c) The performance evaluation systems shall provide the employee with an opportunity to submit a written response to the contents of his/her evaluation. The contents of an employee's evaluation are not subject to the grievance procedure.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Ord. 04-141, Jan. 19, 2005, Eff date Jan. 31, 2005).

3A.12.030 Forms of disciplinary action.

Disciplinary actions may include but not be limited to any of the following: Oral warning, written warning, suspension without pay, deferral of performance increase, demotion or dismissal. The issuance of oral and written warnings are not subject to the grievance procedure: PROVIDED, That written warnings may be reviewed by the director at an employee's request.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.12.040 Dismissal procedure.

The director may advise and assist department heads in the handling of all matters involving contemplated dismissal prior to the completion of the action, unless, in the judgment of the department head, immediate action is required.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Ord. 04-141, Jan. 19, 2005, Eff date Jan. 31, 2005).

3A.12.050 Employment of relatives.

(1) It is the policy of the county to avoid the practice or appearance of nepotism in employment. The identity or status of a relative may not be considered in the employment decision unless a business necessity exception exists. A close relative or spouse of a current Snohomish County employee shall not be employed by Snohomish County where one of the following business necessities exists:

- (a) Where one relative or spouse would have the authority or practical power to supervise, appoint, remove or discipline the other;
- (b) Where one relative or spouse would be responsible for auditing the work of the other;
- (c) Where other circumstances exist which would place the relatives or spouses in a situation of actual or reasonably foreseeable conflict between the employer's interest and their own;
- (d) Where, in order to avoid the reality or appearance of improper influence or favor, or to protect its confidentiality, the county must limit the employment of spouses or close relatives.

(2) Where one of the above business necessities requires the limitation of employment opportunities for relatives or spouses, the exclusion should be limited to the job, work crew, shop or unit where the reason for the exclusion exists, and should not bar the person from the whole work force, unless the reason applies to the whole work force.

(3) For purposes of this section, "close relative" includes an employee's or employee's spouse's

mother, father, child (including adopted and foster children), brother, sister, grandparent, grandchild, aunt, uncle, niece and nephew.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended Ord 00-105, Feb. 7, 2001, Eff date, Feb 18, 2001).

3A.12.060 Sexual harassment.

It is the policy of the county to maintain an environment which is free from sexual harassment and intimidation. No employee shall be subjected to unsolicited and unwelcome sexual overtures or threats either verbal or physical, and any such actions may bring prompt disciplinary action including possible termination. The executive shall develop guidelines which inform employees of their rights under this policy and shall specify procedures to be used by employees in filing complaints. An investigation of alleged sexual harassment shall be treated confidentially and every effort will be expended to prevent personal embarrassment.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Ord. 04-141, Jan. 19, 2005, Eff date Jan. 31, 2005).

Chapter 3A.13 EXEMPTIONS

Sections:

- [3A.13.010](#) Exemptions - County charter.
- [3A.13.020](#) Employee rights upon termination of exempt employment.
- [3A.13.040](#) Compensation plan for certain sheriff's department employees.

3A.13.010 Exemptions - County charter.

The following positions and employees are exempt from coverage under these rules in accordance with Section 7.20 of the county charter:

- (1) All county elected officials; except that district court judges pursuant to RCW 3.34.100 shall accrue and use sick leave as provided in SCC [3A.06.040](#)(1), (2) and (8) only. No other provisions of this title shall apply to district court judges;
- (2) Four employees in the county executive's office as designated by the county executive;
- (3) Not more than two employees in each other elected official's office as designated by each elected official;
- (4) The head of each executive and administrative department as designated by ordinance;
- (5) The members of all boards and commissions appointed by the county council or county executive;
- (6) Those employees in the prosecuting attorney's and sheriff's offices to the extent that the provisions of this chapter have been preempted by state law;
- (7) All persons employed on an independent contractual basis;
- (8) Such other employees as may be designated as exempt by ordinance;
- (9) All persons exempt under the provisions of any applicable state law, including court personnel to the extent governed by Human Resource rules or guidelines adopted by the court pursuant to Rules of General Application (GR) 29; and
- (10) All persons employed in a temporary appointment.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended Ord. 85-116, § 2, December 11, 1985; Amended Ord. 89-050, § 1, June 28, 1989; Ord. 07-091, Oct. 10, 2007, Eff date Oct. 25, 2007; Amended by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013)

3A.13.020 Employee rights upon termination of exempt employment.

Any employee who held regular status in the county personnel system prior to his/her appointment to an exempt position may, upon termination of such exempt appointment, be eligible to return to the same or like position in the class in which regular standing was held in accordance with the provisions of chapter 3.68 SCC. Where return of the exempt employee to the classified service will displace another employee, a layoff shall be declared in accordance with these rules.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.13.040 Compensation plan for certain sheriff's department employees.

(1) Other provisions of this chapter notwithstanding, the following positions/employees within the Snohomish County sheriff's department shall not be exempted from the personnel rules of the county which relate to salary, wages and benefits, in particular, chapters [3A.05](#) and [3A.06](#) SCC:

- (a) Administrative coordinator;
- (b) Director of community partnerships;
- (c) Evidence control supervisor;
- (d) Fiscal resource analyst;
- (e) Staff services manager;
- (f) Technical services supervisor.

(2) Where any provision of this section conflicts with the provisions of chapter 41.14 RCW, civil service for sheriff's office, or other state law, such state law shall control.

(Added Ord. 85-116, § 1, December 11, 1985; Amended by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013).

Chapter 3A.14 COLLECTIVE BARGAINING

Sections:

- [3A.14.010](#) Purpose.
- [3A.14.020](#) Rights of employees.
- [3A.14.030](#) Applicable rules.
- [3A.14.040](#) Ratification of collective bargaining agreements.

3A.14.010 Purpose.

The general purpose of this rule is to promote the continued improvement of the relationship between Snohomish county as an employer and its employees by providing sound employer/employee relations. Determination of exclusive representatives shall be decided by providing the fullest opportunity for each affected employee to participate through the election process.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.14.020 Rights of employees.

Classified employees shall have the right, and shall be protected in the exercise of such right, freely and without fear of penalty or reprisal, to form, join and assist any employee organization or to refrain therefrom.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.14.030 Applicable rules.

The rules and procedures governing collective bargaining for county employees can be found in chapter 41.56 RCW. Where a collective bargaining agreement is in effect with respect to particular classified employees, such agreement shall control whenever its provisions conflict with provisions of this title. The provisions of this title shall control any subject or matter as to which the bargaining agreement is silent.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.14.040 Ratification of collective bargaining agreements.

(1) A collective bargaining agreement negotiated by the county under Chapter 41.56 RCW shall not be effective unless it is ratified by the county council. The county council may ratify a collective bargaining agreement by motion.

(2) The county council may authorize the county to enter into a collective bargaining agreement requiring payment of funds from appropriations of subsequent fiscal years, and which is therefore in excess of an

existing appropriation, by ratifying the collective bargaining agreement under subsection (1) of this section.

(Added Ord. 96-016, § 1, May 15, 1996, Eff date May 26, 1996).

Chapter 3A.15 RECORDS AND PERMITS

Sections:

- [3A.15.010](#) Personnel records.
- [3A.15.020](#) Reports of personnel actions.
- [3A.15.030](#) Confidentiality of personnel records and files.
- [3A.15.040](#) Public records.
- [3A.15.050](#) Verification of employment and other references.

3A.15.010 Personnel records.

The director will establish and maintain a personnel records system which will include a copy of each employee's application, the job title under which the employee is employed, the rate of pay, date of employment, the organizational unit assignment, reports of all personnel actions including disciplinary actions, reports of work performance, employment history and such other records, reports or information as deemed pertinent. The human resources department will be the central depository for all such personnel records and files.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013).

3A.15.020 Reports of personnel actions.

Every appointment, transfer, promotion, demotion, termination, dismissal, suspension, leave of absence, change of pay rate or other change in an employee's status will be reported to the human resources department in writing in the manner, time, form and method prescribed by the director.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013).

3A.15.030 Confidentiality of personnel records and files.

Personnel records and files specifically exempt from public disclosure by law shall be considered confidential and shall not be open to inspection by any person other than the employee, the employee's supervisor, the employing official and the human resources department staff in the conduct of personnel administration, unless the employee consents in writing to the other inspection or the director determines other inspection appropriate. Each employee shall have access to the employee's personnel records or to any information pertaining to the employee which is maintained by the human resources department during normal office hours in accordance with procedures as the director may provide.

Any employee who fails to maintain the confidentiality of personnel records and files exempt from public disclosure by law shall be subject to disciplinary action.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013).

3A.15.040 Public records.

Personnel records and files that are not specifically exempt from public disclosure by law shall be open to inspection by interested parties during normal office hours and in accordance with such procedures as the director may provide. Copies of public records shall be provided upon request at no more than the actual cost to the human resources department as determined by the director. For the purposes of these rules, public records shall be taken to include:

- (1) Personnel rules;
- (2) Human resources department policies and procedures;
- (3) Human resources department budget and program plans;
- (4) Human resources department classification and compensation plans;
- (5) Factual staff reports and studies;
- (6) Collective bargaining agreements; and
- (7) Such other documents, records and reports as the director may determine are subject to public disclosure.

Pursuant to chapter 42.56 RCW et seq., the human resources department may redact details to the extent required to prevent invasion of personal privacy when it makes available or publishes any public record.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013).

3A.15.050 Verification of employment and other references.

The human resources department will respond to all written requests for verification of employment of current and former employees and will provide only the following information, unless the employee has provided written consent to provide specific additional information:

- (1) The employee's full name;

- (2) Dates of employment;
- (3) Employment status;
- (4) Classification job title and pay rate; and
- (5) Department and division worked for.

An employing official or designee, who responds to a request for a personal reference on a current or former employee, will limit his/her response to objective information that is verifiable by documented facts.

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20, 2013).

Chapter 3A.16 HOURS OF WORK

Sections:

- [3A.16.010](#) Regular hours of work.
- [3A.16.020](#) Regular work schedule.
- [3A.16.030](#) Nonstandard work schedules.
- [3A.16.040](#) Changes to work schedules.
- [3A.16.050](#) Unauthorized absences.

3A.16.010 Regular hours of work.

The regular working hours of full-time employees shall, in general, consist of between seven and eight hours per day, five days per week, totaling between 35 and 40 hours per week. The standard work week shall consist of the period from midnight Saturday to the following midnight Saturday. Nothing in this title shall be construed to require the county to employ any individual for any particular number of hours, nor to guarantee any employee any particular number of hours.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.16.020 Regular work schedule.

The regular work schedule for employees shall be established by the employing official subject to the approval of the department head and/or responsible elected official. Regular work schedules shall generally be of one of the two following types:

- (1) Established Shift. A recognized regular shift (e.g., 9:00 a.m. to 5:00 p.m.) that applies to all employees of a department, division, section or work unit; or
- (2) Flex Time. A designated period of time (e.g., 7:00 a.m. to 6:00 p.m.) during which employees may choose their own seven or eight hour work period subject to prior approval of the employing official.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.16.030 Nonstandard work schedules.

When it is found to be in the best interest of the county, an employing official may establish a nonstandard work schedule such as a four/40 work week (four 10-hour days per work week), subject to the approval of the responsible department head and/or responsible elected official. In such cases, leaves of absence with pay, including vacation and sick leave, will be charged by the number of hours actually taken. Paid holidays will be paid in accordance with SCC [3A.06.020](#).

(Added Ord. 84-129, § 2, Nov. 21, 1984; Amended by Ord. 13-070, Oct. 9, 2013, Eff date Oct. 20,

2013).

3A.16.040 Changes to work schedules.

For all permanent changes to an employee's work schedule, the county will make reasonable efforts to notify the employee at least five working days in advance of such change. For temporary changes to an employee's work schedule not to exceed 10 working days, the county will make reasonable efforts to notify the employee at least 24 hours in advance of such change.

(Added Ord. 84-129, § 2, Nov. 21, 1984).

3A.16.050 Unauthorized absences.

Any employee who is absent from work shall report the reason for the absence to the employing official as soon as possible. Unauthorized or unreported absences shall be treated as absence without pay and may be cause for disciplinary action including dismissal.

(Added Ord. 84-129, § 2, Nov. 21, 1984).