

APPROVED: October 15, 2008
EFFECTIVE: October 28, 2008

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 08-110

RELATING TO MILITARY LEAVE AND AMENDING CHAPTER 3A.06 SCC

BE IT ORDAINED:

Section 1. Snohomish County Code Section 3A.06.010, last amended by Ordinance No. 89-056 on June 28, 1989, is amended to read:

3A.06.010 Employee benefits -- Eligibility defined.

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 these rules. (~~Benefit programs and the levels of benefits provided by these programs are at the sole discretion of the county.~~)

Section 2. Snohomish County Code Section 3A.06.060, added by Ordinance No. 84-129 on November 21, 1984, is amended to read:

3A.06.060 Other leaves of absence.

In addition to vacation and sick leave, the county shall provide additional leaves of absence to employees under such circumstances as are specified in this section.

(1) Bereavement Leave. Eligible employees shall be granted bereavement leave with pay in the event of a death in the family of the employee. The maximum leave in such cases shall be three working days unless the death occurs at a distance of 500 miles or more in which case additional time may be granted not to exceed three additional working days. The term family for this section only shall be taken to include:

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

In relationships other than set forth above, bereavement leave may be granted by the employing official upon request.

(2) Court Leave. Eligible employees shall be granted leave with pay while required to perform jury duty or when required to appear in court on any matter in which he/she is not a party. The amount of pay granted in such cases shall be the difference between the employee's regular pay and any amount he/she actually receives as a result of such duty.

(3) Disability Leave. Disability leave shall be granted for up to six months upon showing that the employee is temporarily disabled and is temporarily unable to perform the duties of his/her position. Requests for disability leave shall be accompanied by a written statement from the physician treating the employee outlining the nature of the disability and estimating when the employee will be able to return to work. Disability leave is leave without pay except for members of the LEOFF I system.

Employees may be replaced with temporary or regular employees during disability leave if necessary. Employees returning from disability leave shall assume their former positions with adjustments to their anniversary date only as provided for in [SCC 3A.05.030](#). Except to the extent state law or regulations require otherwise, employees whose disabilities extend beyond six months in duration shall be entitled to return to their position only if the positions can be kept vacant or filled on a temporary basis. Otherwise, the employing official may appoint the returning employee to a comparable vacant position within the department or attempt to arrange for appointment to a comparable position within another department. Where appropriate, placement in light duty assignments may be made to accommodate medical restrictions. If placement is not possible, the employee shall be laid off and his/her name shall be placed on a reemployment list for the class in which employment was originally held or for a class which is appropriate to the employee's medical condition.

(4) Military Leave:

(a) Any ((regular)) employee who is a member of the Washington national guard or organized military reserve or armed forces of the United States and who is ordered to attend a period of active duty

or active duty training shall be entitled to leave with pay not to exceed ~~((45))~~ 21 working days during each ~~((calendar))~~ year beginning October 1st and ending the following September 30th. Such leave shall be in addition to any vacation or sick leave to which the employee is entitled, and shall not involve any loss of efficiency rating, privileges or pay (RCW 38.40.060).

(b) Any person who is a resident of this state or is employed within this state and who voluntarily or upon ~~((demand))~~ order from competent authority, vacates a position of employment ~~((to determine his physical fitness to enter, or, who actually does enter upon active duty or training in the Washington national guard, the armed forces of the United States, or the United States public health service))~~ for service in the uniformed services, shall, provided he or she meets the requirements of RCW 73.16.035, be reemployed forthwith: PROVIDED, That the employer need not reemploy such person if circumstances have so changed ~~((as to make it impossible, unreasonable, or against the public interest for him to do so))~~ such that reemployment would be impossible or unreasonable due to a change in the employer's circumstances, or would impose an undue hardship on the employer: PROVIDED FURTHER, That this section shall not apply to a temporary position. If such person is still qualified to perform the duties of his or her former position, he or she shall be restored to that position or to a position of like seniority, status and pay. If he or she is not so qualified as a result of disability sustained during his or her service ~~((or during the determination of his fitness for service))~~ in the uniformed services, but is nevertheless qualified to perform the duties of another position, under the control of the same employer, he or she shall be reemployed in such other position: PROVIDED, That such position shall provide him or her with like seniority, status, and pay, or the nearest approximation thereto consistent with the circumstances of the case (RCW 73.16.033).

(5) Leave Without Pay. Employees 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 personnel department in the manner prescribed by the director and may cause the employee's seniority and anniversary dates to be adjusted. 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/her civil duty.

PASSED this 15th day of October, 2008.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

/s/ Dave Somers
Chairperson

ATTEST:

/s/ Barbara Sikorski
Asst. Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE: 10/18/08

/s/ Mark Soine
Deputy Executive for County Executive

ATTEST:

/s/ Cora E. Palmer

Approved as to form only:

/s/ Linda Scoccia
Deputy Prosecuting Attorney