

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

NOTICE OF INTRODUCTION OF ORDINANCE
and
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Snohomish County Council will hold a public hearing to consider Proposed Ordinance 21-039 on Wednesday, July 21, 2021, at the hour of 10:30 a.m. at 3000 Rockefeller Avenue, 8th Floor, Jackson Board Room, Everett, WA, in conjunction with a remote meeting platform via the following Zoom link:

Zoom Webinar link: <https://zoom.us/j/94846850772>
Dial in: (253) 215 8782 or (301) 715 8592
Meeting ID: 948 4685 0772

Background: Snohomish County employees who are members of the uniformed services, and are involuntarily called into active duty, can suffer financial hardships when the amount of military pay they receive during active duty deployment is less than their pay as a Snohomish County employee. In addition, there may be differences between the medical insurance benefits offered by the uniformed services, and those offered by Snohomish County. The proposed ordinance addresses those discrepancies, in an effort to ensure those that are called into active duty are not placed at a financial disadvantage while serving. A summary is as follows:

ORDINANCE NO. 21-039

ORDINANCE AMENDING CHAPTER 3A.06.060 SNOHOMISH COUNTY CODE

Section 1. SCC 3A.06.060 is amended by deleting section (3).

Section 2. A new section is added to SCC 3A.06 to read:

3A.06.055 Military Service.

- (1) *Purpose.* The purpose of this section is to ensure proper administration of employment-related benefits, including leaves of absence, for regular full-time and regular part-time employees who are members of the uniformed services, in accordance with federal and state law. This section shall supersede any conflicting provisions of the Snohomish County Code.
- (2) *Definitions*
 - (a) *Uniformed Services.* Service in any branch of the United States armed forces (Army, Navy, Air Force, Marines, Coast Guard), including the reserves, the Army and Air National Guards, and the commissioned corps of the Public Health Service, and any other persons designated by the President of the United States.
 - (b) *Authorized Military Leave.* Approved leave for active duty in the uniformed services, granted according to the provisions of this chapter.
- (3) *Request for Military Leave.* Requests for paid and/or unpaid military leave must be submitted in writing. Employees must provide their supervisors with copies of their military orders, including length of service if available, as soon as possible after they are received. The county may accept verbal notification of the need for military leave and may allow modification or postponement of the written requirements if giving such notice is impossible, unreasonable, or precluded by military necessity. Any request for leave must be submitted as far in advance as possible. Regular full-time and regular part-time employees are eligible for military leave as provided in this section. Other employees will be permitted to perform their military service, but may not be eligible for other benefits.

- (4) *Paid Military Leave.* Paid leaves of absence shall be granted for authorized military leave in the military service, under RCW 38.40.060, for periods of required military duty, training or drills for a period not exceeding a total of 21 working days during each year, beginning January 1st and ending December 31st, provided the request for such leave is in writing and accompanied by a validated copy of military orders. Such leave will be in addition to any vacation leave to which an employee might otherwise be entitled.
- (5) *Unpaid Military Leave.* Employees on authorized military leave for more than 21 working days, who have requested leave as prescribed above, shall be granted a leave of absence for a period of not to exceed 5 years or as provided by applicable state and federal statutes.
- (6) *Active Duty Differential Payment.* If, on or after July 1, 2021, a regular full-time or regular part-time employee of the county has been involuntarily mobilized under Title 10 or 31 of the United States Code for a period exceeding 30 days, the employee may receive from the county the difference between the employee's base pay and the employee's military pay plus allowances, if the military pay and allowances are lower than the county base pay. If, during a pay period for which the employee seeks differential pay, the employee receives any pay from the county, the amount received will be deducted from the differential payment, if any, for the same pay period.

The employee shall also continue to receive from the county any medical, dental, and vision benefits the employee was receiving prior to mobilization within the limits and restrictions of the insurance and medical benefit plans.

For the purposes of this section, "base pay" shall mean the employee's regular straight time base hourly rate of pay plus longevity, if any.

Only members and potential members of the county civil service, exempt regular employees of the legislative branch of government, the executive branch of government, the prosecuting attorney's office, superior and district courts, and regular employees represented by bargaining units to the extent agreed upon through collective bargaining, are eligible to receive differential pay and continuation of benefits under this section.

Receipt of differential payment and continuation of benefits is contingent on the employee applying for the same, agreeing to seek reemployment with Snohomish County under Title 38, Chapter 43 of the United States Code, the Uniformed Services Employment and Reemployment Act ("USERRA"), and providing the county with supporting documentation as deemed necessary by the human resources department.

Payment and benefits provided for a mobilization under this section shall be limited to the term(s) of the involuntary mobilization, but in no case shall be provided for more than 24 months from the date of involuntary mobilization.

Receipt of differential pay and continuation of benefits shall not grant any right, benefit, or interest in employment or reemployment not granted to employees under USERRA or Washington state law. It is not a vested benefit and Snohomish County may repeal this program at any time.

Continuation of Medical Insurance Benefits. Uniformed service members who are on unpaid leave of absence from employment because of the performance of ordered military duties may elect to continue their medical insurance coverage (including vision and dental insurance) for up to 24 months, or as required by law, by self-paying their share of the insurance premiums.

- (7) *Employment Status.* No member of the uniformed services shall be discharged from employment or discriminated against because of the performance of military duties for which he or she is ordered to serve.

- (8) *Restoration of Employment.* Any member of the uniformed services who has been on leave from employment because of the performance of ordered military duties, upon the termination of such duty, make timely application to be reemployed. Such application must be submitted to the former appointing authority (department director or elected official) and include documentation establishing: (1) the employee's length of military service, (2) the timeliness of the application for reemployment, and (3) the type of discharge. Only honorable discharged veterans are eligible for reemployment under USERRA. Reemployment upon return from military services will be determined in accordance with applicable federal and state laws.
- (a) *Application Deadlines.* Federal and state laws, such as USERRA, contain specific application deadlines, depending on the length of absence from work, ranging from day 1 to 90 days after completing military service. Failure to request reemployment within the application deadlines will result in a waiver of any reemployment rights.
- (b) *Reemployment.* Eligible returning service members will be restored, as nearly as possible, to their prior position or positions the service member would have held if remained continuously employed with the county, including such factors as:
- continuous service credit,
 - anniversary date,
 - step increase eligibility,
 - automatic promotions,
 - promotion eligibility,
 - vacation accrual rates,
 - personal holiday eligibility, and
 - other benefit dates that are contingent upon seniority or continuous service.
- However, returning service members who began their military leave while in probationary employee status will be required to successfully serve the remainder of their probationary period upon reemployment, subject to the provisions of chapter 3A.09 SCC or an applicable collective bargaining agreement.
- (c) *Medical Insurance.* Reemployed service members' medical insurance benefits (including dental and vision) will be reinstated without serving any waiting periods.
- (d) *Retirement Benefits.* If the employee applies to, and is approved by DRS for service credit, and pays the employee portion of retirement contributions, the reemployed service members' retirement benefits will be computed as if the employee had remained continuously employed. Authorized military leave will not be treated as a break in service and the county will make up its share of missed benefit contributions. However, no credit for employee earnings will be attributed to the period of leave.
- (e) *Seniority Benefits.* Reemployed service members' seniority, for purposes of county employment and collective bargaining agreements, will be computed as if the employee had remained continuously employed.
- (9) *Military Family Leave.* Family leave for eligible military family members and military caregivers will be provided according to law as set forth in SCC 3A.06.040.
- (10) *Repeal.* This ordinance shall be repealed without subsequent Council action on the effective date United States Code, Title 38 is amended to include differential payments from any Federal source.

At the hearing, Council may consider alternatives/amendments to the proposed ordinance.

Where to Get Copies of the Proposed Ordinance: Copies of the full ordinance and related documentation are available upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-800-562-4367 x3494, TDD 1-800-877-8339, or by e-mailing Contact.Council@snoco.org.

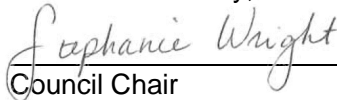
Website Access: The proposed ordinance is also available on the County Council's website at <https://snohomishcountywa.gov/2134/Council-Hearings-Calendar>.

Public Testimony: All interested persons may provide public testimony in person and remotely. Written testimony is encouraged and may be sent to Snohomish County Council, 3000 Rockefeller Avenue, M/S 609, Everett, WA 98201, fax to 425 388-3496, or e-mail to contact.council@snoco.org. Submitting testimony 24 hours prior to the hearing will ensure copies are provided to Council and appropriate staff prior to the hearing. (Note: All public testimony are public records and may be subject to disclosure pursuant to RCW Chapter 42.56. Any contact information provided will be available to the public on the Council's website.)

American Disabilities Act Notice: For hearings held in the Council Board Room, accommodations for persons with disabilities are available upon request. Please make arrangements one week prior to the hearing by calling Elena Lao at 425-388-3494, 1-800-562-4367 x3494, TDD 1-800-877-8339, or e-mail elena.lao@snoco.org.

Dated this 2nd day of July, 2021.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Asst. Clerk of the Council

Publish: July 7, 2021

SUBMIT AFFIDAVIT TO: Council
SUBMIT INVOICE TO: Council 104482