

1 APPROVED:
2 EFFECTIVE:

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7 ORDINANCE NO. 21-039
8

9
10 ORDINANCE AMENDING CHAPTER 3A.06.060 SNOHOMISH COUNTY CODE
11

12 BE IT ORDAINED:

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14 Section 1. Snohomish County Code chapter 3A.06.060, last amended by Ordinance
15 10-115 on January 12, 2011, is amended to read:

16
17 The county shall provide additional leaves of absence to employees under such
18 circumstances as are specified in this section.

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

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

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

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

39 (a) The employee will receive the employee's normal daily earnings for jury duty and
40 court service; however, the employee must submit to the payroll section the employee's jury
41 duty warrant or witness fee for the time served.

42 (b) An employee shall report for work during all hours the employee is released from
43 jury duty or court service. If less than one hour remains from the time of such release to the
44 end of the employee's regular shift, the employee shall call the employee's supervisor for
45 instructions.

46 (c) An employee who works on swing or graveyard shift will be transferred to day
47 shift for the period of jury duty or court service. An employee shall notify his or her
48 supervisor within two working days of receipt of a notice of jury duty or court service.

49 (3) ~~(*Military Leave*.~~

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

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

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

15 ~~((5))~~(4) *Civil Duty.* Any employee who is elected or appointed to a political or
16 legislative position which is compatible with the employee's county employment may be
17 granted leave without pay to perform his or her civil duty or may utilize accrued vacation
18 leave and compensatory time if approved by the employee's supervisor.

19
20 Section 2. A new section is added to chapter 3A.06 of the Snohomish County Code
21 to read:

22
23 **3A.06.055 Military Service.**

24
25 (1) *Purpose.* The purpose of this section is to ensure proper administration of
26 employment-related benefits, including leaves of absence, for regular full-time
27 and regular part-time employees who are members of the uniformed services, in
28 accordance with federal and state law. This section shall supersede any
29 conflicting provisions of the Snohomish County Code.

30
31 (2) *Definitions*

32 (a) *Uniformed Services.* Service in any branch of the United States armed forces
33 (Army, Navy, Air Force, Marines, Coast Guard), including the reserves, the
34 Army and Air National Guards, and the commissioned corps of the Public
35 Health Service, and any other persons designated by the President of the
36 United States.

37 (b) *Authorized Military Leave.* Approved leave for active duty in the uniformed
38 services, granted according to the provisions of this chapter.

39
40 (3) *Request for Military Leave.* Requests for paid and/or unpaid military leave must
41 be submitted in writing. Employees must provide their supervisors with copies of
42 their military orders, including length of service if available, as soon as possible
43 after they are received. The county may accept verbal notification of the need for
44 military leave and may allow modification or postponement of the written
45 requirements if giving such notice is impossible, unreasonable, or precluded by
46 military necessity. Any request for leave must be submitted as far in advance as
47 possible. Regular full-time and regular part-time employees are eligible for
48 military leave as provided in this section. Other employees will be permitted to
49 perform their military service, but may not be eligible for other benefits.
50

1 (4) *Paid Military Leave.* Paid leaves of absence shall be granted for authorized
2 military leave in the military service, under RCW 38.40.060, for periods of
3 required military duty, training or drills for a period not exceeding a total of 21
4 working days during each year, beginning January 1st and ending December 31st,
5 provided the request for such leave is in writing and accompanied by a validated
6 copy of military orders. Such leave will be in addition to any vacation leave to
7 which an employee might otherwise be entitled.
8

9 (5) *Unpaid Military Leave.* Employees on authorized military leave for more than 21
10 working days, who have requested leave as prescribed above, shall be granted a
11 leave of absence for a period of not to exceed 5 years or as provided by
12 applicable state and federal statutes.
13

14 (6) *Active Duty Differential Payment.* If, on or after July 1, 2021, a regular full-time or
15 regular part-time employee of the county has been involuntarily mobilized under
16 Title 10 or 31 of the United States Code for a period exceeding 30 days, the
17 employee may receive from the county the difference between the employee's
18 base pay and the employee's military pay plus allowances, if the military pay and
19 allowances are lower than the county base pay. If, during a pay period for which
20 the employee seeks differential pay, the employee receives any pay from the
21 county, the amount received will be deducted from the differential payment, if
22 any, for the same pay period.
23

24 The employee shall also continue to receive from the county any medical, dental,
25 and vision benefits the employee was receiving prior to mobilization within the
26 limits and restrictions of the insurance and medical benefit plans.
27

28 For the purposes of this section, "base pay" shall mean the employee's regular
29 straight time base hourly rate of pay plus longevity, if any.
30

31 Only members and potential members of the county civil service, exempt regular
32 employees of the legislative branch of government, the executive branch of
33 government, the prosecuting attorney's office, superior and district courts, and
34 regular employees represented by bargaining units to the extent agreed upon
35 through collective bargaining, are eligible to receive differential pay and
36 continuation of benefits under this section.
37

38 Receipt of differential payment and continuation of benefits is contingent on the
39 employee applying for the same, agreeing to seek reemployment with
40 Snohomish County under Title 38, Chapter 43 of the United States Code, the
41 Uniformed Services Employment and Reemployment Act ("USERRA"), and
42 providing the county with supporting documentation as deemed necessary by the
43 human resources department.
44

45 Payment and benefits provided for a mobilization under this section shall be
46 limited to the term(s) of the involuntary mobilization, but in no case shall be
47 provided for more than 24 months from the date of involuntary mobilization.
48

49 Receipt of differential pay and continuation of benefits shall not grant any right,
50 benefit, or interest in employment or reemployment not granted to employees

1 under USERRA or Washington state law. It is not a vested benefit and
2 Snohomish County may repeal this program at any time.

3
4 *Continuation of Medical Insurance Benefits.* Uniformed service members who are
5 on unpaid leave of absence from employment because of the performance of
6 ordered military duties may elect to continue their medical insurance coverage
7 (including vision and dental insurance) for up to 24 months, or as required by
8 law, by self-paying their share of the insurance premiums.
9

10 (7) *Employment Status.* No member of the uniformed services shall be discharged
11 from employment or discriminated against because of the performance of military
12 duties for which he or she is ordered to serve.
13

14 (8) *Restoration of Employment.* Any member of the uniformed services who has
15 been on leave from employment because of the performance of ordered military
16 duties, upon the termination of such duty, make timely application to be
17 reemployed. Such application must be submitted to the former appointing
18 authority (department director or elected official) and include documentation
19 establishing: (1) the employee's length of military service, (2) the timeliness of
20 the application for reemployment, and (3) the type of discharge. Only honorable
21 discharged veterans are eligible for reemployment under USERRA.
22 Reemployment upon return from military services will be determined in
23 accordance with applicable federal and state laws.
24

25 (a) *Application Deadlines.* Federal and state laws, such as USERRA, contain
26 specific application deadlines, depending on the length of absence from work,
27 ranging from day 1 to 90 days after completing military service. Failure to
28 request reemployment within the application deadlines will result in a waiver
29 of any reemployment rights.
30

31 (b) *Reemployment.* Eligible returning service members will be restored, as
32 nearly as possible, to their prior position or positions the service member
33 would have held if remained continuously employed with the county, including
34 such factors as:

- 35 • continuous service credit,
- 36 • anniversary date,
- 37 • step increase eligibility,
- 38 • automatic promotions,
- 39 • promotion eligibility,
- 40 • vacation accrual rates,
- 41 • personal holiday eligibility, and
- 42 • other benefit dates that are contingent upon seniority or continuous
43 service.

44 However, returning service members who began their military leave while in
45 probationary employee status will be required to successfully serve the
46 remainder of their probationary period upon reemployment, subject to the
47 provisions of chapter 3A.09 SCC or an applicable collective bargaining
48 agreement.

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- (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.

PASSED this _____ day of _____, 2021.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Council Chair

ATTEST:

Asst. Clerk of the Council

- () APPROVED
- () EMERGENCY
- () VETOED

DATE: _____

County Executive

ATTEST:

Approved as to form only:

1 Rebecca J. Guadamud 06-23-2021
2 Deputy Prosecuting Attorney