

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

NOTICE OF ENACTMENT

NOTICE IS HEREBY GIVEN, that on April 6, 2022, the Snohomish County Council approved Amended Ordinance 22-009, which shall be effective on April 16, 2022.

Background: By Ordinance 21-039, Snohomish County Council adopted pay differential rules for employees on military leave, to address the potential loss of income during deployment. This ordinance further addresses this issue, further defines eligible leaves, amends the calculation of pay differential by further defining what constitutes "base pay", and allowing for the continuation of leave accrual while on military leave. A summary is as follows:

AMENDED ORDINANCE NO. 22-008

ORDINANCE AMENDING SNOHOMISH COUNTY CODE SECTION 3A.06.055 RELATING TO
EMPLOYEE MILITARY SERVICE

The following subsections of Snohomish County Code Chapter 3A.06.055 are amended to read:

(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.

(c) *Involuntary Mobilization Leave.* Authorized military leave granted to an employee due to an involuntary mobilization under Title 10 or 32 of the United States Code for an uninterrupted period exceeding 30 days.

(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 32 of the United States Code for a period exceeding 30 days~~) granted involuntary mobilization leave, 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, upon the employee's return to County employment. If, during a pay period for which the employee seeks differential pay, the employee (~~receives~~) received any pay from the county, the amount received will be deducted from the differential payment, if any, for the same pay period. Employees may elect to receive differential pay on a monthly basis or in a lump sum upon return from active duty. The county will pay based on its current pay schedule and shall deduct the prorated amount of the employee's military earnings across the county's pay structure. The employee must submit all military pay stubs monthly or at the end of involuntary leave to receive differential pay.

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, educational incentive and/or specialty pay, if any. "Base pay" does not include any shift premium.

Only members and potential members of the regular classified non-represented and 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 to be bound by the terms of this section as now written, amended, or repealed, 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~~) seeking reemployment with (~~Snohomish County~~) the county or superior or district court under Title 38, Chapter 43 of the United States Code, the Uniformed Services Employment and Reemployment Act ("USERRA"), returning to active employment, and providing the county with supporting documentation as deemed necessary by the human resources department.

Payment and benefits provided for an involuntary 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.

(7) *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~~) the full cost of the insurance premiums. Employees on involuntary mobilization leave may elect to continue such benefits for up to 24 months, with the county paying the employer's portion of the insurance premiums. Premium payments must be made on the same schedule as is required for active employees in order to maintain coverage. Continuation of benefits for an involuntary mobilization is contingent on the employee applying for the same and providing the county with supporting documentation as deemed necessary by the human resources department. Employees on voluntary military leave may establish a holding account with the County from which to draw payments in the event current pay is insufficient to cover benefit premiums due.

(9) *Leave Accrual.* Employees on involuntary mobilization leave will continue to accrue leave under the applicable code or collective bargaining agreement (subject to maximum accrual limitations stated therein) as if the employee were in regular pay status. Leave accruals for an involuntary mobilization is contingent on the employee applying for the same and providing the county with supporting documentation as deemed necessary by the human resources department.

(12) *Repeal.* The (~~ordinance~~) provisions based on involuntary mobilization leave codified in this section 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.

Copies of the Ordinance: For copies of the ordinance, call 425-388-3494, 1-800-562-4367 x3494, TDD 1-800-877-8339; or e-mail Contact.Council@snoco.org. The ordinance is also available on the Council's website at <https://snohomish.legistar.com/Default.aspx> (File #2022-0170).

Dated this 8th day of April, 2022.



Asst. Clerk of the Council

Publish: April 13, 2022

SUBMIT AFFIDAVIT TO: Council
SUBMIT INVOICE TO: Council 104482