



King County
Metropolitan King County Council
Committee of the Whole

STAFF REPORT

Agenda Item No.:	5	Date:	12 May 2010
Proposed Motion No.:	2010-0281	Prepared by:	Nick Wagner

SUMMARY

Proposed Motion 2010-0281 (pp. 3-5 of these materials, lines 1-7) would:

1. “[A]ffirm the value of the annual labor summit”;
2. “[A]cknowledge[e] the already-productive relationship between King County and organized labor”; and
3. “[R]esolv[e] to strengthen the relationship by holding regular meetings between members of the council, the executive, labor officials and the associated staffs, to discuss issues of mutual concern.”

BACKGROUND

The King County tradition of holding annual labor summit meetings originated with Ordinance 13000 (codified as KCC § 3.16.060; *see* p. 11 of these materials), which the Council adopted in 1998. The purposes of the summit, as articulated in Ordinance 13000, are to:

- “[S]trengthen relations between the county’s elected officials and the county’s collective bargaining units”;
- “[F]oster more open communication and cooperation”;
- “[I]mprove the way in which both the county and its collective bargaining units can provide the best service to the public while treating employees in a fair and equitable manner”; and
- “[C]reate and maintain continuously open channels of communication intended to establish mutual trust.”

In addition to the annual labor summits, the King County Code also provides for a process of consultation between the Council, the Executive, and the county’s collective

bargaining units in the development and implementation of county labor policies (*see* KCC §§ 3.16.050, 3.16.055, pp. 9-11 of these materials).

PROPOSED MOTION 2010-0281

Proposed Motion 2010-0281 recognizes the value of the annual labor summits and expresses a desire to build on that foundation “by increasing the frequency and effectiveness of communication and collaboration, both between elected officials and labor and between the council and the executive” (p. 3 of these materials, at lines 11-13). Toward that end, the motion would adopt four action items:

- A. Quarterly meetings between the Council’s Committee of the Whole and the Executive’s Director of Labor Relations to discuss management and labor issues, with the first such meeting to be held by June 30 of this year (pp. 3-4 of these materials, lines 17-20);
- B. Regular, informal meetings between councilmembers, the Executive, and county labor leaders to discuss issues of mutual concern, with the first such meeting to be held by June 30 of this year (p. 4 of these materials, lines 21-25);
- C. Regular, informal meetings between council staff and executive staff, as needed, to discuss labor and management issues of concern to both branches of government (p. 4 of these materials, lines 26-28); and
- D. Informal consultation between the Council, the Executive, and county labor leaders regarding “the approach and criteria for conducting a study of compensation and benefits for county employees, including identifying appropriate comparator organizations,” with a goal of completing the consultation by July 31 of this year (pp. 4-5 of these materials, lines 29-33).

INVITEES

- 1. Dow Constantine, King County Executive
- 2. Fred Jarrett, Deputy County Executive
- 3. Patti Cole-Tindall, Director, Office of Labor Relations
- 4. David Freiboth, Executive Secretary, M. L. King County Labor Council
- 5. Dustin Frederick, King County Labor Coalition
- 6. Jacob Metzger, King County Labor Coalition

ATTACHMENTS

Page

- 1. Proposed Motion 2010-02813
- 2. King County Code, Chapter 3.167



KING COUNTY
Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

May 11, 2010

Motion

Proposed No. 2010-0281.1

Sponsors Hague

1 A MOTION affirming the value of the annual labor
2 summit, acknowledging the already-productive relationship
3 between King County and organized labor and resolving
4 strengthen the relationship by holding regular meetings
5 between members of the council, the executive, labor
6 officials and the associated staffs, to discuss issues of
7 mutual concern.

8 WHEREAS, the annual labor summit between county elected officials and county
9 labor leaders has been a valuable avenue of communication and collaboration since the
10 summit was first held in 1998, and

11 WHEREAS, the council wishes to build on this foundation by increasing the
12 frequency and effectiveness of communication and collaboration, both between elected
13 officials and labor and between the council and the executive, and

14 WHEREAS, there are a number of actions that can be taken in the near term to
15 strengthen and enhance the county's relationship with organized labor;

16 NOW, THEREFORE, BE IT MOVED by the Council of King County:

17 A. The council resolves to meet quarterly with the director of the executive's
18 office of labor relations, in a meeting of the committee of the whole, to discuss a variety

19 of management and labor subjects, and the council resolves that the first meeting will be
20 no later than June 30, 2010.

21 B. The council resolves that there will be regular, informal meetings between
22 councilmembers, the executive and county labor leaders for the purpose of maintaining
23 clear communication between them about issues of mutual concern; that those informal
24 meetings could be held as often as monthly; and that the first such meeting will be held
25 no later than June 30, 2010.

26 C. The council resolves that there will be regular, informal meetings between
27 council staff and executive staff, as needed, to discuss labor and management issues of
28 concern to both branches.

29 D. The council resolves that it will consult informally with the executive and
30 with county labor leaders regarding the approach and criteria for conducting a study of
31 compensation and benefits for county employees, including identifying appropriate

32 comparator organizations, and that the council's goal for completing this consultation is
33 July 31, 2010.
34

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Robert W. Ferguson, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None

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Chapter 3.16
LABOR AND EMPLOYEE RELATIONS

Sections:

- 3.16.005 Purpose.
- 3.16.010 Bargaining agent designated.
- 3.16.012 Mission.
- 3.16.015 Definitions.
- 3.16.020 Powers.
- 3.16.025 General provisions.
- 3.16.030 Prior acts confirmed.
- 3.16.040 Time limit.
- 3.16.045 Corrections officers.
- 3.16.050 Labor policy committee functions.
- 3.16.055 Labor implementation committee functions.
- 3.16.060 Annual labor summit.
- 3.16.100 Unclassified and exempt employees - sheriff's employees - designation.

3.16.005 Purpose. The intent and purpose of this chapter is to recognize that there exists a public policy in the State of Washington as well as King County against strikes by essential law enforcement personnel as a means of settling their labor disputes; that such essential law enforcement personnel include corrections officers employed by King County; that the uninterrupted and dedicated service of these employees is vital to the welfare and public safety of the County of King; that to promote such dedicated and uninterrupted public service there should exist an effective and adequate means of settling disputes. (Ord. 10631 § 1, 1992).

3.16.010 Bargaining agent designated. There is established an ordinance for collective bargaining and, pursuant to the provisions of Section 890 of the King County Charter, the King County executive is designated bargaining agent for King County. (Ord. 197 § 1, 1969).

3.16.012 Mission. The mission of the council and the bargaining agent shall be to develop labor relations policy and other policies affecting county employees in accordance with the following principles and consistent with the philosophy, objectives and guidelines found in King County council Motion 9182:

- A. Provide a positive climate in King County government where employees feel their contributions are valued, their ideas are heard and their desires to serve the public are fulfilled.
- B. Help county employees view King County government as a desirable place to work and as a place where the public business is conducted in a cost-effective manner.
- C. Allow the council an adequate and meaningful opportunity to provide policy direction to the bargaining agent before the collective bargaining process begins.
- D. Cause King County management to plan, prepare and be accountable for obtaining agreements at the bargaining table concerning operating improvements necessary to best serve the public interest and improve the working conditions for employees.
- E. Create and maintain a collective bargaining and employee relations climate in King County government that encourages cooperative efforts and joint problem-solving among bargaining representatives, the bargaining agent, employees and management to address ways to better serve the public, increase productivity, reduce waste, improve safety, improve morale, and recruit and retain quality employees.
- F. Acknowledge, encourage and continue the efforts of bargaining units and management to engage in collaborative or interest-based bargaining, which has had the positive effects of reducing the adversarial nature of traditional bargaining and enhancing consensus-making in labor relations. (Ord. 11480 § 5, 1994).

3.16.015 Definitions. Unless the text clearly indicates otherwise, as used in this chapter, the following words shall have the meanings set forth in this section:

A. "Corrections officer" means any full-time, fully compensated uniformed correctional officer or sergeant who works for the department of adult detention (King County jail).

B. "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with King County.

C. "Bargaining agent" means the King County executive.

D. "Public employer" means King County.

E. "Commission" means the Public Employment Relations Commission.

F. "Executive director" means the executive director of the Commission.

G. "911 operator" means any full-time, fully compensated communications specialist or communications specialist supervisor who works for the department of public safety.

H. "Labor policy committee" or "policy committee" means the King County council committee designated by the council by motion as the committee responsible for establishing labor policy.

I. "Labor implementation committee" or "implementation committee" means the King County council committee designated by the council by motion as the committee responsible for implementing labor policy.

J. "Labor policy" or "policy" means those general principles which work to implement the intent of this chapter and guide negotiations for wages, benefits, working conditions and other terms of employment. (Ord. 14287 § 1, 2002: Ord. 11480 § 3, 1994: Ord. 10631 § 2, 1992).

3.16.020 Powers. The bargaining agent is authorized on behalf of King County to meet, confer and negotiate with bargaining representatives of the public employees of King County for the purpose of collective bargaining as contemplated by chapter 41.56 RCW and Section 890 of the King County Charter, and to timely recommend to the King County council proposed wages, hours, and employee benefits and other conditions of county employment for the purposes of county budgets and such collective bargaining agreement or agreements as may be required and authorized by ordinance. The bargaining agent shall not negotiate new collective bargaining agreements prior to preparing for bargaining and conferring with the labor policy committee as required in K.C.C. 3.16.012, 3.16.025 and 3.16.050. (Ord. 14287 § 2, 2002: Ord. 11480 § 4, 1994: Ord. 197 § 2, 1969).

3.16.025 General provisions.

A. The bargaining agent shall establish and conduct a process to prepare for negotiations that performs at least the following functions:

1. The bargaining agent should continue to use collaborative or interest-based bargaining where both parties agree, and this chapter shall not be construed to restrict or inhibit such bargaining;

2. The bargaining agent shall cause to be developed and maintained a database of information within King County government on wages, hours, employee benefits, vacation and other leave, job classifications and substantial and factual information to provide knowledge of working conditions necessary to conduct effective negotiations. Such information shall be made available to the bargaining representatives to the extent provided by RCW 41.56.030(4), Public Employees' Collective Bargaining law of the state of Washington, as set forth by the collaborative process identified in King County council Motion 9182; and

3. The policy committee and implementation committee shall each confer with the bargaining agent to develop necessary guidelines for the implementation of this section, consistent with this chapter and King County council Motion 9182.

B. The bargaining agent shall be the sole negotiator for King County government and shall bargain in good faith as provided by law. The bargaining agent shall commence and complete collective bargaining negotiations in a timely manner and in accordance with the overall principles and intent of this chapter. (Ord. 14287 § 3, 2002: Ord. 11480 § 7, 1994).

3.16.030 Prior acts confirmed. Any act pursuant to the authority and prior to the effective date of this section is hereby ratified and confirmed. (Ord. 197 § 3, 1969).

3.16.040 Time limit.

A. Any collective bargaining agreement between King County and a recognized bargaining representative as defined in RCW 41.56.030 which has been ratified by both parties shall be transmitted to the King County council no later than 45 days after the tentative agreement has been reached.

B. Failure to meet this deadline shall result in the payment of interest on the retroactive amount of any negotiated salary or wage increase equal to interest earned on Federal 90 day treasury bills from the first day following the deadline through the date the tentative agreement is transmitted to the King County council, unless the 45 days have been extended by mutual agreement by both parties in writing.

C. The interest accrued, if any, shall be divided among the county employees represented by the collective bargaining unit, based upon each employees individual retroactive wage rate increase. The computed interest shall be included in the first pay check which pays out the rate of pay negotiated in the tentative collective bargaining agreement. (Ord. 8658, 1988).

3.16.045 Corrections officers. Application of RCW 41.56.440 - 41.56.470 and RCW 41.56.480 - 41.56.490. In the furtherance of collective bargaining the provisions of RCW 41.56.440 - 41.56.470 and RCW 41.56.480 - 41.56.490 shall also be applicable to corrections officers and 911 operators as defined in this chapter. (Ord. 10631 § 3, 1992).

3.16.050 Labor policy committee functions.

A. The policy committee shall meet as it deems necessary to obtain the testimony of members of the public, the bargaining agent, bargaining representatives or their designees, county department management and others in order to consider such testimony in policy decisions before the committee but shall not engage in bargaining with bargaining representatives or represented employees.

B. The policy committee shall provide an opportunity for bargaining representatives or their designees to address the policy committee prior to the adoption of overall policy. Overall policy, and all amendments to adopted policies, shall be established only upon an affirmative vote by a majority of the members of the policy committee.

C. The bargaining agent shall recommend to the policy committee overall changes to adopted policies that would be required to implement the changes proposed in K.C.C. 3.16.055D, and an overall estimate of the monetary value, if any, of these changes, including both costs and benefits.

D. The bargaining agent may seek further clarification of adopted policies from the policy committee at any time during the negotiations.

E. By June 30 of each year, the executive shall report to the policy committee regarding employment policies applicable to nonrepresented employees.

F. By June 30 of each year, the prosecuting attorney shall, in conjunction with the executive, report to the policy committee on all pending litigation involving nonrepresented employees.

G. For the purpose of maintaining an effective collective bargaining process, the strategies and related information presented by the bargaining agent shall be maintained as confidential. The policy committee shall develop guidelines to assist in accomplishing such confidentiality. (Ord. 14287 § 4, 2002: Ord. 12014 § 55, 1995).

3.16.055 Labor implementation committee functions.

A. The bargaining agent shall report to the implementation committee no later than June 30 of each year on the status and maintenance necessary to comply with the requirement of maintaining a database of information within King County government on wages, hours, employee

benefits, vacation and other leave, job classifications and substantial and factual information to provide knowledge of working conditions necessary to conduct effective negotiations.

B.1. A bargaining representative may at any time during negotiations forward to the manager of the human resource management division, or its successor, a written complaint that the collective bargaining process is not being conducted in a timely manner or is not being conducted in a manner consistent with good faith bargaining. The manager shall, within fifteen calendar days, respond in writing to the complaint and propose such remedies as may address the complaint.

2. If the bargaining representative is not satisfied with the written response of the manager, or if a written response to the complaint is not received within fifteen calendar days, the bargaining representative may forward the written complaint to the King County executive, as the bargaining agent, who shall, within fifteen calendar days, respond to it in writing and propose such remedies as may address the complaint.

3. If the bargaining representative is not satisfied with the written response of the bargaining agent, or if a written response is not received from the bargaining agent within fifteen calendar days, the bargaining representative may request that the written complaint be forwarded to the implementation committee.

4. If the bargaining agent receives a written request to have the complaint forwarded to the implementation committee, including an explanation of reasons for the request, the bargaining agent shall forward the request, together with the bargaining agent's written response, to the implementation committee within five calendar days from the receipt of the request. These materials or any discussion thereof shall remain confidential to the extent allowed by law.

5. The implementation committee may request that the bargaining agent meet with the implementation committee for the purpose of reviewing the status of negotiations with regard to the principles contained in this chapter and the overall policy direction established by the policy committee, but the implementation committee shall take no action that would interfere with the lawful role of the bargaining agent.

C. By June 30 of each year, the prosecuting attorney, in conjunction with bargaining agent, shall report to the implementation committee on all pending unfair labor practice charges and all pending litigation and arbitration involving represented employees.

D. By June 30 of each year, or, in the case of agreements expiring other than December 31, at least ninety days before the commencement of negotiations, in preparation for collective bargaining the bargaining agent shall report to the implementation committee the agreements expiring that calendar year. The bargaining agent shall also generally explain existing policies that, if changed, would further the principles and intent established by this chapter. County department management concerned with the collective bargaining process, with the advice of other relevant county departments, shall assist the bargaining agent in reporting to the implementation committee.

E. By June 30 of each year or, for agreements expiring other than December 31, at least ninety days before commencing negotiations, the implementation committee shall meet with the bargaining agent to review the schedule of collective bargaining agreements expiring in that calendar year and the key issues related to the collective bargaining process. Methods of consultation with unions, management rights and eliminating the causes of employee grievances shall also be considered.

F. Following the establishment of overall policy, and before commencing negotiations, the implementation committee shall meet to hear the bargaining agent's recommended strategies for implementing adopted policies. The implementation committee shall confer with the bargaining agent as it deems necessary to ensure compliance with this chapter and good-faith collective bargaining. The bargaining agent's strategies shall be generally consistent with the principles contained in this chapter and the overall policy direction established by the policy committee.

G. The implementation committee shall meet at least quarterly to review the progress of the negotiations but shall not interfere with good-faith collective bargaining.

H. The implementation committee shall review all agreements negotiated between the bargaining agent and bargaining representatives to ensure compliance with the principles contained in this chapter and with the overall policy direction established by the policy committee. The

implementation committee may recommend to the council adoption or rejection of agreements or it may forward agreements to the council for action without recommendation.

I. For the purpose of maintaining an effective collective bargaining process, the strategies and related information presented by the bargaining agent shall be maintained as confidential. The implementation committee shall develop guidelines to assist in accomplishing such confidentiality. (Ord. 14287 § 5, 2002).

3.16.060 Annual labor summit. The chair of the King County council shall annually convene a summit between the county's elected officials and the local labor leadership and the leadership of all collective bargaining units representing the county's work force. Such a labor summit shall take place between January 1 and July 1 of each given year. The intent of convening an annual labor summit shall be to: increase communication between King County elected officials and the leadership and membership of local labor organizations and of all the county's collective bargaining units; identify issues and problems of mutual concern; identify solutions to problems affecting the memberships of the county's collective bargaining units; delineate ways in which the county's elected officials may more closely and effectively work with the county's collective bargaining units and local labor organizations to attain mutual goals; and foster a spirit of cooperation in working to serve the public.

Meeting minutes at the summit shall be recorded and adopted by the King County council at a subsequent regular meeting of the council. (15196 § 1, 2005 Ord. 14337 § 1, 2002: Ord. 14287 § 6, 2002: Ord. 13000 § 2, 1998).

3.16.100 Unclassified and exempt employees - sheriff's employees - designation.

A. By the power conferred upon the county legislative authority in RCW 41.14.070, the council authorizes the following number of positions as unclassified and exempt from the state civil service system for county sheriff's employees:

1. Office of the sheriff: five positions;
2. Field operations division: five positions;
3. Technical services division: two positions;
4. Criminal investigation division: two positions;
5. Special operations division: two positions; and
6. Professional standards division: one position.

B. RCW 41.14.070 grants the sheriff the ability to designate ten unclassified positions that are exempt from the state civil service system for sheriff's employees. By the power conferred upon the county legislative authority in RCW 41.14.070(4), the sheriff's office is authorized three additional unclassified positions for a total of twenty unclassified positions. (Ord. 15939 § 3, 2007).