



King County

Dow Constantine

King County Executive

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December 20, 2023

The Honorable Dave Upthegrove
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Upthegrove:

This letter transmits a proposed Ordinance that would, if enacted, ratify a memorandum of agreement (MOA) negotiated by and between King County and the Service Employees International Union, Local 925, representing employees in the Department of Public Defense (DPD). The parties negotiated the MOA to go into effect prospectively following the date that the proposed Ordinance is enacted. The MOA would remain in effect through and including the date that all terms have been implemented as determined by the Department. Adoption of this proposed Ordinance will enable King County to better meet DPD's caseload demands and continue to effectively represent clients.

The employees covered by this MOA provide constitutionally mandated public defender services to indigent individuals that are accused of a crime or facing other similar action by the government. The incentive terms apply to employees classified as Public Defense Attorney 1 in DPD. It provides financial incentives that encourage and recognize DPD attorneys who achieve Class A felony qualified status, and complete or have completed a 12-month felony rotation. To become Class A qualified according to Washington State Supreme Court public defense practice standards, each attorney representing a defendant accused of a Class A felony as defined in the Revised Code of Washington 9A.20.020 shall meet the following requirements:

- ii.** Either:
 - a.** has served two years as a prosecutor; or
 - b.** has served two years as a public defender; or two years in a private criminal practice; and
 - iii.** Has been trial counsel alone or with other counsel and handled a significant portion of the trial in three felony cases that have been submitted to a jury.

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The MOA provides a one-step wage increase to attorneys who meet the incentive eligibility terms. For attorneys already at the top step of their wage scale and who meet the MOA eligibility terms, a one-time \$4,000 incentive payment in lieu of the bonus step increase will be provided as long as they remain employed in their position through October 28, 2024.

The parties engaged in mid-contract negotiations in 2023 related to DPD attorney retention issues and the South County Correctional Entity pilot. Through these negotiations, the County and the Union found mutual agreement on this targeted Class A felony qualified incentive to increase, recognize, and retain Public Defender 1 employees who achieve Class A qualified status and complete felony rotation work.

A complete breakdown of the costs associated with this agreement can be found in the accompanying fiscal note, which has been reviewed by the Office of Performance, Strategy and Budget. Supplemental budget authority is needed. The proposed budget supplemental Ordinance is transmitted simultaneously with this MOA.

Thank you for your consideration of this proposed Ordinance. This important legislation will ratify the negotiated MOA which creates an incentive framework that will help encourage DPD attorneys to become Class A felony qualified, and to complete felony rotations.

If your staff have questions, please contact Megan Pedersen, Director, Office of Labor Relations, at 206-263-2898.

Sincerely,



for

Dow Constantine
King County Executive

Enclosure

cc: King County Councilmembers
ATTN: Stephanie Cirkovich, Chief of Staff
Melani Hay, Clerk of the Council
Karan Gill, Chief of Staff, Office of the Executive
Penny Lipsou, Council Relations Director, Office of the Executive
Dwight Dively, Director, Office of Performance, Strategy and Budget
Megan Pedersen, Director, Office of Labor Relations