



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

March 29, 2010

Ordinance 16788

Proposed No. 2010-0101.2

Sponsors Gossett, Hague and Lambert

1 AN ORDINANCE relating to code revisions and additions
2 necessary to provide furlough replacement time to King
3 County employees who are not represented by labor
4 organizations and who observed furlough days; and
5 amending Ordinance 16339, Section 17, as amended, and
6 K.C.C. 3.12F.010 and Ordinance 16339, Section 20, as
7 amended, and K.C.C. 3.12F.040.

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 **SECTION 1. Findings:**

10 A. The county experienced an unprecedented financial emergency resulting in a
11 significant shortfall in the amount of funding needed to sustain the current level of
12 general operations through 2009. One method of addressing the shortfall was the
13 implementation of an unpaid furlough for nonessential employees, also known as the
14 2009 emergency budget furlough.

15 B. Nonrepresented furloughed employees observed up to ten furlough days in
16 2009. Represented furloughed employees also observed up to ten furlough days in 2009
17 and, those represented employees subject to the Memorandum of Agreement between the
18 King County Coalition of Unions and King County Addressing the 2009 Budget Crisis
19 Regarding Furlough Days were provided furlough replacement time.

20 C. In order to also provide furlough replacement time to nonrepresented
21 furloughed employees, certain code revisions are necessary.

22 SECTION 2. Ordinance 16735, Section 16, and K.C.C. 3.12F.010 are each
23 hereby amended to read as follows:

24 The definitions in this section apply throughout this chapter unless the context
25 clearly requires otherwise.

26 A. "Budgetary furlough" has the same meaning as found in K.C.C. 3.12.010.

27 B. "Emergency budget crisis" or "financial emergency" means a circumstance in
28 which projected county revenues are determined to be insufficient to fully fund county
29 agency operations and significant cost savings must be achieved through reductions in
30 service and pay.

31 C. "Furlough day" has the same meaning as found in K.C.C. 3.12.010.

32 D. "Furloughed employee" has the same meaning as found in K.C.C. 3.12.010.

33 E. "Furlough administrator" means: the county executive for the executive
34 departments; the chair of the council for the legislative branch; the prosecutor for the
35 office of the prosecuting attorney; the presiding judge of the district and superior courts,
36 the sheriff for the ~~((department of public safety))~~ sheriff's office; the assessor for the
37 department of assessments; the director of elections for the department of elections; the
38 chair of the forecast council for the office of economic and financial analysis; or the
39 official or officials designated by that branch of unit of county government.

40 F. "Furlough replacement time" means leave time that benefit-eligible
41 nonrepresented furloughed employees receive which is an amount equivalent to the time
42 that they were furloughed in 2009.

43 G. "Salaried employee" means an employee whose position is normally exempt
44 from wage and hours regulations.

45 SECTION 3. Ordinance 16735, Section 19 and K.C.C. 3.12F.040 are each hereby
46 amended to read as follows:

47 A.1. When a furlough administrator other than the executive has determined that
48 a budgetary furlough is necessary, the furlough administrator shall designate a person to
49 administer the budgetary furlough and to provide for the effective direction, control and
50 coordination of a budgetary furlough in a manner to preserve county functions.

51 2. The county administrative officer shall be responsible for budgetary furlough
52 administration in the executive branch and shall provide for the effective direction,
53 control and coordination of a budgetary furlough in a manner to preserve county
54 functions.

55 B. In order to achieve budget savings, a furlough administrator may: implement
56 a budgetary furlough for designated nonrepresented employees, and implement
57 reductions in operating and office hours, closure of offices or departments or reductions
58 in levels of operations or service. A furlough administrator shall seek and document the
59 views of affected nonrepresented employees when determining whether and how to
60 implement a budgetary furlough.

61 C. If a furlough administrator directs reductions in operating and office hours,
62 closures of offices or departments or reductions in levels or service that result in
63 budgetary furloughs for represented employees, the executive shall fulfill all applicable
64 bargaining obligations with labor unions representing the employees in those departments
65 before the implementation of a furlough.

66 D. In administering a budgetary furlough, the following principles should apply:

67 1. An employee who is furloughed should be notified of furlough in writing
68 when possible, although any reasonable notice is permissible;

69 2. During a furlough period, a furloughed employee remains a King County
70 employee subject to K.C.C. chapter 3.04;

71 3. A furloughed employee shall not volunteer to do what the county otherwise
72 pays any employee to do;

73 4. Medical, dental, vision and any other insured benefits shall remain in effect
74 for a furloughed benefit-eligible employee during a furlough period;

75 5. A furloughed employee shall not be eligible to take or be paid for vacation or
76 sick leave on an budgetary furlough day. The furlough administrator may designate that
77 paid vacation leave is available for the following employees:

78 a. those employees earning equal or less than two times the federal poverty
79 index; and

80 b. those employees enrolled in the Public Employees' Retirement System or
81 the city of Seattle retirement systems who submit to the chief administrative officer or the
82 furlough administrator a letter of intent to retire during the succeeding two calendar
83 years; and

84 6. A salaried employee is considered an hourly employee for each week in
85 which the employee observes one or more furlough days and must track and report his or
86 her hours and follow standard hourly work practices.

87 E. Benefit-eligible nonrepresented employees furloughed in 2009 will receive the
88 equivalent of the time on furlough in furlough replacement time. In administering

89 furlough replacement time for benefit-eligible nonrepresented employees, the following
90 principles apply:

91 1. Furlough replacement time may not be provided to employees when the
92 county is in an officially declared and council-sanctioned emergency budget crisis;

93 2. One half of the furlough replacement time will be awarded in the first year
94 following an emergency budget crises and one half of the furlough replacement time will
95 be awarded in the second year following an emergency budget crisis, unless the county is
96 in an officially declared and council sanctioned financial emergency;

97 3. Furlough replacement time must be used by the employee in the year that it is
98 issued to the employee. An employee who was not employed by King County in 2009
99 shall not receive furlough replacement time. An employee who left King County
100 employment before the effective date of this ordinance shall not receive furlough
101 replacement time. Furlough replacement time may not be carried over to another
102 calendar year, it may not be cashed out, it has no cash value and it may not be donated;
103 and

104 4. The furlough administrator must provide for the effective direction, control
105 and coordination of furlough replacement time.

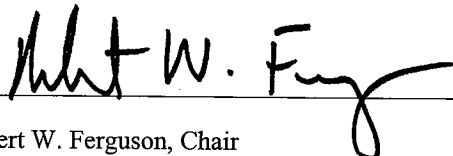
106 SECTION 4. Severability. If any provision of this ordinance or its application to

107 any person or circumstance is held invalid, the remainder of the ordinance or the
108 application of the provision to other persons or circumstances is not affected.
109

Ordinance 16788 was introduced on 2/16/2010 and passed as amended by the Metropolitan King County Council on 3/29/2010, by the following vote:

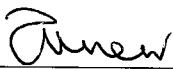
Yes: 7 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Patterson,
Ms. Lambert, Mr. Ferguson and Mr. Dunn
No: 0
Excused: 2 - Ms. Drago and Ms. Hague

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON




Robert W. Ferguson, Chair

ATTEST: .



Anne Noris, Clerk of the Council

APPROVED this 1st day of April, 2010.



Dow Constantine, County Executive

Attachments: None

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CLERK
KING COUNTY COUNCIL