

Dembowski moved Striking Amendment S1.
The motion carried.

S1

November 22, 2022
Striking Amendment

[M. Bailey]

Sponsor: Balducci

Proposed No.: 2022-0313

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2022-0313, VERSION**

2 **1**

3 On page 1, beginning on line 15, strike everything through page 29, line 620, and insert:

4 "STATEMENT OF FACTS:

5 1. In October 2021, a tentative Coalition Labor Agreement ("the CLA")
6 was reached. The CLA further builds upon the efficiencies established in
7 the 2018 Master Labor Agreement by standardizing additional common
8 benefits and practices for employees.

9 2. Standardization between the CLA and the King County Code furthers
10 those achievements and supports King County's Strategic Plan goal of
11 ensuring that county government operates efficiently and effectively.

12 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

13 SECTION 1. Ordinance 12014, Section 14, as amended, and K.C.C. 3.12.110 are
14 each hereby amended to read as follows:

15 A. It shall be the policy of the county to provide, within budgeted appropriations,
16 training opportunities for employees. The objective of the training policy shall be guided
17 by, but not limited to, the overall objectives of encouraging and motivating employees to
18 improve their personal capabilities in performance of their assigned job duties.

19 B. The director shall be responsible for planning and executing an adequate
20 training program for employees.

21 C. The county shall pay for any training, certification or license, except for a
22 driver's license, that is required by the county for the employee's position. This includes
23 necessary release time for training that is preapproved by the employee's supervisor.

24 D. The county shall reimburse an employee for the cost of maintaining their
25 commercial driver's license endorsement or endorsements if they are required by the
26 county for the employee's position.

27 E. The county shall not reimburse employees for unauthorized training.

28 ~~((E.))~~ F. Employees wishing to complete educational programs may request a
29 leave of absence without pay for this purpose.

30 SECTION 2. Ordinance 12052, Section 1, as amended, and K.C.C. 3.12.210 are
31 each hereby amended to read as follows:

32 A. Employees eligible for comprehensive leave benefits shall be entitled to take
33 up to five working days of bereavement leave, with a maximum of forty hours, ~~((of~~
34 ~~bereavement leave))~~ for each qualifying death of ~~((the following))~~ the employee's
35 immediate family members. Part-time employees' bereavement leave benefits shall be
36 prorated to reflect the employee's work week. Bereavement leave shall be used within
37 eighteen months of the death. For purposes of this subsection, "immediate family
38 members" are any of the following:

39 1. ~~((†))~~ The employee's spouse or ((the employee's)) domestic partner; ((the))

40 2. The employee's ward, or any person whom the employee has legal
41 guardianship or custody of; and

42 3. The following family members of the employee, the employee's spouse, or
43 the employee's domestic partner:

44 a. a parent, be the person a biological parent, adoptive parent, foster parent,
45 stepparent, legal guardian or a person who stood or stands in loco parentis;

46 b. a grandparent((;));

47 c. a child((,-son or daughter in law,));

48 d. a child's spouse;

49 e. a grandchild; or

50 f. a sibling ((of the employee, the employee's spouse or the employee's
51 domestic partner; or the employee's legal guardian, ward or any person whom the
52 employee has legal custody. Part-time employees' bereavement leave benefits shall be
53 prorated to reflect their work week)).

54 B. A furloughed employee shall not be eligible to take or be paid for bereavement
55 leave in lieu of taking a budgetary furlough day.

56 C. Employees who are not eligible for comprehensive leave benefits may be
57 granted leave without pay or be allowed to use compensatory time, if available, for
58 bereavement leave.

59 D. In the application of ((any of)) subsections A.((;)) or B. ((and C.)) of this
60 section, holidays or regular days off falling within the prescribed period of absence shall
61 not be charged against the bereavement leave entitlement.

62 E. Any additional accrued paid leave ((,-including sick leave,)) to be used as
63 bereavement leave may be approved by mutual agreement between the county and the
64 employee.

65 SECTION 3. Ordinance 18408, Section 2, as amended, and K.C.C. 3.12.219 are
66 each hereby amended to read as follows:

67 A. Employees eligible for comprehensive leave benefits who have been
68 employed with the county for at least six months of continuous service at the time of a
69 birth, adoption or foster-to-adopt placement of a child, and are either nonrepresented or
70 represented by a union that has signed a paid parental leave memorandum of agreement
71 with the county, are eligible for up to twelve weeks of paid parental leave.

72 B. If both parents work for King County, then each employee is entitled to up to
73 twelve weeks of paid parental leave.

74 C. An employee's supplemental paid parental leave benefit shall be calculated
75 based on the employee's accrued paid leave balances at the time of the qualifying event.
76 The employee shall receive the equivalent of the employee's full salary for up to a total of
77 twelve weeks, when combined with the employee's accrued leaves, except for one week
78 of sick leave and one week of vacation leave, or the equivalent for benefit time off. For
79 example, if an employee has two weeks of accrued vacation and three weeks of accrued
80 sick leave at the time of the qualifying event, the employee shall be granted nine weeks
81 of supplemental paid leave, bringing the total available paid parental leave to twelve
82 weeks.

83 D. An employee may use supplemental paid leave and accrued paid leave in any
84 order and is not required to use any of the accrued paid leave as paid parental leave.

85 E. An employee on paid parental leave shall be compensated at the employee's
86 base ((~~pay~~)) rate of pay.

87 F. An employee should provide notice to the designated representative of the
88 employee's department that the employee intends to participate in the program. The
89 notice should meet the notice requirements for taking family and medical leave under
90 federal law.

91 G. Paid parental leave must begin and end within twelve months after the
92 qualifying event. In the case of adoption or foster-to-adopt placement, leave must be
93 taken within one year of the child's birth or placement in the employee's home.

94 H. The employee and the employee's supervisor shall agree upon a schedule for
95 taking paid parental leave that is consistent with the county's operational needs. An
96 employee may use the paid parental leave on a part-time or intermittent basis as long as it
97 is consistent with the county's operational needs and is approved in writing by the
98 supervisor before the leave begins.

99 I. Paid parental leave shall run concurrently with King County family and
100 medical leave, as well as federal and state family and medical leave, to the extent
101 permitted by law.

102 J. During the time that an employee is on leave in the program, the employee's
103 job shall be protected to the same extent that an employee's job is protected while the
104 employee is on family or medical leave under federal or state law. No retaliatory action
105 may be taken against an employee for participating or planning to participate in the
106 program or for exercising the employee's rights under this ordinance. In particular,
107 permission to use accrued paid leave shall not be denied or delayed on the basis that the
108 employee intends to participate in the program. This is a general statement of county
109 policy that cannot form the basis of a private right of action.

110 K. Taking leave under the paid parental leave program shall not affect an
111 employee's health benefits or an employee's accrual of paid leave, which shall continue
112 during the period of paid parental leave.

113 L. Employees shall not be compensated in any manner for not using the
114 supplemental paid parental leave.

115 M. An employee who does not return to work for at least six months of
116 continuous service following the paid parental leave, shall be required to reimburse King
117 County for the supplemental paid parental leave funds received.

118 SECTION 4. Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220 are
119 each hereby amended to read as follows:

120 A.1. Except for employees covered by subsection A.3. of this section, employees
121 eligible for comprehensive leave shall accrue sick leave benefits at the rate of 0.04616
122 hours for each hour in pay status exclusive of overtime up to a maximum of eight hours
123 per month; except that if an hourly employee works in excess of seventy-four hours in
124 one week, the employee shall accrue sick leave at the rate of 0.025 hours for each hour
125 worked in excess of seventy-four. No adjustment to reduce sick leave accruals for
126 furloughed employee shall be made as a result of a budgetary furlough.

127 2. Short-term temporary employees and administrative interns shall accrue sick
128 leave at the rate of 0.025 hours for each hour in pay status.

129 3. Employees who are members of the Law Enforcement Officers and
130 Firefighters (LEOFF) 1 retirement system and short-term temporary employees who are
131 employed in social service programs designed to help youth gain basic work training

132 skills, such as Work Experience (WEX) participants and Division of Youth Services
133 (DYS) youth employment workers, shall not accrue sick leave.

134 B. Employees are entitled to use sick leave after it is accrued.

135 C. For employees covered by the overtime requirements of the Fair Labor
136 Standards Act, sick leave may be used in fifteen-minute increments.

137 D. There shall be no limit to the number of sick leave hours accrued and carried
138 over to the following year by employees eligible for comprehensive leave benefits.
139 Short-term temporary employees and administrative interns may carry over forty hours of
140 unused sick leave to the following year, all other unused accrued sick leave shall be
141 forfeited.

142 E. For employees covered by the overtime requirements of the Fair Labor
143 Standards Act, sick leave may be used in fifteen-minute increments.

144 F.1. Separation from or termination of county employment except by reason of
145 retirement or layoff due to lack of work, funds, efficiency reasons or separation for
146 medical reasons, shall cancel all sick leave accrued to employees eligible for
147 comprehensive leave benefits as of the date of separation or termination.

148 2. Separation from, retirement from or termination of county employment shall
149 cancel all sick leave accrued to short-term temporary employees and administrative
150 interns as of the date of the separation, retirement or termination.

151 3. Should an employee return to county employment within two years, accrued
152 sick leave shall be restored. If a retiree is rehired, that employee is not entitled to have
153 any sick leave restored.

154 G.1. Except for short-term temporary employees, administrative interns, and
155 employees covered by the Law Enforcement Officers and Firefighters (LEOFF) 1
156 retirement system, employees eligible to accrue sick leave who have successfully
157 completed at least five years of county service and who retire as a result of length of
158 service or who terminate by reason of death shall be paid, or their estates paid or as
159 provided for by Title 11 RCW, as applicable, an amount equal to thirty-five percent of
160 their unused, accumulated sick leave multiplied by the employee's base rate of pay in
161 effect upon the date of leaving county employment less mandatory withholdings. This
162 provision is predicated on the requirement that, except with the written approval of the
163 executive, the position, if vacated by a nonrepresented employee, shall not be filled until
164 salary savings for the position are accumulated in an amount sufficient to pay the cost of
165 the cash out. For the purposes of this subsection G.1., "retire as a result of length of
166 service" means an employee is eligible, applies for and begins drawing a pension from
167 the Law Enforcement Officers and Firefighters (LEOFF), Public Employees' Retirement
168 System (PERS), Public Safety Employees' Retirement System (PSERS) or the city of
169 Seattle Retirement Plan immediately upon terminating county employment.

170 2.a. In lieu of the remuneration for unused sick leave at retirement, the director
171 may, with equivalent funds, provide eligible employees with a voluntary employee
172 beneficiary association plan that provides for reimbursement of retiree and other
173 qualifying medical expenses. Under K.C.C. 3.12.190.G., in lieu of the remuneration for
174 fifty percent of unused vacation leave at retirement, the director may also fund the
175 voluntary employee beneficiary association plan.

176 b. The director shall adopt procedures for the implementation of all voluntary
177 employee beneficiary association plans. At a minimum, the procedures shall provide
178 that:

179 (1) each group of employees hold an election to decide whether to implement
180 a voluntary employee beneficiary association plan for a defined group of employees. The
181 determination of the majority of voting employees in a group shall bind the remainder.
182 Elections for represented employees shall be conducted by the appropriate bargaining
183 representative. Elections for nonrepresented employees shall be conducted in accordance
184 with procedures established by the director;

185 (2) the director has discretion to determine the scope of employee groups
186 voting on whether to adopt a voluntary employee beneficiary association plan. The
187 director shall consult with bargaining representatives and elected officials in determining
188 the scope of voting groups;

189 (3) any voluntary employee beneficiary association plan implemented in
190 accordance with this subsection G.2. complies with federal tax law. Disbursements in
191 accordance with this subsection G.2. shall be exempt from withholdings, to the extent
192 permitted by law; and

193 (4) employees shall forfeit remuneration under subsection G.1. and 2. of this
194 section if the employee belongs to a group that has voted to implement a voluntary
195 employee beneficiary association plan and the employee fails to execute forms that are
196 necessary to the proper administration of the plan within twelve months of retirement by
197 reason of length of service, as defined in subsection G.1. of this section.

198 H.1. An employee must use all of the employee's accrued sick leave and any
199 donated sick leave before taking unpaid leave for the employee's own health reasons. If
200 the employee has an injury or illness that is compensable under the county's workers
201 compensation program, then the employee has the option to augment or not augment
202 wage replacement pay with the use of accrued sick leave. A furloughed employee shall
203 not be eligible to take or be paid for sick leave in lieu of taking a budgetary furlough day.

204 2. For a leave for family reasons, the employee shall choose at the start of the
205 leave whether the particular leave would be paid or unpaid, but when an employee
206 chooses to take paid leave for family reasons the employee may set aside a reserve of up
207 to eighty hours of accrued sick leave. A furloughed employee who is on county family
208 medical leave as provided for in this section shall retain county benefits during furlough
209 days.

210 3. An employee who has exhausted all of the employee's accrued sick leave may
211 use accrued vacation leave before going on leave of absence without pay, if approved by
212 the employee's appointing authority. A furloughed employee shall not be eligible to take
213 or be paid for vacation leave in lieu of sick leave in lieu of taking a furlough day.

214 I. Sick leave may be used for the following reasons:

215 1. An absence:

216 a. resulting from the employee's mental or physical illness, injury, or health
217 condition;

218 b. to accommodate the employee's need for medical diagnosis, care or
219 treatment of a mental or physical illness, injury or health condition; or

220 c. for the employee's need for preventive medical care;

- 221 2. To allow the employee to provide care:
- 222 a. for a family member with a mental or physical illness, injury or health
- 223 condition;
- 224 b. for a family member who needs medical diagnosis, care or treatment of a
- 225 mental or physical illness, injury or health condition; or
- 226 c. for a family member who needs preventive medical care;
- 227 3. When a King County facility is closed by order of public official for any
- 228 health-related reason, or when an employee's child's school or place of care is closed by
- 229 order of a public official for a health-related reason;
- 230 4. For absences that qualify for leave under the domestic violence leave act,
- 231 chapter 49.76 RCW;
- 232 5. For absences to increase the safety of the employee or a family member when
- 233 the employee or a family member has been a victim of trafficking under RCW
- 234 9A.40.100; (~~and~~)
- 235 6. For family and medical leave available under federal law, state law or King
- 236 County ordinance; and
- 237 7. When an employee has been exposed to a contagious disease and must
- 238 quarantine.
- 239 J. For purposes of sick leave, "family member" means any of the following:
- 240 1. A child, including a biological, adopted or foster child, a stepchild or a child
- 241 to whom the employee stands in loco parentis, is a legal guardian or is a de facto parent,
- 242 regardless of age or dependency status, or the child of the employee's domestic partner;

243 2. The parent of an employee, employee's spouse or employee's domestic
244 partner. Parent includes:
245 a. a biological parent;
246 b. an adoptive parent;
247 c. a de facto parent;
248 d. a foster parent;
249 e. a stepparent;
250 f. a legal guardian; or
251 g. a person who stood or stands in loco parentis to the employee, employee's
252 spouse or employee's domestic partner((-));

- 253 3. A spouse;
- 254 4. A domestic partner;
- 255 5. A grandparent;
- 256 6. A grandchild; or
- 257 7. A sibling.

258 K.1. An employee injured on the job may not simultaneously collect sick leave
259 and workers' compensation payments in a total amount greater than the net regular pay of
260 the employee, though an employee who chooses not to augment the employee's workers'
261 compensation wage replacement pay through the use of sick leave shall be deemed on
262 unpaid leave status.

263 2. An employee who chooses to augment workers' compensation payments with
264 the use of accrued sick leave shall notify the safety and workers' compensation program
265 office in writing at the beginning of the leave.

266 3. An employee may not collect sick leave and workers' compensation wage
267 replacement pay for physical incapacity due to any injury or occupational illness that is
268 directly traceable to employment other than with the county;

269 L. Management of the employee's department is responsible for the proper
270 administration of sick leave benefits. Management of the employee's department may
271 require an employee to provide reasonable notice of an absence from work, so long as the
272 notice does not interfere with an employee's lawful use of sick leave.

273 M. Verification that an employee's use of sick leave is for an authorized purpose
274 may be required for absences exceeding three days. Verification may not result in an
275 unreasonable burden or expense on the employee and may not exceed privacy or
276 verification requirements otherwise established by law.

277 SECTION 5. Ordinance 15558, Section 2, as amended, and K.C.C. 3.12.222 are
278 each hereby amended to read as follows:

279 A. Annually, from the first business day in October through the last business day
280 in November, an employee eligible for comprehensive leave benefits may sign a written
281 authorization subject to approval by the employee's department director to convert
282 accrued vacation or accumulated compensatory hours, or both, into cash to benefit up to
283 three nonprofit organizations participating in the King County employee annual drive in
284 accordance with K.C.C. chapter 3.36, of the employee's choice.

285 B. Notwithstanding K.C.C. 3.12.190, an employee eligible for comprehensive
286 leave benefits may convert accrued vacation or accumulated compensatory hours, or
287 both, into cash to benefit emergency or disaster relief efforts. Upon the occurrence of an
288 emergency or disaster, such as fire, flood, explosion, storm, earthquake or epidemic, that

289 results in the loss of either life or property, or both, and with the exception of the
290 employee annual drive-related period designated under subsection A. of this section the
291 executive may authorize a forty-five-day opportunity for employees eligible for
292 comprehensive leave benefits to sign a written authorization to convert accrued vacation
293 or accumulated compensatory hours, or both, into cash to benefit up to three nonprofit
294 organizations designated by the executive. The employee's written authorization is
295 subject to approval by the employee's department director. The designated nonprofit
296 organization must be a King County employee annual drive participant in accordance
297 with K.C.C. chapter 3.36. This section shall be administered in accordance with K.C.C.
298 chapter 3.36.

299 C. The hours converted under subsection A. or B. of this section must be in full-
300 hour increments. The employee's donation must be a minimum of four hours and no
301 more than forty hours per calendar year with the exception of the conditions described in
302 subsection D. of this section.

303 D. An employee eligible for comprehensive leave benefits who earned excess
304 vacation leave or compensatory hours, or both, beyond the amount that may be carried
305 over into the next fiscal year may donate greater than forty hours under subsection A. or
306 B. of this section with approval from the employee's department director.

307 E. All King County employees eligible for comprehensive leave benefits may
308 donate in accordance with this section voluntarily.

309 F. The ~~((finance and business operations division))~~ department of human
310 resources shall value the hours donated under this section based on the ~~((regular hourly))~~
311 employee's base rate of ~~((the employee))~~ pay in effect at the time the approved

312 conversion authorization is processed. The (~~finance and business operations division~~)
313 department of human resources shall process leave donations authorized under subsection
314 A. of this section within the first two full weeks in December. The (~~finance and business~~
315 ~~operations division~~) department of human resources shall process leave donations
316 authorized under subsection B. of this section within the first two full weeks after the
317 forty-five-day period designated in accordance with subsection B. of this section.

318 G. The net cash value of the accrued vacation or accumulated compensatory
319 hours, or both, after all mandatory withholdings, including, but not limited to,
320 withholding in accordance with retirement plans, federal income tax and the Federal
321 Insurance Contributions Act, have been deducted must be distributed by the (~~finance and~~
322 ~~business operations division~~) department of human resources to the designated nonprofit
323 organization or organizations.

324 SECTION 6. Ordinance 12014, Section 22, as amended, and K.C.C. 3.12.223 are
325 each hereby amended to read as follows:

326 A.1. An(~~¥~~) employee eligible for comprehensive leave benefits may donate a
327 portion of the employee's accrued vacation leave to another employee eligible for
328 comprehensive leave benefits to be used for any qualifying reason in accordance with
329 King County family and medical leave under K.C.C. 3.12.221, or under federal family
330 and medical leave law, 29 U.S.C. Sec. 2601 et seq. Such a donation may only occur
331 upon written request to and approval of the donating and receiving employees'
332 department director or directors.

333 2. The number of hours donated shall not exceed the donor's accrued vacation
334 leave as of the date of the request. No donation of vacation hours shall be permitted

335 where it would cause the employee receiving the transfer to exceed that employee's
336 maximum vacation accrual.

337 3. A furloughed employee shall not be eligible to take or be paid for donated
338 vacation in lieu of taking a furlough day, except as provided in K.C.C. 3.12F.040.

339 4. Donated vacation leave hours remain with the recipient. Donated vacation
340 leave hours shall be excluded from the vacation leave payoff provisions in this chapter.
341 Employees do not accrue additional leave hours while utilizing donated vacation leave
342 hours.

343 B.1. An((y)) employee eligible for comprehensive leave benefits may donate a
344 portion of the employee's accrued sick leave to another employee eligible for
345 comprehensive leave benefits to be used for any qualifying reason in accordance with
346 King County family and medical leave under K.C.C. 3.12.221, or under federal family
347 and medical leave law, 29 U.S.C. Sec. 2601 et seq. Such a donation may only occur
348 upon written request to and approval of the donating and receiving employees'
349 department director or directors.

350 2. No donation of sick leave hours shall be permitted unless the donating
351 employee's sick leave accrual balance immediately subsequent to the donation is one
352 hundred hours or more. No employee may donate more than twenty-five hours of the
353 employee's accrued sick leave in a calendar year.

354 3. Donated sick leave hours remain with the recipient. Donated sick leave hours
355 shall be excluded from the sick leave payoff provisions contained in this chapter, and sick
356 leave restoration provisions contained in this chapter. Employees do not accrue
357 additional leave hours while utilizing donated sick leave hours.

358 C.1. Employees receiving donated leave must have exhausted all paid leave
359 accruals before using donated leave.

360 2. The leave for which the employee is requesting donations must be for a
361 prolonged absence. A prolonged absence is three or more consecutive days. An
362 employee may use donated leave intermittently after the employee's prolonged absence.

363 D. All donations of vacation and sick leave made under this chapter are strictly
364 voluntary. Employees ~~((are prohibited from soliciting, offering or receiving monetary or~~
365 ~~any other compensation or benefits in exchange for donating vacation or sick leave~~
366 ~~hours-)) shall not ask for anything of value, or offer or receive anything of value, in~~
367 exchange for donation of vacation or sick leave hours.

368 ~~((D-))~~ E. All vacation and sick leave hours donated shall be converted to a dollar
369 value based on the donor's ~~((straight time hourly))~~ base rate of pay at the time of
370 donation. Such dollar value shall then be divided by the receiving employee's hourly rate
371 to determine the actual number of hours received and placed in the receiving employee's
372 donated leave bank. Vacation leave donated to a furloughed employee, who is
373 designated by a department director and confirmed by the ~~((chief administrative officer))~~
374 director of human resources as eligible to use donated leave on a furlough day, is donated
375 on an hour-for-hour basis, without an hourly rate conversion.

376 NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 3.12 a
377 new section to read as follows:

378 A. There is hereby created a King County emergency medical leave donation
379 program.

380 B. Emergency medical leave donations may only occur upon the employee's
381 request to the department of human resources with written approval of the donating and
382 receiving employees' department director or directors.

383 C.1. An employee eligible for comprehensive leave benefits may donate a portion
384 of the employee's accrued vacation or sick leave hours to the emergency medical leave
385 program.

386 2. An employee is limited to donating no more than eighty hours of vacation
387 leave to the program per calendar year unless the employee's department director
388 approves a greater amount. The number of donated hours shall not exceed the donor's
389 accrued vacation leave as of the date of the request.

390 3. An employee is limited to donating no more than twenty-five hours of sick
391 leave to the program per calendar year. A donation of sick leave hours shall not be
392 permitted unless the donating employee's sick leave accrual balance immediately
393 subsequent to the donation is one hundred hours or more.

394 4. All vacation and sick leave hours donated shall be converted to a dollar value
395 based on the donor's base rate of pay at the time of donation and transferred to the
396 emergency medical leave program.

397 D.1. Donated hours shall be distributed by the department of human resources on
398 a first come first serve basis and shall only be awarded prospectively.

399 2. The maximum donation that an employee eligible for comprehensive leave
400 benefits may receive is eighty hours per calendar year, prorated to reflect the employee's
401 normally scheduled work week.

402 3. The number of donated hours distributed to the receiving employee and the
403 receiving employee's base rate of pay shall determine the dollar value to withdraw from
404 the emergency medical leave program.

405 \ 4. The receiving employee may only use emergency medical leave for a
406 qualifying reason in accordance with King County family and medical leave under
407 K.C.C. 3.12.221, or under federal family and medical leave law, 29 U.S.C. Sec. 2601 et
408 seq.

409 5. The leave for which the employee is requesting donations must be for a
410 prolonged absence. "A prolonged absence" means three or more consecutive days. An
411 employee may use donated leave intermittently after the employee's prolonged absence.

412 6. The receiving employee must have exhausted all of the employee's paid leave
413 accruals prior to utilizing emergency medical leave hours.

414 7. Donated leave hours shall be excluded from the vacation and sick leave
415 payoff provisions in this chapter.

416 8. Employees do not accrue additional leave hours while utilizing emergency
417 medical leave donated hours.

418 9. If donated hours are not utilized by the donee within sixty calendar days of
419 being awarded, the hours shall be returned to the emergency medical leave program and
420 do not revert to the donor.

421 SECTION 8. Ordinance 12014, Section 23, as amended, and K.C.C. 3.12.230 are
422 each hereby amended to read as follows:

423 A. All employees eligible for comprehensive leave benefits shall be granted the
424 following designated holidays with pay:

425 1. January 1, New Year's Day;
426 2. Third Monday in January, Martin Luther King, Jr. Day;
427 3. Third Monday in February, President's Day;
428 4. Last Monday in May, Memorial Day;
429 5. June 19, Juneteenth;
430 6. July 4, Independence Day;
431 7. First Monday in September, Labor Day;
432 8. Second Monday in October, Indigenous Peoples' Day;
433 9. November 11, Veterans Day;
434 10. Fourth Thursday in November, Thanksgiving Day;
435 11. Friday after Thanksgiving, Day after Thanksgiving;
436 12. December 25, Christmas Day; and
437 13. ~~((For an employee who is eligible for comprehensive leave benefits, t))~~ Two
438 personal holidays, for employees who are employed on February 1, which shall be added
439 to the employee's vacation bank ((in)) on the ((second full pay period of the calendar year
440 or upon hire)) paycheck that includes February 1. New employees eligible for
441 comprehensive leave benefits hired between February 2 and November 15 shall be
442 awarded two personal holidays upon hire. New employees eligible for comprehensive
443 leave benefits hired after November 15 shall not receive two personal holidays for that
444 calendar year.

445 B. For holidays falling on a Saturday, the Friday before shall be a paid holiday.

446 For holidays falling on a Sunday, the Monday following shall be a paid holiday.

447 C. An employee must be eligible for comprehensive leave benefits and in a pay
448 status on the day before and the day following a holiday to be eligible for holiday pay.
449 However, an employee who has successfully completed at least five years of county
450 service and who retires at the end of a month in which the last regularly scheduled
451 working day is observed as a holiday, shall be eligible for holiday pay if the employee is
452 in a pay status the day before the day observed as a holiday. An employee otherwise
453 eligible for holiday pay shall not be ineligible as a result of not being in a pay status on
454 the day before or after the holiday due to budgetary furlough.

455 D. When a holiday falls on the scheduled day off of a full time employee entitled
456 to comprehensive leave benefits who works other than a five-day, eight-hour schedule,
457 the employee shall be given a deferred holiday. The employee and the employee's
458 supervisor shall jointly select another day, preferably within the same pay period, for the
459 employee to take as holiday. Deferred holidays for a part-time hourly employee eligible
460 for comprehensive leave benefits shall be prorated to the employee's schedule.

461 SECTION 9. Ordinance 12014, Section 52, as amended, and K.C.C. 3.15.030 are
462 each hereby amended to read as follows:

463 A. The director may reclassify any position to an existing or new classification.

464 B. An employee or a group of employees may request that a position or group of
465 positions be reclassified for the following reasons:

466 1. The employee's position is not assigned to the appropriate classification;

467 2. A significant or gradual change has occurred in the employee's on-going

468 duties or responsibilities over a period of at least one-year; or

469 3. A departmental reorganization or council action has caused the duties of the
470 position to change.

471 C. ~~((Group reclassifications may be submitted if all of the employees' positions
472 are in the same classification in the same section of a division. The director shall
473 evaluate each position individually, reserving the right to place individual positions into
474 different classifications.~~

475 D.)1. An employee is not eligible to submit a reclassification request if:

476 ~~((1.))~~ a. ~~((F))~~ it has been less than twelve months since the date of a previous
477 classification determination for the position;

478 ~~((2.))~~ b. ~~((F))~~ the employee is on probation;

479 ~~((3.))~~ c. ~~((F))~~ the employee is on a performance improvement plan; or

480 ~~((4.))~~ d. ~~((F))~~ the employee is asking for the reclassification of a special duty
481 position.

482 2. Temporary and term-limited temporary employees may not request a position
483 reclassification, except as noted in subsection D. of this section.

484 D. Group classifications may be submitted if all of the employees' positions are
485 in the same classification in the same section of a division. Term-limited temporary
486 employees may be reclassified as part of a group classification, but only if the group
487 includes at least one regular employee. The director shall evaluate each position
488 individually, reserving the right to place individual positions into different classifications.

489 E. When the director reclassifies a position to a higher classification, the ~~((pay))~~
490 rate of pay of the incumbent employee shall be increased to the first step of the pay range

491 of the new classification or the step that is at least five percent above the former rate of
492 pay, whichever is greater.

493 F. When the director reclassifies a position to a lateral classification, the ~~((pay))~~
494 rate of pay of the incumbent employee shall remain at the same step of the pay range.

495 G. When the director reclassifies a position to a lower classification, the ~~((pay))~~
496 rate of pay of the incumbent employee shall be the highest step in the new pay range that
497 does not exceed the employee's current ~~((pay))~~ rate of pay.

498 H. A pay increase as a result of a reclassification may not exceed the top step of
499 the new range, unless the employee's former pay includes above-Step-10 ~~((incentive))~~
500 merit pay. If the employee's former pay includes ~~((an))~~ above-Step-10 ~~((incentive))~~ merit
501 pay, the employee's new pay is calculated ~~((upon))~~ using the above-Step-10 amount. If
502 the increase from reclassification results in pay that is above the top step of the new
503 range, the pay shall be reduced to the top step of the new range at the end of the incentive
504 period, unless the employee requalifies for ~~((an))~~ above-Step-10 ~~((incentive))~~ merit
505 award.

506 I. Implementation of a reclassification and any related pay change shall be
507 effective at the start of the pay period following receipt of the completed reclassification
508 request form at the department of human resources, except a reclassification to a lower
509 pay grade shall be effective at the start of the pay period at least thirty calendar days after
510 notification of the classification determination from the department of human resources.

511 J. A reclassified employee shall not serve a probationary period in the new
512 classification.

513 K.1. When an employee's position is reclassified retroactively into a
514 classification with a different Fair Labor Standards Act of 1938 status, the change in
515 status shall be prospective only.

516 2. When an employee's position is reclassified from a Fair Labor Standards Act
517 of 1938 exempt classification to a Fair Labor Standards Act of 1938 non-exempt
518 classification, the employee (~~will~~) shall be paid overtime pay from the date of the
519 reclassification decision.

520 3. When an employee's position is reclassified from a Fair Labor Standards Act
521 of 1938 non-exempt classification to a Fair Labor Standards Act of 1938 exempt
522 classification, the employee shall receive a cash out of all accrued compensatory time.

523 SECTION 10. Ordinance 14233, Section 7, as amended, and K.C.C. 3.15.140 are
524 each hereby amended to read as follows:

525 A.1. A department director and, when required, the director of the department of
526 human resources may assign an employee in a regular position to an existing (~~higher-~~
527 ~~level~~) classification for a limited term when the (~~higher level~~) duties and
528 responsibilities of the other classification comprise the majority of the work performed
529 for a minimum of thirty calendar days.

530 2. Temporary employees, including term-limited temporary employees, are not
531 eligible for special duty assignments.

532 B.1. Depending upon the type of special duty assignments needed for business
533 operations, special duty assignments may be made for up to a maximum of five years.

534 ~~((1-))~~ 2. Assignments may be approved for up to a term of twelve months if
535 authorized in advance by the department director to backfill for a vacant regular position,
536 or to provide additional staffing needed:

537 a. due to work that exceeds either the volume or complexity, or both, than what
538 is routinely expected, but the work is of a limited duration;

539 b. due to work that is unanticipated due to unique circumstances that are not
540 expected to reoccur; or

541 c. to either develop or implement, or both, a new function, system or proposal.

542 ~~((2-))~~ 3. Assignments may be approved for up to a term of up to three years if
543 authorized in advance by the director to perform a significant or substantial body of
544 work, such as a nonroutine project or work related to the initiation or cessation of a
545 county function, project or department.

546 ~~((3-))~~ 4. Assignments may be approved for up to a term of five years if
547 authorized in advance in writing by the director:

548 a. to backfill a regular position, when:

549 (1) an employee is absent because of an extended leave of absence for a
550 medical reason;

551 (2) an employee is absent because of military service; or

552 (3) an employee is absent because of a special duty or another assignment;

553 and

554 b. to staff or backfill staff on a clearly defined grant-funded, capital

555 improvement or information systems technology project.

556 ~~((4.))~~ 5. A special duty backfill assignment may not exceed the term of the
557 incumbent employee's absence.

558 ~~((5.))~~ 6. Special duty assignments to salaried classifications shall be made in
559 full-week increments, from Saturday through Friday.

560 ~~((6.))~~ 7. An employee's special duty assignment shall end when management
561 becomes aware that the employee's absence will exceed thirty calendar days or at the
562 conclusion of a thirty-day absence, whichever occurs first.

563 C. A special duty assignment must be made in writing to the employee before the
564 beginning of the assignment. The written notice must provide the classification title and
565 description and must list the specific duties that the employee is to perform and the
566 duration of the assignment. The written notice must also include a statement that the
567 assignment does not confer on the employee any new privilege, right of appeal, right of
568 position, transfer, demotion, promotion or reinstatement. A special duty assignment may
569 be revoked at any time at the discretion of the appointing authority. Special duty pay
570 may not be assigned retroactively.

571 D. If ~~((F))~~the special duty assignment is to a higher-level classification, the pay
572 increase shall be to the first step of the pay range of the higher-level job classification or
573 a flat five percent above the base rate of pay, whichever is greater.

574 E. If the employee was receiving above-Step-10 ~~((incentive))~~ merit pay, the pay
575 for the special duty assignment is calculated using the ~~((incentive))~~ merit pay and may
576 result in ~~((incentive))~~ merit pay while in the special duty assignment.

577 F. If an assignment is to a lateral or lower-paying classification, the employee
578 shall continue to receive their current rate of pay for the assignment.

579 G. While on special duty assignment, the employee shall continue to be eligible
580 for step increases in the employee's regular position. If the employee is at Step-10 in the
581 employee's regular position, the employee shall be eligible for step increases in the
582 special duty classification.

583 ~~((G.))~~ H. Any accrued compensatory time shall be cashed out before an hourly
584 employee begins a salaried special duty assignment, and before an employee in an hourly
585 special duty assignment returns to a salaried regular position.

586 ~~((H.))~~ I. When the special duty assignment is completed, the employee's pay shall
587 revert to the ~~((pay))~~ rate of pay the employee would have received if the employee had
588 not been assigned to special duty.

589 ~~((I.))~~ J. Special duty pay shall not be considered part of an employee's base
590 ~~((pay))~~ rate of pay for purposes of placement within a salary range as a result of
591 promotion or reclassification, for purposes of cashing out vacation or sick leave or when
592 making vacation or sick leave donations. If the special duty position is converted to a
593 regular position while the employee is serving in the special duty assignment, and the
594 employee is promoted into the regular position, the employee's rate of pay shall not be
595 lower than the rate of pay the employee received during the special duty assignment. The
596 promoted employee may be placed at a higher step in the pay range if the employee's
597 department director determines the action is warranted based on the criteria in K.C.C.
598 3.12.130.

599 ~~((J.))~~ K. When the special duty assignment is hourly, the employee's special duty
600 pay ~~((will))~~ shall be used for the computation of overtime and compensatory time.

601 ~~((K-))~~ L. If the special duty position is converted to a regular position and the
602 employee who served in the special duty position is hired into the regular position within
603 one year of serving in the special duty assignment, the time served in the special duty
604 position ~~((with))~~ shall count toward any required probationary period. If the time served
605 in the special duty position was longer than the required probationary period, the
606 employee's probationary period shall be considered served.

607 ~~((L-))~~ M. The executive shall notify the council each year in writing of the total
608 number of county employees on special duty assignment by department. The executive
609 shall file ~~((a paper original and))~~ an electronic copy of each memorandum with the clerk
610 of the council, who shall retain ~~((the original))~~ a copy and provide an electronic copy to
611 all councilmembers and the lead staff for the government accountability and oversight
612 committee or its successor."

613 **EFFECT prepared by M. Bailey: The striking amendment would make the**
614 **following changes:**

615 ***1. Removes two code changes unrelated to CLA standardization. DHR says they***
616 ***will transmit these at a later date. These changes include:***

- 617 ***a. Section 2. The striker retains the following language in code: "A***
618 ***furloughed employee shall not be eligible to take or be paid for***
619 ***bereavement leave in lieu of taking a budgetary furlough day."***
- 620 ***b. Section 8. The striker removes language clarifying that an employee***
621 ***who is otherwise eligible for holiday pay would not be ineligible because***
622 ***they took an unpaid holiday for religious purposes the day before or***
623 ***after the holiday in question.***

- 624 2. Section 5. Removes references to benefit time.
- 625 3. Section 7. Reorganizes the new section of code that establishes an Emergency
- 626 Medical Leave program. Replaces the term "fund" with "program" to clarify
- 627 that this is not a fund as defined in K.C.C. 4A.10.305. It also rewrites language
- 628 explaining how to determine the dollar value of donated hours. The transmitted
- 629 version used language from the employee-to-employee donated leave program,
- 630 which would not apply to this new program. Donated hours will still be
- 631 converted to a dollar value based on the donor's base rate of pay at the time of
- 632 donation. However, the striker clarifies that "the number of donated hours
- 633 distributed to the receiving employee and the receiving employee's base rate of
- 634 pay shall determine the dollar value to withdraw from the emergency medical
- 635 leave program.
- 636 4. Fixes drafting errors, makes technical corrections, and clarifies language.