



King County

Metropolitan King County Council Committee of the Whole

Agenda Item: 10

Name: G. Saroja Reddy

Proposed No.: 2008-0626

Date: December 8, 2008

STAFF REPORT

SUBJECT: PROPOSED ORDINANCE 2008-0626, relating to code revisions and additions necessary to preserve certain county services and reduce the necessity for additional reductions in force, by placing non-essential county employees on an unpaid furlough adding new sections to and/or revising, K.C.C. Chapters 2.08, 2.56 3.12 and 12.52.

BACKGROUND

On October 20, 2008 the Council passed Motion 12870 affirming the county's labor policy of supporting the King County executive's bargaining in good faith with King County represented employees to find savings that would help balance the 2009 county budget.

On November 14 the Executive transmitted two pieces of legislation relating to an emergency furlough program for the council's consideration. This transmittal included an ordinance (Proposed Ordinance 2008-0626) making the code revisions necessary to implement furloughs during an emergency fiscal crisis and an ordinance (Proposed Ordinance 2008-0627) approving and adopting the memorandum of agreement negotiated by and between King County and the King County Labor Union Coalition.

On November 24 the Council adopted the 2009 budget, which appropriated available funds to agencies and assumed successful implementation of the furlough approach. At the time of budget adoption, the Council anticipated taking up Proposed Ordinances 2008-0626 and -0627 in December in order for staff to review and analyze the legislation.

After staff had finished its review, a striking amendment to the ordinance was drafted to make technical corrections to the transmitted ordinance and clarify the suggested code amendments.

The code revisions in the striking amendment apply only to nonrepresented county employees and are consistent with most of the provisions in the memorandum of agreement negotiated between King County and the Labor Union Coalition, including wages and benefits, leave and exceptions for hardship or anticipated retirement. ***Unlike the bargaining agreement with represented employees, no furlough replacement time is provided to nonrepresented employees.*** The

striking amendment also creates a new chapter in the Code that sets out the process and parameters for action during an emergency budget crisis or financial emergency.

Implementation of a mandatory ten day unpaid furlough program for all but certain designated services is expected to result in building closures, less work being performed, and certain delays and/or reductions in service. Work expectations need to be commensurate with the reduced schedule.

ANALYSIS

A. Authority for emergency budget crisis. The county is experiencing an unprecedented financial emergency resulting in a significant shortfall in the amount of funding needed to sustain the current level of general operations through 2009. In order to address the shortfall, program cuts and reductions in force are being implemented. In order to preserve certain services and reduce the necessity for additional reductions in workforce, the Executive has proposed that for ten days in 2009 the county will shut down all but certain designated services and place eligible employees on an unpaid furlough, also known as an emergency budget furlough.

In order to provide the Executive with the authority to proclaim and effectuate such a furlough, the code must be amended to grant such emergency power. This may occur either by extending the Executive's emergency powers in K.C.C. chapters 2.56 and 12.52, which deal with natural emergencies, or by creating a new chapter in Title 3.

Issue 1: Should emergency budget crisis furlough powers be part of the county's natural disaster and emergency management codes, or part of personnel and finance codes?

- a. In Emergency Powers section of code – K.C.C. 12.52 (Executive proposal) **OR**
- b. In a new chapter because this is not the same type of emergency, such as flood, earthquake or epidemic, that demands the immediate preservation of order or of public health etc.

B. Process for emergency budget crisis. Whenever the Executive determines that an emergency budget crisis exists in King County, he may proclaim in writing the existence of such an emergency and must transmit the proclamation and a proposed ratifying ordinance to the Council within seven days of the proclamation. A proclamation is effective only if ratified by ordinance. A proclamation of an emergency budget crisis remains in effect for all or a portion of one annual budget cycle. Staff anticipates that the executive will proclaim an emergency budget crisis exists for 2009. Proposed Ordinance 2008-0626, if adopted, will ratify the Executive's proclamation.

Issue 1: Do you want to define an "emergency budget crisis" or "financial emergency" in this ordinance?

- a. No – (Executive proposal) to be defined by Executive and Council later **OR**
- b. Yes - An "emergency budget crisis" or "financial emergency" is defined as a circumstance in which projected county revenues are determined to be insufficient to fully fund county agency operations and significant cost savings must be achieved through reductions in services and pay.

Issue 2: Do you want time limit specificity for an emergency budget crisis proclamation?

- a. No – (Executive proposal)
- b. Yes – makes clear the emergency budget crisis is declared on an annual budget year (Jan 1 – Dec 31) for all or a portion of the year.

C. Furlough administration. Upon a proclaimed and ratified emergency budget crisis, a furlough administrator¹ may order an emergency budget furlough, including the furlough of employees in his or her agency; or order the reduction in hours or the closure of county offices on specific days associated with an emergency budget furlough. The county administrative officer (CAO), for the executive branch, and any person designated by the furlough administrator for the other branches of government would be responsible for emergency budget furlough administration and provide for the effective direction, control and coordination of a furlough in a manner to preserve county functions.

Issue 1: Who should be responsible for emergency budget furlough administration (e.g., decides what days should be included in a furlough, who is a “furlough ineligible employee”, etc.)?

- a. Chief Administrative Officer (Executive proposal) **OR**
- b. Chief Administrative Officer for executive branch or furlough administrator for :
 - i. Council
 - ii. PAO or
 - iii. Courts **OR**
- c. CAO for the executive branch except the Departments of Assessments, Elections (upon elected director of elections taking office) and Public Safety, and furlough administrators for Council, PAO, District and Superior Courts, and elected Assessor, Sheriff, and Elections Director

D. Employee provisions. An emergency budget furlough means placing an employee for one or more furlough days in a temporary status without duties and without pay due to an emergency budget crisis proclaimed and ratified under the provisions of this ordinance. In administering an emergency budget furlough, the following principles would apply:

1. An employee who is subject to the emergency budget furlough should be notified of furlough in writing when possible, although any reasonable notice is permissible;
2. During a furlough period, a furloughed employee remains a King County employee subject to the provisions of K.C.C. chapter 3.04;
3. A furloughed employee shall not volunteer to do what the county otherwise pays any employee to do;
4. Medical, dental, vision and any other insured benefits shall remain in effect for a furloughed benefit-eligible employee during a furlough period; and
5. A furloughed employee shall not be eligible to take or be paid for vacation or sick leave on an emergency budget furlough day. The furlough administrator may designate that paid vacation leave is available for the following employees:
 - a. those employees earning equal or less than two times the federal poverty index; and

¹ A furlough administrator is defined as the county executive for the executive departments, including assessments, public safety and elections; the chair of the council for the legislative branch; the prosecutor for the office of the prosecuting attorney and the presiding judges of the district and superior courts, or the official or officials designated by that branch or unit of county government.

- b. those employees enrolled in the Public Employees' Retirement System or the city of Seattle retirement systems who submit to the chief administrative officer or the furlough administrator a letter of intent to retire during the succeeding two calendar years.
6. A salaried employee is considered an hourly employee for each week in which the employee observes one or more furlough days and must track and report his or her hours and follow standard hourly work practices.

Issue 1: Do you want to specify certain conditions when paid vacation will be allowed for certain furloughed employees (e.g., retirement w/in two years; hardship based on low wages)?

- a. No – (Executive proposal) **OR**
- b. Yes – makes clear what these are and is consistent with the agreement bargained by the Executive with the Labor Union Coalition

The ordinance also provides for exceptions to a specific furlough by authorizing the furlough administrator or his or her designee to direct specific employees to perform work with pay on furlough days as determined necessary to perform necessary county functions that must not be interrupted by furlough.

E. Notice. If an emergency budget furlough is ordered, the executive or a furlough administrator shall file the order with the clerk of the council not later than 10:00 a.m. of the second business day after it is issued. The clerk of the council shall then notify the executive of the any orders issued. The executive shall notify the public of days that county offices are closed by posting a notice on the internet, by advertising in the official county newspaper and by issuing press releases of the closures.

Issue 1: Do you want public notification of building closures?

- a. No – (Executive proposal) **OR**
- b. Yes – see description above

G. Reports to Council. For the 2009 emergency budget crisis, if any furlough administrator orders budget furlough days, the furlough administrator shall provide the council with an implementation plan for the budget furlough by January 14, 2009. The report shall include:

1. Efforts to notify the public of the budget furlough and closure of county offices or sites;
2. The number of employees who have been furloughed;
3. The length of the furlough;
4. The number of employees exempted from the furlough and reasons for the exemption;
5. The anticipated budget savings from the furlough; and
6. The anticipated effects of the furlough on both workload and service to the public and other county agencies.

In addition, any furlough administrator who orders a budget furlough in 2009 shall also provide the council with a report on the effects of the furlough by June 30, 2009. The report shall contain the same information identified above.

Issue 1: Should there be any reporting requirement provisions related to public notification and furlough implementation?

- a. No – (Executive proposal) **OR**

- b. Yes – see description above – it is important for the council and public to understand the result of the building closures, how much less work is performed and what delays and/or reductions in service have resulted.

ATTACHMENTS

1. Proposed Ordinance 2008-0626
2. Striking Amendment to Proposed Ordinance 2008-0626
3. Title Amendment T1 to Proposed Ordinance 2008-0626



KING COUNTY

Signature Report

December 7, 2008

ATTACHMENT 1

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Ordinance

Proposed No. 2008-0626.1

Sponsors Gossett

1 AN ORDINANCE relating to code revisions and additions
2 necessary to preserve certain county services and reduce
3 the necessity for additional reductions in force, by placing
4 non-essential county employees on an unpaid furlough
5 adding new sections to and/or revising, K.C.C. Chapters
6 2.08, 2.56 3.12 and 12.52.

7

8 STATEMENT OF FACTS:

- 9 1. The county is experiencing an unprecedented financial emergency resulting in a
10 significant shortfall in the amount of funding needed to sustain the current level of
11 general operations through 2009. In order to address the shortfall, program cuts and
12 reductions in force are being implemented.
- 13 2. In order to preserve certain services and reduce the necessity for additional
14 reductions in force, the county will shut down all but essential services and place non-
15 essential employees on an unpaid furlough, also known as an emergency budget furlough,
16 for ten days in 2009. In order to provide for the furlough, certain code revisions are
17 **necessary.**

18 3. Areas under active consideration are office hours and workweeks; emergency
19 management and powers; and personnel provisions.

20 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

21 SECTION 1. K.C.C. Section 2.08.010 is hereby revised to read as follows:

22 **Office hours specified.** All county and precinct offices/sites shall remain open for the
23 transaction of public business as follows:

24 A. Open on Monday through Friday of each week from eight-thirty a.m. to four-
25 thirty p.m., except where accommodations can be made, as determined necessary by the
26 county executive, to provide services to the public during the hours of eight a.m. to five
27 p.m. through the use of staggered work shifts agreeable to employees and not in conflict
28 with union contracts.

29 B. Closed on Saturdays, Sundays and all legal holidays.

30 C. In the case of an emergency budget furlough, closed on specific days as
31 proclaimed by the King County Executive and ratified by the King County Council.

32 SECTION 2. K.C.C. Section 2.56.020 is hereby revised to read as follows:

33 **Definitions.** Terms used herein shall be given their common and ordinary meaning
34 except where otherwise declared or clearly apparent from the context. Additionally, the
35 following definitions shall apply:

36 A. "Emergency management" means the preparation for and the carrying out of all
37 emergency functions to mitigate, prepare for, respond to and recover from emergencies
38 and disasters, and to aid victims suffering from injury or damage caused by all hazards,
39 whether natural or human-made, and to provide support for search and rescue operations
40 for persons or property in distress pursuant to the provisions of chapter 38.52 RCW.

Ordinance

41 B. "Emergency" or "disaster" means an event or set of circumstances such as fire, flood,
42 explosion, storm, earthquake, epidemic, riot or insurrection, which demands the
43 immediate preservation of order or of public health or the restoration to a condition of
44 usefulness of any public property the usefulness of which has been destroyed, or where
45 delay will result in financial loss to the county or for the relief of a stricken community
46 overtaken by such occurrences or which reaches such a dimension or degree of
47 destructiveness or warrants the executive to proclaim a state of emergency pursuant to
48 K.C.C. 12.52.030 and/or the execution of emergency management operations plans.

49 C. "Emergency budget furlough," means placing an employee in a temporary status
50 without duties and without pay due to a financial emergency necessitating budget
51 reductions which warrant the executive to proclaim a emergency budget furlough
52 pursuant to K.C.C. 12.52.030 and/or the execution of emergency budget furlough
53 administrative operations plans.

54 D. "Search and rescue" means the acts of searching for, rescuing, or recovering by means
55 of ground, marine or air activity, any person who becomes lost, injured or is killed while
56 outdoors or as a result of a natural or human-made disaster, including instances involving
57 searches for downed aircraft when ground personnel are used.

58 E. "Vacancy" means that the office of a county official is legally unoccupied due to the
59 incumbent's death, resignation, incapacity, declaration of incompetency by a court of
60 competent jurisdiction, or other reason as provided for in Article 680 of the county
61 charter.

62 SECTION 3. K.C.C. Section 2.56.030 is hereby revised to read as follows:

63 **Emergency management organization - Establishment.**

Ordinance

64 A. There is established pursuant to state law a King County emergency management
65 division, the operation of which shall be the responsibility of the director of the
66 department of information and administrative services. The mission of the emergency
67 management division shall be to provide for the effective direction, control and
68 coordination of county government emergency services functional units, and to provide
69 liaison with other governments and the private sector, in compliance with an approved
70 emergency management plan.

71 B. Emergency budget furlough administration shall be the responsibility of the County
72 Administrative Officer who shall provide for the effective direction, control and
73 coordination of an emergency budget furlough in a manner to preserve county functions.

74 SECTION 4. K.C.C. Section 3.12.010 is hereby revised to read as follows:

75 **Definitions.** All words shall have their ordinary and usual meanings except those defined
76 in this section which shall have, in addition, the following meanings. In the event of
77 conflict, the specific definitions set forth in this section shall presumptively, but not
78 conclusively, prevail.

79 A. "Administrative interns" are employees who are also enrolled full-time during the
80 regular school year in a program of education, internship or apprenticeship. All
81 administrative internships in executive departments shall be approved by the manager.
82 Administrative interns are exempt from the career service under Section 550 of the
83 charter.

84 B. "Appointing authority" means the county council, the executive, chief officers of
85 executive departments and administrative offices, or division managers having authority
86 to appoint or to remove persons from positions in the county service.

Ordinance

87 C. "Basis of merit" means the value, excellence or superior quality of an individual's
88 work performance, as determined by a structured process comparing the employee's
89 performance against defined standards and, where possible, the performance of other
90 employees of the same or similar class.

91 D. "Board" means the county personnel board established by Section 540 of the charter.

92 E. "Career service employee" means a county employee appointed to a career service
93 position as a result of the selection procedure provided for in this chapter, and who has
94 completed the probationary period.

95 F. "Career service position" means all positions in the county service except for those
96 which are designated by Section 550 of the charter as follows: All elected officers; the
97 county auditor, the clerk and all other employees of the county council; the county
98 administrative officer; the chief officer of each executive department and administrative
99 office; the members of all boards and commissions; administrative assistants for the
100 executive and one administrative assistant each for the county administrative officer, the
101 county auditor, the county assessor, the chief officer of each executive department and
102 administrative office and for each board and commission; a chief deputy for the county
103 assessor; one confidential secretary each for the executive, the chief officer of each
104 executive department and administrative office, and for each administrative assistant
105 specified herein; all employees of those officers who are exempted from the provisions of
106 this chapter by the state constitution; persons employed in a professional or scientific
107 capacity to conduct a special inquiry, investigation or examination; part-time and
108 temporary employees; administrative interns; election precinct officials; all persons
109 serving the county without compensation; physicians; surgeons; dentists; medical interns;

Ordinance

110 and student nurses and inmates employed by county hospitals, tuberculosis sanitariums
111 and health departments of the county. Divisions in executive departments and
112 administrative offices as determined by the county council shall be considered to be
113 executive departments for the purpose of determining the applicability of Section 550 of
114 the charter. All part-time employees shall be exempted from career service membership
115 except, all part-time employees employed at least half time or more, as defined by
116 ordinance, shall be members of the career service.

117 G. "Charter" means the King County Charter, as amended.

118 H. "Child" means a biological, adopted or foster child, a stepchild, a legal ward or a child
119 of an employee standing in loco parentis to the child, who is:

- 120 1. Under eighteen years of age; or
- 121 2. Eighteen years of age or older and incapable of self care because of a mental or
122 physical disability.

123 I. "Class" or "classification" means a position or group of positions, established under
124 authority of this chapter, sufficiently similar in respect to the duties, responsibilities and
125 authority thereof, that the same descriptive title may be used to designate each position
126 allocated to the class.

127 J. "Classification plan" means the arrangement of positions into classifications together
128 with specifications describing each classification.

129 K. "Compensatory time" means time off granted with pay in lieu of pay for work
130 performed either on an authorized overtime basis or work performed on a holiday which
131 is normally scheduled as a day off. Such compensatory time shall be granted on the basis
132 of time and one-half.

Ordinance

133 L. "Competitive employment" means a position established in the county budget and
134 which will require at least twenty-six weeks of service per year as the work schedule
135 established for the position.

136 M. "Council" means the county council as established by Article 2 of the charter.

137 N. "County" means King County and any other organization that is legally governed by
138 the county with respect to personnel matters.

139 O. "Developmental disability" means a developmental disability, as defined in RCW
140 71A.10.020(2), as amended, attributable to mental retardation, cerebral palsy, epilepsy,
141 autism or other neurological or other condition of an individual found by the secretary of
142 the Washington state Department of Social and Health Services, or designee to be closely
143 related to mental retardation or to require treatment similar to that required for
144 individuals with mental retardation, which disability originates before the individual
145 attains age eighteen, which has continued or can be expected to continue indefinitely, and
146 which constitutes a substantial handicap for the individual.

147 P. "Direct cost" means the cost aggregate of the actual weighted average cost of insured
148 benefits, less any administrative cost therefore. Any payments to part-time and temporary
149 employees under this chapter shall not include any administrative overhead charges
150 applicable to administrative offices and executive departments.

151 Q. "Director" means the manager of the human resources division.

152 R. "Division" means the human resources division or its successor agency.

153 S. "Domestic partners" are two people in a domestic partnership, one of whom is a
154 county employee.

155 T. "Domestic partnership" is a relationship whereby two people:

Ordinance

- 156 1. Have a close personal relationship;
- 157 2. Are each other's sole domestic partner and are responsible for each other's common
158 welfare;
- 159 3. Share the same regular and permanent residence;
- 160 4. Are jointly responsible for basic living expenses which means the cost of basic food,
161 shelter and any other expenses of a domestic partner which are paid at least in part by a
162 program or benefit for which the partner qualified because of the domestic partnership.
163 The individuals need not contribute equally or jointly to the cost of these expenses as
164 long as they agree that both are responsible for the cost;
- 165 5. Are not married to anyone;
- 166 6. Are each eighteen years of age or older;
- 167 7. Are not related by blood closer than would bar marriage in the state of Washington;
- 168 8. Were mentally competent to consent to contract when the domestic partnership began.
- 169 U. "Emergency budget furlough," means placing an employee in a temporary status
170 without duties and without pay due to a financial emergency necessitating budget
171 reductions. Furloughs will temporarily be administered as follows:
- 172 1. Notification of furlough is to be processed in writing when possible, however, any
173 reasonable notice is permissible.
- 174 2. During a furlough period, furloughed employees remain King County employees.
- 175 3. Outside employment for furloughed employees remains subject to the county's ethical
176 rules concerning conflicts of interest.
- 177 4. Furloughed employees may not volunteer to do what the county otherwise pays
178 employees to do.

Ordinance

179 5. Health insurance will continue in full for a furloughed benefit-eligible employee for a
180 period of time to be determined by executive policy.

181 V. "Employed at least half time or more" means employed in a regular position which has
182 an established work schedule of not less than one-half the number of hours of the full-
183 time positions in the work unit in which the employee is assigned, or when viewed on a
184 calendar year basis, nine hundred ten hours or more in a work unit in which a work week
185 of more than thirty-five but less than forty hours is standard or one thousand forty hours
186 or more in a work unit in which a forty hour work week is standard. If the standard work
187 week hours within a work unit varies (for instance, employees working both thirty five
188 and forty hours), the manager, in consultation with the department, is responsible for
189 determining what hour threshold will apply.

190 W. "Employee" means any person who is employed in a career service position or
191 exempt position.

192 X. "Executive" means the county executive, as established by Article 3 of the charter.

193 Y. "Exempt employee" means an employee employed in a position that is not a career
194 service position under Section 550 of the charter. Exempt employees serve at the pleasure
195 of the appointing authority.

196 Z. "Exempt position" means any position excluded as a career service position by Section
197 550 of the charter. Exempt positions are positions to which appointment may be made
198 directly without a competitive hiring process.

199 AA. "Full-time regular employee" means an employee employed in a full-time regular
200 position and, for full-time career service positions, is not serving a probationary period.

Ordinance

201 BB. "Full-time regular position" means a regular position which has an established work
202 schedule of not less than thirty-five hours per week in those work units in which a thirty-
203 five hour week is standard, or of not less than forty hours per week in those work units in
204 which a forty-hour week is standard.

205 CC. "Furlough day" means any day in which a furloughed employee is placed in a
206 temporary status without duties and without pay due to a financial emergency
207 necessitating budget reductions.

208 DD. "Furloughed employee" means any employee who is placed in a temporary status
209 without duties and without pay due to a financial emergency necessitating budget
210 reductions.

211 EE. "Furlough ineligible employee" means an employee identified by the County
212 Administrative Officer as being ineligible to observe scheduled furlough days due to the
213 specific nature of their work.FF. "Grievance" means an issue raised by an employee
214 relating to the interpretation of rights, benefits, or condition of employment as contained
215 in either the administrative rules or procedures, or both, for the career service.

216 GG. "Immediate family" means spouse, child, parent, son-in-law, daughter-in-law,
217 grandparent, grandchild, sibling, domestic partner and the child, parent, sibling,
218 grandparent or grandchild of the spouse or domestic partner.

219 HH. "Incentive increase" means an increase to an employee's base salary within the
220 assigned pay range, based on demonstrated performance.

221 II. "Integrated work setting" means a work setting with no more than eight persons with
222 developmental disabilities or with the presence of a sensory, mental or physical handicap
223 as specified in K.C.C. 3.12.180. This definition refers to all county offices, field locations

Ordinance

224 and other work sites at which supported employees work along side employees who are
225 not persons with development disabilities employed in permanent county positions.

226 JJ. "Life-giving and life-saving procedures" means a medically-supervised procedure
227 involving the testing, sampling, or donation of blood, organs, fluids, tissues and other
228 human body components for the purposes of donation without compensation to a person
229 for a medically necessary treatment.

230 KK. "Manager" means the manager of the human resources division or its successor
231 agency.

232 LL. "Marital status" means the presence or absence of a marital relationship and includes
233 the status of married, separated, divorced, engaged, widowed, single or cohabiting.

234 MM. "Part-time employee" means an employee employed in a part-time position. Under
235 Section 550 of the charter, part-time employees are not members of the career service.

236 NN. "Part-time position" means an other than a regular position in which the part-time
237 employee is employed less than half time, that is less than nine hundred ten hours in a
238 calendar year in a work unit in which a thirty-five hour work week is standard or less
239 than one thousand forty hours in a calendar year in a work unit in which a forty-hour
240 work week is standard, except as provided elsewhere in this chapter. Where the standard
241 work week falls between thirty-five and forty hours, the manager, in consultation with the
242 department, is responsible for determining what hour threshold will apply. Part-time
243 position excludes administrative intern.

244 OO. "Part-time regular employee" means an employee employed in a part-time regular
245 position and, for part-time career service positions, is not serving a probationary period.

Ordinance

246 Under Section 550 of the charter, such part-time regular employees are members of the
247 career service.

248 PP. "Part-time regular position" means a regular position in which the part-time regular
249 employee is employed for at least nine hundred ten hours but less than a full-time basis in
250 a calendar year in a work unit in which a thirty-five hour work week is standard or for at
251 least one thousand forty hours but less than a full-time basis in a calendar year in a work
252 unit in which a forty-hour work week is standard. Where the standard work week falls
253 between thirty-five and forty hours, the manager, in consultation with the department, is
254 responsible for determining what hour threshold will apply.

255 QQ. "Pay plan" means a systematic schedule of numbered pay ranges with a minimum,
256 maximum and intermediate steps for each pay range, a schedule of assignment of each
257 classification to a numbered pay range and rules for administration.

258 RR. "Pay range" means one or more pay rates representing the minimum, maximum and
259 intermediate steps assigned to a classification.

260 SS. "Pay range adjustment" means the adjustment of the numbered pay range of a
261 classification to another numbered pay range in the schedule based on a classification
262 change, competitive pay data or other significant factors.

263 TT. "Personnel guidelines" means only those operational procedures promulgated by the
264 manager necessary to implement personnel policies or requirements previously stipulated
265 by ordinance or the charter. Such personnel guidelines shall be applicable only to
266 employees assigned to executive departments and administrative agencies.

267 UU. "Position" means a group of current duties and responsibilities assigned by
268 **competent authority** requiring the employment of one person.

Ordinance

269 VV. "Probationary employee" means an employee serving a probationary period in a
270 regular career service. Probationary employees are temporary employees and excluded
271 from career service under Section 550 of the charter.

272 WW. "Probationary period" means a period of time, as determined by the manager,
273 constituting the final step in the competitive screening process for career service or for
274 promotion from one career service position to another. An appointment to the career
275 service, whether following successful completion of an initial probationary period of
276 county employment or a promotional probationary period, shall not be final unless the
277 employee successfully completes this probationary period.

278 XX. "Probationary period salary increase" means a within-range salary increase from one
279 step to the next highest step upon satisfactory completion of the probationary period.

280 YY. "Promotion" means the movement of an employee to a position in a classification
281 having a higher maximum salary.

282 ZZ. "Provisional appointment" means an appointment made in the absence of a list of
283 candidates certified as qualified by the manager. Only the manager may authorize a
284 provisional appointment. An appointment to this status is limited to six months.

285 AAA. "Provisional employee" means an employee serving by provisional appointment in
286 a regular career service. Provisional employees are temporary employees and excluded
287 from career service under Section 550 of the charter.

288 BBB. "Recruiting step" means the first step of the salary range allocated to a class unless
289 otherwise authorized by the executive.

Ordinance

290 CCC. "Regular position" means a position established in the county budget and identified
291 within a budgetary unit's authorized full time equivalent (FTE) level as set out in the
292 budget detail report.

293 DDD. "Salary or pay rate" means an individual dollar amount which is one of the steps in
294 a pay range paid to an employee based on the classification of the position occupied.

295 EEE. "Serious health condition" means an illness or injury, impairment or physical or
296 mental condition that involves one or more of the following:

297 1. An acute episode that requires more than three consecutive calendar days of incapacity
298 and either multiple treatments by a licensed health care provider or at least one treatment
299 plus follow-up care such as a course of prescription medication; and any subsequent
300 treatment or period of incapacity relating to the same condition;

301 2. A chronic ailment continuing over an extended period of time that requires periodic
302 visits for treatment by a health care provider and that has the ability to cause either
303 continuous or intermittent episodes of incapacity;

304 3. In-patient care in a hospital, hospice or residential medical care facility or related out-
305 patient follow-up care;

306 4. An ailment requiring multiple medical interventions or treatments by a health care
307 provider that, if not provided, would likely result in a period of incapacity for more than
308 three consecutive calendar days;

309 5. A permanent or long-term ailment for which treatment might not be effective but that
310 requires medical supervision by a health care provider; or

311 6. Any period of incapacity due to pregnancy or prenatal care.

Ordinance

312 FFF. "Temporary employee" means an employee employed in a temporary position and
313 in addition, includes an employee serving a probationary period or is under provisional
314 appointment. Under Section 550 of the charter, temporary employees shall not be
315 members of the career service.

316 GGG. "Temporary position" means a position which is not a regular position as defined
317 in this chapter and excludes administrative intern. Temporary positions include both
318 term-limited temporary positions as defined in this chapter and short-term (normally less
319 than six months) temporary positions in which a temporary employee works less than
320 nine hundred ten hours in a calendar year in a work unit in which a thirty-five hour work
321 week is standard or less than one thousand forty hours in a calendar year in a work unit in
322 which a forty hour work week is standard, except as provided elsewhere in this chapter.
323 Where the standard work week falls between thirty-five and forty hours, the manager, in
324 consultation with the department, is responsible for determining what hour threshold will
325 apply.

326 HHH. "Term-limited temporary employee" means a temporary employee who is
327 employed in a term-limited temporary position. Term-limited temporary employees are
328 not members of the career service. Term-limited temporary employees may not be
329 employed in term-limited temporary positions longer than three years beyond the date of
330 hire, except that for grant-funded projects capital improvement projects and information
331 systems technology projects the maximum period may be extended up to five years upon
332 approval of the manager. The manager shall maintain a current list of all term-limited
333 temporary employees by department.

Ordinance

334 III. "Term-limited temporary position" means a temporary position with work related to a
335 specific grant, capital improvement project, information systems technology project or
336 other nonroutine, substantial body of work, for a period greater than six months. In
337 determining whether a body of work is appropriate for a term-limited temporary position,
338 the appointing authority will consider the following:

- 339 1. Grant-funded projects: These positions will involve projects or activities that are
340 funded by special grants for a specific time or activity. These grants are not regularly
341 available to or their receipt predictable by the county;
- 342 2. Information systems technology projects: These positions will be needed to plan and
343 implement new information systems projects for the county. Term-limited temporary
344 positions may not be used for on-going maintenance of systems that have been
345 implemented;
- 346 3. Capital improvement projects: These positions will involve the management of major
347 capital improvement projects. Term-limited temporary positions may not be used for on-
348 going management of buildings or facilities once they have been built;
- 349 4. Miscellaneous projects: Other significant and substantial bodies of work may be
350 appropriate for term-limited temporary positions. These bodies of work must be either
351 nonroutine projects for the department or related to the initiation or cessation of a county
352 function, project or department;
- 353 5. Seasonal positions: These are positions with work for more than six consecutive
354 months, half-time or more, with total hours of at least nine hundred ten in a calendar year
355 in a work unit in which a thirty-five hour work week is standard or at least one thousand
356 forty hours in a calendar year in a work unit in which a forty hour work week is standard,

357 that due to the nature of the work have predictable periods of inactivity exceeding one
358 month. Where the standard work week falls between thirty-five and forty hours, the
359 manager, in consultation with the department, is responsible for determining what hour
360 threshold will apply; and

361 6. Temporary placement in regular positions: These are positions used to back fill regular
362 positions for six months or more due to a career service employee's absence such as
363 extended leave or assignment on any of the foregoing time-limited projects. All
364 appointments to term-limited temporary positions will be made by the appointing
365 authority in consultation with the manager before the appointment of term-limited
366 temporary employees.

367 JJJ "Volunteer intern" means volunteers who are also enrolled full-time during the
368 regular school year in a program of education, internship or apprenticeship who are
369 receiving scholastic credit or scholastic recognition for participating in the internship.

370 KKK. "Work study student" means a student enrolled or accepted for enrollment at a
371 post-secondary institution who, according to a system of need analysis approved by the
372 higher education coordinating board, demonstrates a financial inability, either parental,
373 familial or personal, to bear the total cost of education for any semester or quarter.

374 SECTION 5. K.C.C. Section 3.12.100 is hereby revised to read as follows:

375 **Probationary period.** A. There shall be a probationary period during which time a
376 probationary employee shall be evaluated by the appointing authority to determine
377 qualification for entry into the career service. The probationary period shall be
378 determined by the director, but shall be not less than six months or more than one year of
379 actual service, and shall be served by those employees who have been newly-hired, re-

380 employed, transferred to a different position, or promoted or demoted. A furloughed
381 employee's probationary period will not be extended as a result of emergency budget
382 furlough days.

383 B. A probationary employee may be separated from county service at any time during the
384 probationary period without right of appeal to the personnel board. Notwithstanding any
385 other provisions of this section, an employee who does not successfully complete the
386 probationary period in a position to which he or she had been promoted or transferred
387 may be restored to his or her former position. Such restoration is not mandatory, but is
388 optional at the discretion of the former appointing authority within the limits of available
389 authorized positions. Such restoration shall include restoration of the employee's former
390 salary and all other benefits to which he or she would have been entitled if the promotion
391 or transfer had not occurred.

392 SECTION 6. K.C.C. Section 3.12.120 is hereby revised to read as follows:

393 **Working conditions.**

394 A. General. Nothing contained in this chapter shall prevent, relieve, or otherwise excuse
395 any county officer or employee from the performance of any duty imposed upon him or
396 her by any other law of this county, or from the rendering of service at such times and
397 places as are necessary in order to properly perform the functions of his or her office or
398 employment.

399 B. Workday. Except as otherwise provided by ordinance, the official workday shall
400 consist of eight hours of work for all full-time regular and full-time probationary
401 employees. The lunch hour shall not be considered as part of the workday. The official
402 workday for other employees shall be determined by the director. In the case of an

Ordinance

403 emergency budget furlough, work hours may be reduced or county offices/sites may be
404 closed as proclaimed by the King County Executive and ratified by the King County
405 Council.

406 C. **Workweek.** Except as otherwise provided by ordinance, the official workweek shall
407 consist of five working days for all full-time regular and full-time probationary
408 employees. The official workweek for other employees shall be determined by the
409 director. In the case of an emergency budget furlough, county offices/sites may be closed
410 resulting in the reduction of the workweek as proclaimed by the King County Executive
411 and ratified by the King County Council.

412 D. **Alternative Furlough Days.** In the event of a proclamation of an emergency budget
413 crisis by the executive and ratified by the King County Council which results in the
414 observation of emergency furlough days, furlough eligible employees regularly scheduled
415 to work on those days will take the designated emergency furlough days off without pay.
416 To the extent that one or more of the designated furlough days falls on an employee's
417 regularly scheduled day off, the affected employee will observe an alternative furlough
418 day(s). Employees that regularly work less than a standard 80 hour schedule in a two
419 week pay period will observe furlough day(s) on a prorated basis. The County
420 Administrative Officer may approve alternative furlough arrangements for specific work
421 units or agencies, to ensure continuity of necessary county services.

422 E. **Call Duty.** The county recognizes that there is an occasional need for an employee to
423 return to work outside his or her normal workday. The personnel guidelines shall contain
424 procedures relating to call duty.

425 F. On-the-Job Injury. The county recognizes a responsibility for action regarding on-the-
426 job injuries. The personnel guidelines shall contain procedures relating to on-the-job
427 injury.

428 G. Continuation of Career Service. A career service employee who accepts an
429 appointment to an exempt position effective on or after January 1, 1996 and which
430 position and appointment resulted from the reorganization of the executive branch as
431 reflected in the creation of certain new positions contained in Attachment A to Ordinance
432 12013 shall retain his/her career service status and rights while holding such exempt
433 position and have the restoration rights set forth in this section. This provision is not
434 intended to provide the career service employee with a right to the exempt position. But,
435 such employee, if selected for the exempt position, could be terminated from the position
436 only for just cause.

437 H. Restoration to Career Service. A career service employee who accepts a transfer or
438 promotion to an exempt position prior to December 1, 1979 shall, upon separation from
439 the exempt position, be allowed to re-enter career service at a position comparable in
440 terms of responsibilities and salary or wage (including normal cost-of-living increases) to
441 the career service position formerly held by the employee. A career service employee
442 accepting such a transfer or promotion on or after December 1, 1979 shall have such a
443 right to restoration; provided, that:

- 444 1. The right to restoration is exercised within four calendar years from the effective date
445 of the transfer or promotion to an exempt position; and
- 446 2. The former appointing authority, at his or her discretion, approves such restoration
447 within the limits of available authorized positions; or

448 3. A different appointing authority, having jurisdiction over comparable authorized
449 positions, at his or her discretion approves such restoration within the limits of available
450 authorized positions.

451 I. Wages and Hours. Matters involving wages and hours, including but not limited to
452 minimum wage and overtime compensation, shall be determined in accordance with
453 applicable state and federal laws and regulations.

454 J. Overtime. Overtime work may be authorized by the department director where
455 necessary to maintain or perform vital county services and shall be paid in accordance
456 with appropriate state and federal law.

457 SECTION 7. K.C.C. Section 3.12.125 is hereby revised to read as follows:

458 **Change in work week -- Adjustment to sick leave and vacation accruals.**

459 A. Notwithstanding any other provision of this chapter, in the event the number of hours
460 in the standard work week of a position occupied by a full-time regular employee, part-
461 time regular employee or, term-limited temporary employee is increased, the sick leave
462 and vacation leave accruals of such employee at the time of the increase shall be adjusted
463 upward so as to insure that the equivalent number of sick leave and vacation leave days
464 accrued does not change. (For example, if the standard work week of such a position is
465 increased from 35 to 40 hours, and if at the time of such change the employee occupying
466 the position had accrued seven hours of sick leave, the sick leave accrual of that
467 employee would be adjusted upward to eight hours.) This section shall apply to all
468 employees eligible for leave benefits occupying positions where the standard work week
469 of the position was increased on or after July 1, 1991. After such increase, such

Ordinance

470 employees shall accrue vacation and sick leave in accordance with the otherwise
471 applicable provisions of K.C.C.3.12.

472 B. Separate accounts shall be maintained for any vacation or sick leave accrued prior to
473 an increase in the number of work-week hours. The "adjusted leave account" shall be
474 used for leave accrued prior to an increase in the number of work-week hours. The
475 "unadjusted leave account" shall be used for leave accrued subsequent to an increase in
476 the number of work-week hours. Leave in the adjusted leave account shall be used first.

477 C. In the event the number of work-week hours is reduced for any employee whose
478 vacation and sick leave accruals have been adjusted upward under the terms of this
479 section, the remaining hours in the adjusted leave account shall be reduced in the same
480 proportion as the work-week hours are reduced. Under no circumstances shall the
481 adjusted leave account be reduced by a greater proportion than the proportion of the
482 previous upward adjustment. Any leave accrued in the unadjusted leave account shall not
483 be affected by this reduction.

484 D. No adjustment to reduce sick leave or vacation accruals for furloughed employees
485 will be made as a result of emergency budget furlough days.

486 SECTION 8. K.C.C. Section 3.12.190 is hereby revised to read as follows:

487 **Vacation leave.** A. Beginning January 1, 1996, employees eligible for leave benefits
488 shall accrue vacation leave benefits as described in and further qualified by this section.

Full Years of Service	Annual Leave in Days
Upon hire through end of Year 5	12
Upon beginning of Year 6	15
Upon beginning of Year 9	16

Ordinance

Upon beginning of Year 11	20
Upon beginning of Year 17	21
Upon beginning of Year 18	22
Upon beginning of Year 19	23
Upon beginning of Year 20	24
Upon beginning of Year 21	25
Upon beginning of Year 22	26
Upon beginning of Year 23	27
Upon beginning of Year 24	28
Upon beginning of Year 25	29
Upon beginning of Year 26 and beyond	30

489

490 B. Notwithstanding the vacation leave schedule set forth in paragraph A of this section,
491 employees eligible for leave benefits, excluding employees in the former department of
492 metropolitan services, shall accrue vacation leave as follows:

493 1. Said employees who were employed on or before December 31, 1995 and by that date
494 had completed at least three but less than five full years of service shall begin to accrue
495 fifteen days of vacation leave per year effective January 1, 1996;

496 2. Said employees who were employed on or before December 31, 1995 and subsequent
497 to that date complete three full years of service shall begin to accrue fifteen days of
498 vacation leave per year effective on the first day of their fourth full year of service.

499 Beginning on the first day of their sixth full year of service, all such employees shall
500 accrue vacation leave as set forth in paragraph A of this section.

Ordinance

501 C. Vacation accrual rates for an employee who works other than the full time schedule
502 standard to his or her work unit shall be prorated to reflect his or her normally scheduled
503 work week. No adjustment to reduce vacation accruals rates for a furloughed employee
504 will be made as a result of emergency budget furlough days.

505 D. Employees eligible for vacation leave shall accrue vacation leave from their date of
506 hire into a benefit eligible position.

507 E. Employees eligible for vacation leave may accrue up to sixty days vacation leave,
508 prorated to reflect their normally scheduled work day. Such employees shall use vacation
509 leave beyond the maximum accrual amount prior to December 31 of each year. Failure to
510 use vacation leave beyond the maximum accrual amount will result in forfeiture of the
511 vacation leave beyond the maximum amount unless the appointing authority has
512 approved a carryover of such vacation leave because of cyclical workloads, work
513 assignments or other reasons as may be in the best interests of the county.

514 F. Exempt employees in regular positions, other than provisional or probationary
515 employees, may take and upon leaving county employment be paid for accrued vacation
516 leave as approved by their appointing authorities.

517 G. Career service employees, provisional, probationary and term-limited temporary
518 employees, shall not be eligible to take or be paid for vacation leave until they have
519 successfully completed their first six months of county service, and if they leave county
520 employment prior to successfully completing their first six months of county service,
521 shall forfeit and not be paid for accrued vacation leave.

522 H. A furloughed employee shall not be eligible to take or be paid for vacation on an
523 emergency budget furlough day. The County Administrative Officer may designate that

Ordinance

524 paid vacation leave is available for use by specific groups of employees as may be
525 necessary.

526 I. Employees eligible for leave benefits shall be paid for accrued vacation leave to their
527 date of separation up to the maximum accrual amount if they have successfully
528 completed their first six months of county service and are in good standing; provided
529 that, except with the written approval of the executive, the position, if vacated by a non-
530 represented employee, shall not be filled until salary savings for such position are
531 accumulated in an amount sufficient to pay the cost of the cashout. Payment shall be the
532 accrued vacation leave multiplied by the employee's rate of pay in effect upon the date of
533 leaving county employment less mandatory withholdings.

534 J. Employees shall not use or be paid for vacation leave until it has accrued and such use
535 or payment is consistent with the provisions of this section.

536 K. No employee shall work for compensation for the county in any capacity during the
537 time that the employee is on vacation leave.

538 L. For employees covered by the overtime requirements of the Fair Labor Standards Act,
539 vacation leave may be used in one-half hour increments, at the discretion of the
540 appointing authority.

541 M. In cases of separation from county employment by death of an employee with accrued
542 vacation leave and who has successfully completed his or her first six months of county
543 service, payment of unused vacation leave up to the maximum accrual amount shall be
544 made to the employee's estate, or, in applicable cases, as provided for by state law, RCW
545 Title 11; provided that, except with the written approval of the executive, the position, if

Ordinance

546 vacated by a non-represented employee, shall not be filled until salary savings for such
547 position are accumulated in an amount sufficient to pay the cost of the cash out.

548 N. If an employee resigns from a full-time regular or part-time regular position with the
549 county in good standing or is laid off and subsequently returns to county employment
550 within two years from such resignation or layoff, as applicable, the employee's prior
551 county service shall be counted in determining the vacation leave accrual rate under
552 paragraph A of this section.

553 Section 9. K.C.C. Section 3.12.210 is hereby revised to read as follows:

554 **Leave - Bereavement.**

555 A. Employees eligible for leave benefits shall be entitled to three working days of
556 bereavement leave a year due to death of members of their immediate family. A
557 furloughed employee shall not be eligible to take or be paid for bereavement leave on an
558 emergency budget furlough day.

559 B. Employees who have exhausted their bereavement leave shall be entitled to use sick
560 leave in the amount of three days for each instance of death when death occurs to a
561 member of the employee's immediate family. A furloughed employee shall not be eligible
562 to take or be paid for bereavement sick leave on an emergency budget furlough day.

563 C. In cases of family death where no sick leave benefit is authorized or exists, an
564 employee may be granted leave without pay.

565 D. In the application of any of the foregoing provisions, holidays or regular days off
566 falling within the prescribed period of absence shall not be charged.

567 SECTION 10. K.C.C. Section 3.12.215 is hereby revised to read as follows:

568 **Leave - Organ donors.**

Ordinance

569 A. The appointing authority shall allow employees eligible for family leave, sick leave,
570 vacation leave or leave of absence without pay who are voluntarily participating as
571 donors in life-giving or life-saving procedures such as, but not limited to, bone marrow
572 transplants, kidney transplants, or blood transfusions to take five days paid leave without
573 having such leave charged to family leave, sick leave, vacation leave or leave of absence
574 without pay; provided that the employee shall:

575 1. Give the appointing authority reasonable advance notice of the need to take time off
576 from work for the donation of bone marrow, a kidney, or other organs or tissue where
577 there is a reasonable expectation that the employee's failure to donate may result in
578 serious illness, injury, pain or the eventual death of the identified recipient.

579 2. Provide written proof from an accredited medical institution, organization or individual
580 as to the need for the employee to donate bone marrow, a kidney, or other organs or
581 tissue or to participate in any other medical procedure where the participation of the
582 donor is unique or critical to a successful outcome.

583 3. A furloughed employee shall not be eligible to take or be paid for organ donor
584 leave on an emergency budget furlough day.

585 SECTION 11. K.C.C. Section 3.12.218 is hereby revised to read as follows:

586 **Leave - Smallpox vaccinations.** Any employee who is immunized for smallpox and who
587 subsequently misses work for medical reasons related to the smallpox immunization shall
588 be granted paid leave without having such charged to vacation or sick leave for the period
589 the employee is unable to work due to medical complications from the immunization.

590 Paid leave shall be granted if:

Ordinance

591 A. The employee is a member of one or more categories of individuals covered by a
592 declaration by the United States Secretary of Health and Human Services specifying the
593 administration of smallpox countermeasures.

594 B. The employee has been authorized by the county to receive the immunization in order
595 to participate in the county's response under Section 304 of the Homeland Security Act.

596 C. Any part of the leave that is covered by worker's compensation time loss shall be paid
597 from that fund. If the amount of worker's compensation time loss payment is less than the
598 employee's regular net pay, the county will supplement the time loss payment up to the
599 level needed to equal the employee's regular net pay.

600 D. A furloughed employee shall not be eligible to take or be paid for smallpox
601 vaccination leave on an emergency budget furlough day. However, any part of the leave
602 that is covered by worker's compensation time loss shall be paid from that fund.

603 SECTION 12. K.C.C. Section 3.12.220 is hereby revised to read as follows:

604 **Sick leave and time off for medical and family reasons.**

605 A. Except for employees covered by K.C.C. 3.12.220.G, employees eligible for leave
606 benefits shall accrue sick leave benefits at the rate of 0.04616 hours for each hour in pay
607 status exclusive of overtime up to a maximum of eight hours per month; except that sick
608 leave shall not begin to accrue until the first of the month following the month in which
609 the employee commenced employment. No adjustment to reduce sick leave accruals for
610 furloughed employees will be made as a result of emergency budget furlough days. The
611 employee is not entitled to sick leave if not previously earned.

612 B. During the first six months of service, employees eligible to accrue vacation leave
613 may, at the appointing authority's discretion, use any accrued days of vacation leave as

Ordinance

614 an extension of sick leave. If an employee does not work a full six months, any vacation
615 leave used for sick leave must be reimbursed to the county upon termination.

616 C. For employees covered by the overtime requirements of the Fair Labor Standards Act,
617 sick leave may be used in one-half hour increments, at the discretion of the appointing
618 authority.

619 D. There shall be no limit to the hours of sick leave benefits accrued by an eligible
620 employee.

621 E. Separation from or termination of county employment except by reason of retirement
622 or layoff due to lack of work, funds, efficiency reasons or separation for nondisciplinary
623 medical reasons, shall cancel all sick leave accrued to the employee as of the date of
624 separation or termination. Should the employee resign in good standing, be separated for
625 nondisciplinary medical reason or be laid off, and return to county employment within
626 two years, accrued sick leave shall be restored, but the restoration shall not apply where
627 the former employment was in a term-limited temporary position.

628 F.1. Except for employees covered by K.C.C. 3.12.220.G, employees eligible to accrue
629 sick leave and who have successfully completed at least five years of county service and
630 who retire as a result of length of service or who terminate by reason of death shall be
631 paid, or their estates paid or as provided for by Title 11 RCW, as applicable, an amount
632 equal to thirty-five percent of their unused, accumulated sick leave multiplied by the
633 employee's rate of pay in effect upon the date of leaving county employment less
634 mandatory withholdings. This provision is predicated on the requirement that, except
635 with the written approval of the executive, the position, if vacated by a non-represented
636 employee, shall not be filled until salary savings for such position are accumulated in an

Ordinance

637 amount sufficient to pay the cost of the cash out. For the purposes of this subsection F.1,
638 "retire as a result of length of service" means an employee is eligible, applies for and
639 begins drawing a pension from the Law Enforcement Officers and Firefighters (LEOFF),
640 Public Employees' Retirement System (PERS), Public Safety Employees' Retirement
641 System (PSERS) or the city of Seattle Retirement plan immediately upon terminating
642 county employment.

643 2. a. In lieu of the remuneration for unused sick leave at retirement, the manager of the
644 human resources division, or the manager's designee, may, with equivalent funds, provide
645 eligible employees with a voluntary employee beneficiary association plan that provides
646 for reimbursement of retiree and other qualifying medical expenses.

647 b. The manager shall adopt procedures for the implementation of all voluntary employee
648 beneficiary association plans. At a minimum, the procedures shall provide that:

649 (1) each group of employees hold an election to decide whether to implement a voluntary
650 employee beneficiary association plan for a defined group of employees. The
651 determination of the majority of voting employees in a group shall bind the remainder.
652 Elections for represented employees shall be conducted by the appropriate bargaining
653 representative. Elections for non-represented employees shall be conducted in accordance
654 with procedures established by the manager; (2) the manager has discretion to determine
655 the scope of employee groups voting on whether to adopt a voluntary employee
656 beneficiary association plan. The manager shall consult with bargaining representatives
657 and elected officials in determining the scope of voting groups; (3) any voluntary
658 employee beneficiary association plan implemented in accordance with this subsection
659 F.2. complies **with federal tax law**. Disbursements in accordance with this subsection F.2.

Ordinance

660 shall be exempt from withholdings, to the extent permitted by law; and (4) employees
661 shall forfeit remuneration under subsections F.1. and 2. of this section if the employee
662 belongs to a group that has voted to implement a voluntary employee beneficiary
663 association plan and the employee fails to execute forms that are necessary to the proper
664 administration of the plan within twelve months of retirement by reason of length of
665 service, as defined in subsection F.1. of this subsection.

666 G. Uniformed employees covered under the LEOFF Retirement System-Plan I shall
667 apply for disability retirement under RCW 41.26.120.

668 H. An employee must use all of his or her accrued sick leave and any donated sick leave
669 before taking unpaid leave for his or her own health reasons. If the injury or illness is
670 compensable under the county's workers compensation program, then the employee has
671 the option to augment or not augment time loss payments with the use of accrued sick
672 leave. A furloughed employee shall not be eligible to take or be paid for sick leave on an
673 emergency budget furlough day. For a leave for family reasons, the employee shall
674 choose at the start of the leave whether the particular leave would be paid or unpaid; but
675 when an employee chooses to take paid leave for family reasons he or she may set aside a
676 reserve of up to eighty hours of accrued sick leave. A furloughed employee shall not be
677 eligible to take or be paid for family sick leave on an emergency budget furlough day.

678 An employee who has exhausted all of his or her sick leave may use accrued vacation
679 leave before going on leave of absence without pay, if approved by his or her appointing
680 authority. A furloughed employee shall not be eligible to take or be paid for smallpox
681 vaccination leave on an emergency budget furlough day. A furloughed employee shall

Ordinance

682 not be eligible to take or be paid for vacation leave in lieu of sick leave on an emergency
683 budget furlough day. Sick leave shall be used for the following reasons:

684 1. The employee's bona fide illness, but an employee who suffers an occupational illness
685 may not simultaneously collect sick leave and worker's compensation payments in a total
686 amount greater than the net regular pay of the employee;

687 2. The employee's incapacitating injury, but:

688 a. an employee injured on the job may not simultaneously collect sick leave and worker's
689 compensation payments in a total amount greater than the net regular pay of the
690 employee; though an employee who chooses not to augment his or her worker's
691 compensation time loss pay through the use of sick leave shall be deemed on unpaid
692 leave status;

693 b. an employee who chooses to augment workers' compensation payments with the use of
694 accrued sick leave shall notify the safety and workers' compensation program office in
695 writing at the beginning of the leave; c. an employee may not collect sick leave and
696 workers' compensation time loss payments for physical incapacity due to any injury or
697 occupational illness which is directly traceable to employment other than with the county;

698 3. The employee's exposure to contagious diseases and resulting quarantine;

699 4. A female employee's temporary disability caused by or contributed to by pregnancy
700 and childbirth;

701 5. The employee's medical or dental appointments, provided that the employee's
702 appointing authority has approved the use of sick leave for such appointments;

703 6. To care for the employee's child as defined in this chapter if the child has an illness or
704 health condition which requires treatment or supervision from the employee; or

Ordinance

- 705 7. To care for other family members, if:
- 706 a. the employee has been employed by the county for twelve months or more and has
- 707 worked a minimum of nine hundred ten hours (thirty-five--hour employee) or one
- 708 thousand forty hours (forty-hour employee) in the preceding twelve months;
- 709 b. the family member is the employee's spouse or domestic partner, the employee's child,
- 710 a child of the employee's spouse or domestic partner, the parent of the employee,
- 711 employee's spouse or domestic partner or an individual who stands or stood in loco
- 712 parentis to the employee, the employee's spouse or domestic partner; and
- 713 c. the reason for the leave is one of the following: (1) the birth of a son or daughter and
- 714 care of the newborn child, or placement with the employee of a son or daughter for
- 715 adoption or foster care, if the leave is taken within twelve months of the birth, adoption or
- 716 placement; (2) the care of the employee's child or child of the employee's spouse or
- 717 domestic partner whose illness or health condition requires treatment or supervision by
- 718 the employee; or (3) care of a family member who suffers from a serious health
- 719 condition.
- 720 I. An employee may take a total of up to eighteen work weeks unpaid leave for his or her
- 721 own serious health condition, and for family reasons as provided in K.C.C. 3.12.220.H.6.
- 722 and K.C.C. 3.12.220.H.7, combined, within a twelve-month period. The leave may be
- 723 continuous, which is consecutive days or weeks, or intermittent, which is taken in whole
- 724 or partial days as needed. Intermittent leave is subject to the following conditions:
- 725 1. When leave is taken after the birth or placement of a child for adoption or foster care,
- 726 an employee may take leave intermittently or on a reduced leave schedule only if
- 727 authorized by the employee's appointing authority;

Ordinance

728 2. An employee may take leave intermittently or on a reduced schedule when medically
729 necessary due to a serious health condition of the employee or a family member of the
730 employee; and

731 3. If an employee requests intermittent leave or leave on a reduced leave schedule under
732 K.C.C. 3.12.220.I.2 that is foreseeable based on planned medical treatment, the
733 appointing authority may require the employee to transfer temporarily to an available
734 alternative position for which the employee is qualified and that has equivalent pay and
735 benefits and that better accommodates recurring periods of leave than the regular position
736 of the employee.

737 J. Use of donated leave shall run concurrently with the eighteen work week family
738 medical leave entitlement.

739 K. The county shall continue its contribution toward health care benefits during any
740 unpaid leave taken under K.C.C. 3.12.220.I.

741 L. Department management is responsible for the proper administration of the sick leave
742 benefit. Verification from a licensed health care provider may be required to substantiate
743 the health condition of the employee or family member for leave requests.

744 M. An employee who returns from unpaid family or medical leave within the time
745 provided in this ordinance section is entitled, subject to bona fide layoff provisions, to:

746 1.a. the same position he or she held when the leave commenced; or

747 b. a position with equivalent status, benefits, pay and other terms and conditions of
748 employment; and

749 2. The same seniority accrued before the date on which the leave commenced.

750 N. Failure to return to work by the expiration date of a leave of absence may be cause for
751 removal and result in termination of the employee from county service.

752 SECTION 13. K.C.C. Section 3.12.223 is hereby revised to read as follows:

753 **Donation of vacation or sick leave to other employees.**

754 A. Vacation leave hours.

755 1. Any employee eligible for leave benefits may donate a portion of his or her accrued
756 vacation leave to another employee eligible for leave benefits. Such donation will occur
757 upon written request to and approval of the donating and receiving employees'
758 department director(s), except that requests for vacation donation made for the purposes
759 of supplementing the sick leave benefits of the receiving employee shall not be denied
760 unless approval would result in a departmental hardship for the receiving department.

761 2. The number of hours donated shall not exceed the donor's accrued vacation credit as of
762 the date of the request. No donation of vacation hours shall be permitted where it would
763 cause the employee receiving the transfer to exceed his or her maximum vacation accrual.

764 3. A furloughed employee shall not be eligible to take or be paid for donated vacation on
765 an emergency budget furlough day. The County Administrative Officer may designate
766 that paid donated vacation leave is available for use by specific groups of employees as
767 may be necessary.

768 4. Donated vacation leave hours must be used within ninety calendar days following the
769 date of donation. Donated hours not used within ninety days or due to the death of the
770 receiving employee shall revert to the donor. Donated vacation leave hours shall be
771 excluded from vacation leave payoff provisions contained in this chapter. For purposes of
772 this section, the first hours used by an employee shall be accrued vacation leave hours.

Ordinance

773 B. Sick leave hours.

774 1. Any employee eligible for leave benefits may donate a portion of his or her accrued
775 sick leave to another employee eligible for leave benefits upon written notice to the
776 donating and receiving employees' department director(s).

777 2. No donation shall be permitted unless the donating employee's sick leave accrual
778 balance immediately subsequent to the donation is one hundred hours or more. No
779 employee may donate more than twenty-five hours of his or her accrued sick leave in a
780 calendar year.

781 3. Donated sick leave hours must be used within ninety calendar days. Donated hours not
782 used within ninety days or due to the death of the receiving employee shall revert to the
783 donor. Donated sick leave hours shall be excluded from the sick leave payoff provisions
784 contained in this chapter, and sick leave restoration provisions contained in this chapter.
785 For purposes of this section, the first hours used by an employee shall be accrued sick
786 leave hours.

787 C. All donations of vacation and sick leave made under this chapter are strictly voluntary.
788 Employees are prohibited from soliciting, offering or receiving monetary or any other
789 compensation or benefits in exchange for donating vacation or sick leave hours.

790 D. All vacation and sick leave hours donated shall be converted to a dollar value based on
791 the donor's straight time hourly rate at the time of donation. Such dollar value will then
792 be divided by the receiving employee's hourly rate to determine the actual number of
793 hours received. Vacation leave donated to a furloughed employee, who is designated by
794 the County Administrative Officer as eligible to use donated leave on an emergency
795 budget furlough day, is donated on an hour-for-hour basis, without an hourly rate

Ordinance

796 conversion. Unused donated vacation and sick leave shall be reconverted based on the
797 donor's straight time hourly rate at the time of reconversion. Vacation leave donated to a
798 furloughed employee, who is designated by the County Administrative Officer as eligible
799 to use donated leave on an emergency budget furlough day, will not revert back to the
800 donor.

801 SECTION 14. K.C.C. Section 3.12.225 is hereby revised to read as follows:

802 **Leave for school volunteer service.** The appointing authority shall allow the use of up to
803 three days of sick leave each year to allow employees to perform volunteer services at the
804 school attended by the employee's child. A furloughed employee shall not be eligible to
805 take or be paid for school volunteer sick leave on an emergency budget furlough day.

806 Employees requesting to use sick leave for this purpose shall submit such request in
807 writing specifying the name of the school and the nature of the volunteer services to be
808 performed.

809 SECTION 15. K.C.C. Section 3.12.230 is hereby revised to read as follows:

810 **Holidays.**

811 A. The following days are hereby designated as official county holidays:

- 812 1. January 1, New Year's Day;
- 813 2. Third Monday in January, Martin Luther King, Jr. Birthday;
- 814 3. Third Monday in February, President's Day;
- 815 4. Last Monday in May, Memorial Day;
- 816 5. July 4, Independence Day;
- 817 6. First Monday in September, Labor Day;
- 818 7. November 11, Veteran's Day;

Ordinance

- 819 8. Thanksgiving Day and the day immediately following;
820 9. December 25, Christmas Day;
821 10. Special or limited holidays as declared by the president or governor, and as approved
822 by the council;
823 11. Such other days in lieu of holidays as the council may determine;
824 12. Employees eligible for leave benefits shall be granted two personal holidays to be
825 administered through the vacation plan; provided, that the hours granted to employees
826 working less than a full-time schedule shall be prorated to reflect their normally
827 scheduled work day. One day shall be credited to the employee's leave balance on the
828 first of October and one day on the first of November.

829 B. For holidays falling on a Saturday, the Friday before shall be a paid holiday. For
830 holidays falling on a Sunday, the Monday following shall be a paid holiday.

831 C. An employee must be eligible for leave benefits and in a pay status on the day prior to
832 and the day following a holiday to be eligible for holiday pay; provided, however, that an
833 employee who has successfully completed at least five years of county service and who
834 retires at the end of a month in which the last regularly scheduled working day is
835 observed as a holiday, shall be eligible for holiday pay if the employee is in a pay status
836 the day before the day observed as a holiday; and further provided, however, that an
837 employee who is not in a pay status on the day prior to and following a holiday, shall be
838 eligible for holiday pay if the employee was not in a pay status on an emergency budget
839 furlough day.

840 SECTION 16. K.C.C. Section 3.12.240 is hereby revised to read as follows:

841 **Leave - Jury duty.** Any employee eligible for leave benefits who is ordered on a jury
842 shall be entitled to his or her regular county pay; provided, that fees for such jury duty are
843 deposited, exclusive of mileage, with the department of finance. A furloughed employee
844 shall not be eligible to take or be paid for jury duty leave on an emergency budget
845 furlough day. Employees shall report back to their work supervisor when dismissed from
846 jury service.

847 SECTION 17. K.C.C. Section 12.52.010 is hereby revised to read as follows:

848 **Definitions:** The following definitions shall apply in the interpretation and
849 implementation of this chapter:

850 A. "Emergency" or "disaster" means an event or set of circumstances such as fire, flood,
851 explosion, storm, earthquake, epidemic, riot or insurrection, which demands the
852 immediate preservation of order or of public health or the restoration to a condition of
853 usefulness of any public property, the usefulness of which has been destroyed or where
854 delay will result in financial loss to the county or for the relief of a stricken community
855 overtaken by such occurrences or which reaches such a dimension or degree of
856 destructiveness as to warrant the executive proclaiming a state of emergency pursuant to
857 K.C.C. 12.52.030.

858 B. "Emergency management" means the preparation for and carrying out of all
859 emergency functions, other than functions for which the military forces are primarily
860 responsible, to mitigate, prepare for, respond to, and recover from emergencies and
861 disasters, and to aid victims suffering from injury or damage, resulting from disasters
862 caused by all hazards, whether natural or human-made, and to provide support for search

Ordinance

863 and rescue operations for persons and property in distress pursuant to the provisions of
864 chapter 38.52 RCW.

865 C. "Emergency worker" means any person, including but not limited to an architect
866 registered under chapter 18.08 RCW or a professional engineer registered under chapter
867 18.43 RCW, who is registered with the county or state of Washington and/or holds an
868 identification card issued by the county or the state of Washington for the purpose of
869 engaging in authorized emergency management activities or is an employee of the state
870 of Washington or any political subdivision thereof who is called upon to perform
871 emergency management activities.

872 D. "Emergency budget furlough," means placing an employee in a temporary status
873 without duties and without pay due to a financial emergency necessitating budget
874 reductions.

875 E. "Emergency budget furlough management," means the preparation for and carrying
876 out of all emergency budget furlough functions, including providing for the effective
877 direction, control and coordination of an emergency budget furlough in a manner to
878 preserve county functions.

879 F. "Injury" means and includes accidental injuries and/or occupational diseases arising
880 out of emergency management activities.

881 G. "Search and rescue" means the acts of searching for, rescuing, or recovering by means
882 of ground, marine, or air activity any person who becomes lost, injured, or is killed while
883 outdoors or as a result of a natural or human-made disaster, including instances involving
884 searches for downed aircraft when ground personnel are used.

885 SECTION 18. K.C.C. Section 12.52.030 is hereby revised to read as follows:

886 **Powers delineated.** The executive shall see that the Washington State laws and
887 ordinances of King County are enforced, and shall direct and control all subordinate
888 officers of the county, except insofar as such enforcement, direction and control is by
889 King County Charter reposed in some other officer or board, and shall maintain the peace
890 and order in King County.

891 A. Whenever an emergency or disaster occurs in King County and results in the death or
892 injury of persons or the destruction of property to such extent as to require, in the
893 judgment of the executive, extraordinary measures to protect the public peace, safety and
894 welfare, the executive may forthwith proclaim in writing the existence of such an
895 emergency.

896 B. Whenever an emergency budget crisis occurs in King County, the executive may
897 forthwith proclaim in writing the existence of such an emergency and order the furlough
898 of employees and closure of county offices/sites. The executive has proclaimed that an
899 emergency budget crisis exists for the year 2009. A standard by which to define an
900 emergency budget crisis for any subsequent years will be determined by the executive in
901 consultation with the King County Council.

902 C. Upon the proclamation of an emergency by the executive, and during the existence of
903 such emergency, the executive may make and proclaim any or all of the following orders:

904 1. An order calling for an emergency budget furlough, the furlough of employees and
905 closure of county offices/sites;

906 2. An order calling for the reduction in hours or the closure of county offices/sites on
907 specific days associated with an emergency budget furlough;

Ordinance

- 908 3. An order calling for the negotiation of agreements, as is imminently necessary for the
909 protection of life, services and property during an "emergency" or "disaster" or
910 "Emergency budget crisis."
- 911 4. An order recalling King County employees from vacation, canceling days off,
912 authorizing overtime, or recalling selected retired employees;
- 913 5. An order waiving the requirements of K.C.C. 4.04, 4.16, 4.18, 12.16 and 12.18.095
914 with reference to any contract relating to the county's lease or purchase of supplies,
915 equipment, personal services or public works as defined by RCW 39.04.010, or to any
916 contract for the selection and award of professional and/or technical consultant contracts.
917 Provided, however, that an emergency waiver of the requirements under K.C.C. 4.18,
918 12.16 and 12.18 shall not amend the annual utilization goals unless the emergency makes
919 it impossible to achieve the annual utilization goals.
- 920 6. An order directing evacuation and/or clearing of debris and wreckage caused by an
921 emergency or disaster from publicly and privately owned lands and waters;
- 922 7. An order imposing a general curfew applicable to King County as a whole, or to such
923 geographical area or areas of King County and during such hours, as the executive deems
924 necessary, and from time to time to modify the hours such curfew will be in effect and
925 the area or areas to which it will apply;
- 926 8. An order requiring any or all business establishments to close and remain closed until
927 further order;
- 928 9. An order requiring discontinuance of the sale, distribution or giving away of alcoholic
929 beverages in any or all parts of King County, and/or the closure of any and all bars,
930 taverns, liquor stores, and other business establishments where **alcoholic beverages** are

Ordinance

931 sold or otherwise dispensed; provided that with respect to those business establishments
932 which are not primarily devoted to the sale of alcoholic beverages and in which such
933 alcoholic beverages may be removed or made secure from possible seizure by the public,
934 the portions thereof utilized for the sale of items other than alcoholic beverages may, in
935 the discretion of the executive, be allowed to remain open;

936 10. An order requiring the discontinuance of the sale, distribution or giving away of
937 gasoline or other liquid flammable or combustible products in any container other than a
938 gasoline tank properly affixed to a motor vehicle;

939 11. An order closing to the public any or all public places including streets, alleys, public
940 ways, schools, parks, beaches, amusement areas and public buildings;

941 12. An order prohibiting the carrying or possession of firearms or any instrument which
942 is capable of producing bodily harm and which is carried or possessed with intent to use
943 the same to cause such harm; provided that any such order shall not apply to peace
944 officers or military personnel engaged in the performance of their official duties;

945 13. An order granting emergency postponement of King County permit procedures for
946 public work projects, as defined by RCW 39.04.010, responding to conditions of the
947 emergency and/or for restoration of public facilities damaged as a result of the
948 emergency. Such postponements shall be temporary. All projects must comply with all
949 applicable code requirements. A permit and inspection must be obtained as soon as
950 possible after work has begun, but permit application shall be made no later than six
951 months after the date of the emergency proclamation.

952 14. Such other orders as are imminently necessary for the protection of life and property.

953 D. Any executive order authorized by this section shall, be filed with the clerk of the

Ordinance

954 council not later than 10:00 a.m. of the second business day after it is issued, except for
955 orders waiving requirements of K.C.C. 4.04, 4.16, 4.18, 12.16 and 12.18. Executive
956 orders issued under authority of this section shall continue in force and effect until
957 terminated by order of the executive or action by the council by ordinance. Provided,
958 however, that orders waiving the requirements of K.C.C. 4.04, 4.16, 4.18, 12.16 and
959 12.18 shall terminate as provided for in K.C.C. 4.16.050.

960 E. Any proclamation issued by the executive pursuant to the authority of this chapter
961 shall be delivered to all news media within King County and shall utilize such other
962 available means as shall be necessary, in the executive's judgment, to give notice of such
963 proclamation to the public.

964 F. It shall be a misdemeanor for anyone to fail or refuse to obey any such order
965 proclaimed by the executive. Anyone convicted of a violation of this section is

966

Ordinance

967 punishable by a fine of not more than one thousand dollars or by imprisonment for not
968 more than ninety days, or both such fine and imprisonment.
969

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

APPROVED this ____ day of _____, _____.

Attachments None

12/8/08

**STRIKING
AMENDMENT**

sr/bar/an

Sponsor: _____

Proposed No.: 2008-0626

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2008-0626, VERSION**

2 **1**

3 On page 1, beginning on line 8, strike everything through page 45, line 968, and insert:

4 "BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 **SECTION 1. Findings of Fact.** A. The county is experiencing an
6 unprecedented financial emergency resulting in a significant shortfall in the
7 amount of funding needed to sustain the current level of general operations
8 through 2009. In order to address the shortfall, program cuts and reductions in
9 force are being implemented.

10 B. In order to preserve certain services and reduce the necessity for
11 additional reductions in force, the county for ten days in 2009 will shut down all
12 but certain designated services and place eligible employees on an unpaid
13 furlough, also known as an emergency budget furlough. In order to provide for
14 the furlough, certain code revisions are necessary.

15 C. Areas affected are office hours, workweeks and personnel provisions.

DRAFT

12-7-08

16 D. On XX, 2008, the executive proclaimed that a budget emergency crisis
17 exists for the 2009 budget year.

18 E. The executive has negotiated an agreement relating to the emergency budget
19 crisis with represented employees.

20 F With reduced revenues, King County is working hard to find innovative ways
21 to gain efficiencies in all county functions in order to minimize service reductions to the
22 public. The council expresses its gratitude and appreciation to county employees who
23 voluntarily agreed to up to ten unpaid furlough days in order to close the budget shortfall
24 while minimizing additional layoffs.

25 SECTION 2. Ordinance 376, Section 1, and K.C.C. 2.08.010 are each hereby
26 amended to read as follows:

27 A. All county ~~((and precinct))~~ offices shall remain open for the transaction of
28 public business as follows:

29 1. Open on Monday through Friday of each week from eight-thirty a.m. to four-
30 thirty p.m., except where accommodations can be made, as determined necessary by the
31 county executive, to provide services to the public during the hours of eight a.m. to five
32 p.m. through the use of staggered work shifts agreeable to employees and not in conflict
33 with union contracts~~((:))~~;

34 2. Closed on Saturdays, Sundays and all legal holidays; and

35 3. Closed on furlough days in the case of an emergency budget crisis.

36 B. If an emergency budget crisis is proclaimed and ratified under the provisions
37 of Section 19 of this ordinance and a budget furlough has been ordered, the executive
38 shall notify the public that county offices are closed by posting the information on the

DRAFT

12-7-08

39 county buildings or offices that are closed, by posting a notice on the internet, by
40 advertising in the official county newspaper and by issuing press releases.

41 **SECTION 3.** Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010 are
42 each hereby amended to read as follows:

43 All words shall have their ordinary and usual meanings except those defined in
44 this section which shall have, in addition, the following meanings. In the event of
45 conflict, the specific definitions set forth in this section shall presumptively, but not
46 conclusively, prevail.

47 A. "Administrative interns" are employees who are also enrolled full-time during
48 the regular school year in a program of education, internship or apprenticeship. All
49 administrative internships in executive departments shall be approved by the manager.
50 Administrative interns are exempt from the career service under Section 550 of the
51 charter.

52 B. "Appointing authority" means the county council, the executive, chief officers
53 of executive departments and administrative offices, or division managers having
54 authority to appoint or to remove persons from positions in the county service.

55 C. "Basis of merit" means the value, excellence or superior quality of an
56 individual's work performance, as determined by a structured process comparing the
57 employee's performance against defined standards and, where possible, the performance
58 of other employees of the same or similar class.

59 D. "Board" means the county personnel board established by Section 540 of the
60 charter.

DRAFT

12-7-08

61 E. "Career service employee" means a county employee appointed to a career
62 service position as a result of the selection procedure provided for in this chapter, and
63 who has completed the probationary period.

64 F. "Career service position" means all positions in the county service except for
65 those ~~((which))~~that are designated by Section 550 of the charter as follows: ~~((A))~~all
66 elected officers; the county auditor, the clerk and all other employees of the county
67 council; the county administrative officer; the chief officer of each executive department
68 and administrative office; the members of all boards and commissions; administrative
69 assistants for the executive and one administrative assistant each for the county
70 administrative officer, the county auditor, the county assessor, the chief officer of each
71 executive department and administrative office and for each board and commission; a
72 chief deputy for the county assessor; one confidential secretary each for the executive, the
73 chief officer of each executive department and administrative office, and for each
74 administrative assistant specified herein; all employees of those officers who are
75 exempted from the provisions of this chapter by the state constitution; persons employed
76 in a professional or scientific capacity to conduct a special inquiry, investigation or
77 examination; part-time and temporary employees; administrative interns; election
78 precinct officials; all persons serving the county without compensation; physicians;
79 surgeons; dentists; medical interns; and student nurses and inmates employed by county
80 hospitals, tuberculosis sanitariums and health departments of the county. Divisions in
81 executive departments and administrative offices as determined by the county council
82 shall be considered to be executive departments for the purpose of determining the
83 applicability of Section 550 of the charter. All part-time employees shall be exempted

DRAFT

12-7-08

84 from career service membership except, all part-time employees employed at least half
85 time or more, as defined by ordinance, shall be members of the career service.

86 G. "Charter" means the King County Charter, as amended.

87 H. "Child" means a biological, adopted or foster child, a stepchild, a legal ward
88 or a child of an employee standing in loco parentis to the child, who is:

89 1. Under eighteen years of age; or

90 2. Eighteen years of age or older and incapable of self care because of a mental
91 or physical disability.

92 I. "Class" or "classification" means a position or group of positions, established
93 under authority of this chapter, sufficiently similar in respect to the duties, responsibilities
94 and authority thereof, that the same descriptive title may be used to designate each
95 position allocated to the class.

96 J. "Classification plan" means the arrangement of positions into classifications
97 together with specifications describing each classification.

98 K. "Compensatory time" means time off granted with pay in lieu of pay for work
99 performed either on an authorized overtime basis or work performed on a holiday
100 ((which)) that is normally scheduled as a day off. Such compensatory time shall be
101 granted on the basis of time and one-half.

102 L. "Competitive employment" means a position established in the county budget
103 and which will require at least twenty-six weeks of service per year as the work schedule
104 established for the position.

105 M. "Council" means the **county council** as established by Article 2 of the charter.

DRAFT

12-7-08

106 N. "County" means King County and any other organization that is legally
107 governed by the county with respect to personnel matters.

108 O. "Developmental disability" means a developmental disability, as defined in
109 RCW 71A.10.020(2), as amended, attributable to mental retardation, cerebral palsy,
110 epilepsy, autism or other neurological or other condition of an individual found by the
111 secretary of the Washington state Department of Social and Health Services, or designee
112 to be closely related to mental retardation or to require treatment similar to that required
113 for individuals with mental retardation, which disability originates before the individual
114 attains age eighteen, which has continued or can be expected to continue indefinitely, and
115 which constitutes a substantial handicap for the individual.

116 P. "Direct cost" means the cost aggregate of the actual weighted average cost of
117 insured benefits, less any administrative cost therefor((e)). Any payments to part-time
118 and temporary employees under this chapter shall not include any administrative
119 overhead charges applicable to administrative offices and executive departments.

120 Q. "Director" means the manager of the human resources division.

121 R. "Division" means the human resources division or its successor agency.

122 S. "Domestic partners" are two people in a domestic partnership, one of whom is
123 a county employee.

124 T. "Domestic partnership" is a relationship whereby two people:

125 1. Have a close personal relationship;

126 2. Are each other's sole domestic partner and are responsible for each other's
127 common welfare;

128 3. Share the same regular and permanent residence;

DRAFT

12-7-08

129 4. Are jointly responsible for basic living expenses which means the cost of
130 basic food, shelter and any other expenses of a domestic partner (~~(which)~~) that are paid at
131 least in part by a program or benefit for which the partner qualified because of the
132 domestic partnership. The individuals need not contribute equally or jointly to the cost of
133 these expenses as long as they agree that both are responsible for the cost;

134 5. Are not married to anyone;

135 6. Are each eighteen years of age or older;

136 7. Are not related by blood closer than would bar marriage in the state of
137 Washington;

138 8. Were mentally competent to consent to contract when the domestic
139 partnership began.

140 U. "Emergency budget furlough," also referred to as "mandated leave," means
141 placing an employee for one or more furlough days in a temporary status without duties
142 and without pay due to an emergency budget crisis proclaimed and ratified under the
143 provisions of Section 19 of this ordinance.

144 V. "Employed at least half time or more" means employed in a regular position
145 which has an established work schedule of not less than one-half the number of hours of
146 the full-time positions in the work unit in which the employee is assigned, or when
147 viewed on a calendar year basis, nine hundred ten hours or more in a work unit in which
148 a work week of more than thirty-five but less than forty hours is standard or one thousand
149 forty hours or more in a work unit in which a forty hour work week is standard. If the
150 standard work week hours within a work unit varies (for instance, employees working

DRAFT

12-7-08

151 both thirty five and forty hours), the manager, in consultation with the department, is
152 responsible for determining what hour threshold will apply.

153 ~~((V-))~~ X. "Employee" means any person who is employed in a career service
154 position or exempt position.

155 ~~((W-))~~ Y. "Executive" means the county executive, as established by Article 3 of
156 the charter.

157 ~~((X-))~~ Z. "Exempt employee" means an employee employed in a position that is
158 not a career service position under Section 550 of the charter. Exempt employees serve at
159 the pleasure of the appointing authority.

160 ~~((Y-))~~ AA. "Exempt position" means any position excluded as a career service
161 position by Section 550 of the charter. Exempt positions are positions to which
162 appointment may be made directly without a competitive hiring process.

163 ~~((Z-))~~ BB. "Full-time regular employee" means an employee employed in a full-
164 time regular position and, for full-time career service positions, is not serving a
165 probationary period.

166 ~~((AA-))~~ CC. "Full-time regular position" means a regular position which has an
167 established work schedule of not less than thirty-five hours per week in those work units
168 in which a thirty-five hour week is standard, or of not less than forty hours per week in
169 those work units in which a forty-hour week is standard.

170 DD. "Furlough day" means a day for which an employee shall perform no work
171 and shall receive no pay due to an emergency budget crisis necessitating emergency
172 budget furloughs.

DRAFT

12-7-08

173 EE. "Furloughed employee" means an employee who is placed in a temporary
174 status without duties and without pay due to a financial emergency necessitating budget
175 reductions.

176 ~~((BB-))~~ FF. "Grievance" means an issue raised by an employee relating to the
177 interpretation of rights, benefits, or condition of employment as contained in either the
178 administrative rules or procedures, or both, for the career service.

179 ~~((CC-))~~ GG. "Immediate family" means spouse, child, parent, son-in-law,
180 daughter-in-law, grandparent, grandchild, sibling, domestic partner and the child, parent,
181 sibling, grandparent or grandchild of the spouse or domestic partner.

182 ~~((DD-))~~ HH. "Incentive increase" means an increase to an employee's base salary
183 within the assigned pay range, based on demonstrated performance.

184 ~~((EE-))~~ II. "Integrated work setting" means a work setting with no more than eight
185 persons with developmental disabilities or with the presence of a sensory, mental or
186 physical handicap as specified in K.C.C. 3.12.180. This definition refers to all county
187 offices, field locations and other work sites at which supported employees work along
188 side employees who are not persons with development disabilities employed in
189 permanent county positions.

190 ~~((FF-))~~ JJ. "Life-giving and life-saving procedures" means a medically-
191 supervised procedure involving the testing, sampling, or donation of blood, organs,
192 fluids, tissues and other human body components for the purposes of donation without
193 compensation to a person for a medically necessary treatment.

194 ~~((GG-))~~ KK. "Manager" means the manager of the human resources division or
195 its successor agency.

DRAFT

12-7-08

196 ~~((HH.))~~ LL. "Marital status" means the presence or absence of a marital
197 relationship and includes the status of married, separated, divorced, engaged, widowed,
198 single or cohabiting.

199 ~~((H.))~~ MM. "Part-time employee" means an employee employed in a part-time
200 position. Under Section 550 of the charter, part-time employees are not members of the
201 career service.

202 ~~((JJ.))~~ NN. "Part-time position" means an other than a regular position in which
203 the part-time employee is employed less than half time, that is less than nine hundred ten
204 hours in a calendar year in a work unit in which a thirty-five hour work week is standard
205 or less than one thousand forty hours in a calendar year in a work unit in which a forty-
206 hour work week is standard, except as provided elsewhere in this chapter. Where the
207 standard work week falls between thirty-five and forty hours, the manager, in
208 consultation with the department, is responsible for determining what hour threshold will
209 apply. Part-time position excludes administrative intern.

210 ~~((KK.))~~ OO. "Part-time regular employee" means an employee employed in a
211 part-time regular position and, for part-time career service positions, is not serving a
212 probationary period. Under Section 550 of the charter, such part-time regular employees
213 are members of the career service.

214 ~~((LL.))~~ PP. "Part-time regular position" means a regular position in which the
215 part-time regular employee is employed for at least nine hundred ten hours but less than a
216 full-time basis in a calendar year in a work unit in which a thirty-five hour work week is
217 standard or for at least one thousand forty hours but less than a full-time basis in a
218 calendar year in a work unit in which a forty-hour work week is standard. Where the

DRAFT

12-7-08

219 standard work week falls between thirty-five and forty hours, the manager, in
220 consultation with the department, is responsible for determining what hour threshold will
221 apply.

222 ~~((MM.))~~ QQ. "Pay plan" means a systematic schedule of numbered pay ranges
223 with a minimum, maximum and intermediate steps for each pay range, a schedule of
224 assignment of each classification to a numbered pay range and rules for administration.

225 ~~((NN.))~~ RR. "Pay range" means one or more pay rates representing the minimum,
226 maximum and intermediate steps assigned to a classification.

227 ~~((OO.))~~ SS. "Pay range adjustment" means the adjustment of the numbered pay
228 range of a classification to another numbered pay range in the schedule based on a
229 classification change, competitive pay data or other significant factors.

230 ~~((PP.))~~ TT. "Personnel guidelines" means only those operational procedures
231 promulgated by the manager necessary to implement personnel policies or requirements
232 previously stipulated by ordinance or the charter. Such personnel guidelines shall be
233 applicable only to employees assigned to executive departments and administrative
234 agencies.

235 ~~((QQ.))~~ UU. "Position" means a group of current duties and responsibilities
236 assigned by competent authority requiring the employment of one person.

237 ~~((RR.))~~ VV. "Probationary employee" means an employee serving a
238 probationary period in a regular career service. Probationary employees are temporary
239 employees and excluded from career service under Section 550 of the charter.

240 ~~((SS.))~~ WW. "Probationary period" means a period of time, as determined by the
241 manager, constituting the final step in the competitive screening process for career

DRAFT

12-7-08

242 service or for promotion from one career service position to another. An appointment to
243 the career service, whether following successful completion of an initial probationary
244 period of county employment or a promotional probationary period, shall not be final
245 unless the employee successfully completes this probationary period.

246 ~~((TT))~~ XX. "Probationary period salary increase" means a within-range salary
247 increase from one step to the next highest step upon satisfactory completion of the
248 probationary period.

249 ~~((UU))~~ YY. "Promotion" means the movement of an employee to a position in a
250 classification having a higher maximum salary.

251 ~~((VV))~~ ZZ. "Provisional appointment" means an appointment made in the
252 absence of a list of candidates certified as qualified by the manager. Only the manager
253 may authorize a provisional appointment. An appointment to this status is limited to six
254 months.

255 ~~((WW))~~ AAA. "Provisional employee" means an employee serving by
256 provisional appointment in a regular career service. Provisional employees are temporary
257 employees and excluded from career service under Section 550 of the charter.

258 ~~((XX))~~ BBB. "Recruiting step" means the first step of the salary range allocated
259 to a class unless otherwise authorized by the executive.

260 ~~((YY))~~ CCC. "Regular position" means a position established in the county
261 budget and identified within a budgetary unit's authorized full time equivalent (FTE)
262 level as set out in the budget detail report.

DRAFT

12-7-08

263 ~~((ZZ.))~~ DDD. "Salary or pay rate" means an individual dollar amount ~~((which))~~
264 that is one of the steps in a pay range paid to an employee based on the classification of
265 the position occupied.

266 ~~((AAA.))~~ EEE. "Serious health condition" means an illness or injury, impairment
267 or physical or mental condition that involves one or more of the following:

268 1. An acute episode that requires more than three consecutive calendar days of
269 incapacity and either multiple treatments by a licensed health care provider or at least one
270 treatment plus follow-up care such as a course of prescription medication; and any
271 subsequent treatment or period of incapacity relating to the same condition;

272 2. A chronic ailment continuing over an extended period of time that requires
273 periodic visits for treatment by a health care provider and that has the ability to cause
274 either continuous or intermittent episodes of incapacity;

275 3. In-patient care in a hospital, hospice or residential medical care facility or
276 related out-patient follow-up care;

277 4. An ailment requiring multiple medical interventions or treatments by a health
278 care provider that, if not provided, would likely result in a period of incapacity for more
279 than three consecutive calendar days;

280 5. A permanent or long-term ailment for which treatment might not be effective
281 but that requires medical supervision by a health care provider; or

282 6. Any period of incapacity due to pregnancy or prenatal care.

283 ~~((BBB.))~~ FFF. "Temporary employee" means an employee employed in a
284 temporary position and in addition, includes an employee serving a probationary period

DRAFT

12-7-08

285 or is under provisional appointment. Under Section 550 of the charter, temporary
286 employees shall not be members of the career service.

287 ~~((CCC))~~ GGG. "Temporary position" means a position ~~((which))~~ that is not a
288 regular position as defined in this chapter and excludes administrative intern. Temporary
289 positions include both term-limited temporary positions as defined in this chapter and
290 short-term (normally less than six months) temporary positions in which a temporary
291 employee works less than nine hundred ten hours in a calendar year in a work unit in
292 which a thirty-five hour work week is standard or less than one thousand forty hours in a
293 calendar year in a work unit in which a forty hour work week is standard, except as
294 provided elsewhere in this chapter. Where the standard work week falls between thirty-
295 five and forty hours, the manager, in consultation with the department, is responsible for
296 determining what hour threshold will apply.

297 ~~((DDD))~~ HHH. "Term-limited temporary employee" means a temporary
298 employee who is employed in a term-limited temporary position. Term-limited
299 temporary employees are not members of the career service. Term-limited temporary
300 employees may not be employed in term-limited temporary positions longer than three
301 years beyond the date of hire, except that for grant-funded projects capital improvement
302 projects and information systems technology projects the maximum period may be
303 extended up to five years upon approval of the manager. The manager shall maintain a
304 current list of all term-limited temporary employees by department.

305 ~~((EEE))~~ III. "Term-limited temporary position" means a temporary position with
306 work ~~related~~ to a specific grant, capital improvement project, information systems ...
307 technology project or other nonroutine, substantial body of work, for a period greater

DRAFT

12-7-08

308 than six months. In determining whether a body of work is appropriate for a term-limited
309 temporary position, the appointing authority will consider the following:

310 1. Grant-funded projects: These positions will involve projects or activities that
311 are funded by special grants for a specific time or activity. These grants are not regularly
312 available to or their receipt predictable by the county;

313 2. Information systems technology projects: These positions will be needed to
314 plan and implement new information systems projects for the county. Term-limited
315 temporary positions may not be used for (~~on-going~~) ongoing maintenance of systems
316 that have been implemented;

317 3. Capital improvement projects: These positions will involve the management
318 of major capital improvement projects. Term-limited temporary positions may not be
319 used for (~~on-going~~) ongoing management of buildings or facilities once they have been
320 built;

321 4. Miscellaneous projects: Other significant and substantial bodies of work may
322 be appropriate for term-limited temporary positions. These bodies of work must be either
323 nonroutine projects for the department or related to the initiation or cessation of a county
324 function, project or department;

325 5. Seasonal positions: These are positions with work for more than six
326 consecutive months, half-time or more, with total hours of at least nine hundred ten in a
327 calendar year in a work unit in which a thirty-five hour work week is standard or at least
328 one thousand forty hours in a calendar year in a work unit in which a forty hour work
329 week is standard, that due to the nature of the work have predictable periods of inactivity
330 exceeding one month. Where the standard work week falls between thirty-five and forty

DRAFT

12-7-08

331 hours, the manager, in consultation with the department, is responsible for determining
332 what hour threshold will apply; and

333 6. Temporary placement in regular positions: These are positions used to back
334 fill regular positions for six months or more due to a career service employee's absence
335 such as extended leave or assignment on any of the foregoing time-limited projects. All
336 appointments to term-limited temporary positions will be made by the appointing
337 authority in consultation with the manager before the appointment of term-limited
338 temporary employees.

339 ~~((FFF-))~~ JJJ. "Volunteer intern" means volunteers who are also enrolled full-time
340 during the regular school year in a program of education, internship or apprenticeship
341 who are receiving scholastic credit or scholastic recognition for participating in the
342 internship.

343 ~~((GGG-))~~ KKK. "Work study student" means a student enrolled or accepted for
344 enrollment at a post-secondary institution who, according to a system of need analysis
345 approved by the higher education coordinating board, demonstrates a financial inability,
346 either parental, familial or personal, to bear the total cost of education for any semester or
347 quarter.

348 SECTION 4. Ordinance 12014, Section 13, and K.C.C. 3.12.100 are each hereby
349 amended to read as follows:

350 A. There shall be a probationary period during which time a probationary
351 employee shall be evaluated by the appointing authority to determine qualification for
352 entry into the career service. The probationary period shall be determined by the director,
353 but shall be not less than six months or more than one year of actual service, and shall be

DRAFT

12-7-08

354 served by those employees who have been newly-hired, re-employed, transferred to a
355 different position, or promoted or demoted. A furloughed employee's probationary
356 period shall not be extended as a result of emergency budget furlough days.

357 B. A probationary employee may be separated from county service at any time
358 during the probationary period without right of appeal to the personnel board.

359 Notwithstanding any other provisions of this section, an employee who does not
360 successfully complete the probationary period in a position to which he or she had been
361 promoted or transferred may be restored to his or her former position. Such restoration is
362 not mandatory, but is optional at the discretion of the former appointing authority within
363 the limits of available authorized positions. Such restoration shall include restoration of
364 the employee's former salary and all other benefits to which he or she would have been
365 entitled if the promotion or transfer had not occurred.

366 SECTION 5. Ordinance 12014, Section 15, and K.C.C. 3.12.120 are each hereby
367 amended to read as follows:

368 A. (~~General.~~) Nothing contained in this chapter shall prevent, relieve, or
369 otherwise excuse any county officer or employee from the performance of any duty
370 imposed upon him or her by any other law of this county, or from the rendering of service
371 at such times and places as are necessary in order to properly perform the functions of his
372 or her office or employment.

373 B. (~~Workday.~~) Except as otherwise provided by ordinance, the official
374 workday shall consist of eight hours of work for all full-time regular and full-time
375 probationary employees. The lunch hour shall not be considered as part of the workday.
376 The official workday for other employees shall be determined by the director. In the case

DRAFT

12-7-08

377 of an emergency budget furlough, work hours may be reduced or county offices may be
378 closed.

379 C. ~~((Workweek.))~~ Except as otherwise provided by ordinance, the official
380 workweek shall consist of five working days for all full-time regular and full-time
381 probationary employees. The official workweek for other employees shall be determined
382 by the director. In the case of an emergency budget furlough, county offices may be
383 closed, resulting in the reduction of the workweek.

384 D. In the event of an emergency budget furlough, a furloughed employee
385 regularly scheduled to work on those days must take the designated furlough days off
386 without pay. If any designated furlough day falls on an employee's regularly scheduled
387 day off, the affected employee will take an alternate furlough day off without pay. An
388 employee who regularly works less than a standard work week for his or her agency shall
389 observe a furlough day or days on a prorated basis.

390 E. ~~((Call Duty.))~~ The county recognizes that there is an occasional need for an
391 employee to return to work outside his or her normal workday. The personnel guidelines
392 shall contain procedures relating to call duty.

393 ~~((E. On-the-Job Injury.))~~ F. The county recognizes a responsibility for action
394 regarding on-the-job injuries. The personnel guidelines shall contain procedures relating
395 to on-the-job injury.

396 ~~((F. Continuation of Career Service.))~~ G. A career service employee who accepts
397 an appointment to an exempt position effective on or after January 1, 1996, and which
398 position and appointment resulted from the reorganization of the executive branch as
399 reflected in the creation of ~~cert~~ certain new positions contained in Attachment A to Ordinance

DRAFT

12-7-08

400 12013 shall retain (~~(his/her)~~) his or her career service status and rights while holding such
401 exempt position and have the restoration rights set forth in this section. This provision is
402 not intended to provide the career service employee with a right to the exempt position.
403 But, such employee, if selected for the exempt position, could be terminated from the
404 position only for just cause.

405 ~~((G. Restoration to Career Service.))~~ H. A career service employee who accepts
406 a transfer or promotion to an exempt position prior to December 1, 1979, shall, upon
407 separation from the exempt position, be allowed to re-enter career service at a position
408 comparable in terms of responsibilities and salary or wage (including normal cost-of-
409 living increases) to the career service position formerly held by the employee. A career
410 service employee accepting such a transfer or promotion on or after December 1, 1979,
411 shall have such a right to restoration; provided, that:

- 412 1. The right to restoration is exercised within four calendar years from the
413 effective date of the transfer or promotion to an exempt position; and
- 414 2. The former appointing authority, at his or her discretion, approves such
415 restoration within the limits of available authorized positions; or
- 416 3. A different appointing authority, having jurisdiction over comparable
417 authorized positions, at his or her discretion approves such restoration within the limits of
418 available authorized positions.

419 ~~((H. Wages and Hours.))~~ I. Matters involving wages and hours, including but not
420 limited to minimum wage and overtime compensation, shall be determined in accordance
421 with applicable state and federal laws and regulations.

DRAFT

12-7-08

422 ~~((I. Overtime:))~~ J. Overtime work may be authorized by the department director
423 where necessary to maintain or perform vital county services and shall be paid in
424 accordance with appropriate state and federal law.

425 SECTION 6. Ordinance 12077, Section 3, as amended, and K.C.C. 3.12.125 are
426 each hereby amended to read as follows:

427 A. Notwithstanding any other provision of this chapter, in the event the number
428 of hours in the standard work week of a position occupied by a full-time regular
429 employee, part-time regular employee or, term-limited temporary employee is increased,
430 the sick leave and vacation leave accruals of such employee at the time of the increase
431 shall be adjusted upward so as to insure that the equivalent number of sick leave and
432 vacation leave days accrued does not change. ~~((f))~~For example, if the standard work
433 week of such a position is increased from ~~((35))~~ thirty-five to ~~((40))~~ forty hours, and if at
434 the time of such change the employee occupying the position had accrued seven hours of
435 sick leave, the sick leave accrual of that employee would be adjusted upward to eight
436 hours.~~((g))~~ This section shall apply to all employees eligible for leave benefits occupying
437 positions where the standard work week of the position was increased on or after July 1,
438 1991. After such increase, such employees shall accrue vacation and sick leave in
439 accordance with the otherwise applicable provisions of K.C.C. chapter 3.12.

440 B. Separate accounts shall be maintained for any vacation or sick leave accrued
441 prior to an increase in the number of work-week hours. The "adjusted leave account"
442 shall be used for leave accrued prior to an increase in the number of work-week hours.
443 The "unadjusted leave account" shall be used for leave accrued subsequent to an increase

DRAFT

12-7-08

444 in the number of work-week hours. Leave in the adjusted leave account shall be used
445 first.

446 C. In the event the number of work-week hours is reduced for any employee
447 whose vacation and sick leave accruals have been adjusted upward under the terms of this
448 section, the remaining hours in the adjusted leave account shall be reduced in the same
449 proportion as the work-week hours are reduced. Under no circumstances shall the
450 adjusted leave account be reduced by a greater proportion than the proportion of the
451 previous upward adjustment. Any leave accrued in the unadjusted leave account shall not
452 be affected by this reduction.

453 D. No adjustment to reduce sick leave or vacation accruals for a furloughed
454 employee shall be made as a result of an emergency budget furlough.

455 SECTION 7. Ordinance 12014, Section 19, as amended, and K.C.C. 3.12.190 are
456 each hereby amended to read as follows:

457 A. Beginning January 1, 1996, employees eligible for leave benefits shall accrue
458 vacation leave benefits as described in and further qualified by this section.

Full Years of Service	Annual Leave in Days
Upon hire through end of Year 5	12
Upon beginning of Year 6	15
Upon beginning of Year 9	16
Upon beginning of Year 11	20
Upon beginning of Year 17	21
Upon beginning of Year 18	22

DRAFT

12-7-08

Upon beginning of Year 19	23
Upon beginning of Year 20	24
Upon beginning of Year 21	25
Upon beginning of Year 22	26
Upon beginning of Year 23	27
Upon beginning of Year 24	28
Upon beginning of Year 25	29
Upon beginning of Year 26 and beyond	30

459 B. Notwithstanding the vacation leave schedule set forth in paragraph A of this
460 section, employees eligible for leave benefits, excluding employees in the former
461 department of metropolitan services, shall accrue vacation leave as follows:

462 1. ~~((Said))~~ Those employees who were employed on or before December 31,
463 1995, and by that date had completed at least three but less than five full years of service
464 shall begin to accrue fifteen days of vacation leave per year effective January 1, 1996;

465 2. ~~((Said))~~ Those employees who were employed on or before December 31,
466 1995, and subsequent to that date complete three full years of service shall begin to
467 accrue fifteen days of vacation leave per year effective on the first day of their fourth full
468 year of service.

469 Beginning on the first day of their sixth full year of service, all such employees
470 shall accrue vacation leave as set forth in ~~((paragraph))~~ subsection A. of this section.

471 C. Vacation accrual rates for an employee who works other than the full time
472 schedule standard to his or her work unit shall be prorated to reflect his or her normally

DRAFT

12-7-08

473 scheduled work week. No adjustment to reduce vacation accruals rates for a furloughed
474 employee shall be made as a result of an emergency budget furlough.

475 D. Employees eligible for vacation leave shall accrue vacation leave from their
476 date of hire into a benefit eligible position.

477 E. Employees eligible for vacation leave may accrue up to sixty days vacation
478 leave, prorated to reflect their normally scheduled work day. Such employees shall use
479 vacation leave beyond the maximum accrual amount prior to December 31 of each year.
480 Failure to use vacation leave beyond the maximum accrual amount will result in
481 forfeiture of the vacation leave beyond the maximum amount unless the appointing
482 authority has approved a carryover of such vacation leave because of cyclical workloads,
483 work assignments or other reasons as may be in the best interests of the county.

484 F. Exempt employees in regular positions, other than provisional or probationary
485 employees, may take and upon leaving county employment be paid for accrued vacation
486 leave as approved by their appointing authorities.

487 G. Career service employees, provisional, probationary and term-limited
488 temporary employees, shall not be eligible to take or be paid for vacation leave until they
489 have successfully completed their first six months of county service, and if they leave
490 county employment prior to successfully completing their first six months of county
491 service, shall forfeit and not be paid for accrued vacation leave.

492 H. A furloughed employee shall not be eligible to take or be paid for vacation on
493 an emergency budget furlough day. A furlough administrator may designate that paid
494 vacation leave is available for use by specific groups of employees as may be necessary,
495 as set forth in Section 21 of this ordinance.

DRAFT

12-7-08

496 I. Employees eligible for leave benefits shall be paid for accrued vacation leave
497 to their date of separation up to the maximum accrual amount if they have successfully
498 completed their first six months of county service and are in good standing; provided
499 that, except with the written approval of the executive, the position, if vacated by a ~~((non-~~
500 ~~represented))~~ nonrepresented employee, shall not be filled until salary savings for such
501 position are accumulated in an amount sufficient to pay the cost of the ~~((cashout))~~ cash
502 out. Payment shall be the accrued vacation leave multiplied by the employee's rate of
503 pay in effect upon the date of leaving county employment less mandatory withholdings.

504 ~~((I.))~~ J. Employees shall not use or be paid for vacation leave until it has accrued
505 and such use or payment is consistent with the provisions of this section.

506 ~~((J.))~~ K. No employee shall work for compensation for the county in any capacity
507 during the time that the employee is on vacation leave.

508 ~~((K.))~~ L. For employees covered by the overtime requirements of the Fair Labor
509 Standards Act, vacation leave may be used in one-half hour increments, at the discretion
510 of the appointing authority.

511 ~~((L.))~~ M. In cases of separation from county employment by death of an
512 employee with accrued vacation leave and who has successfully completed his or her first
513 six months of county service, payment of unused vacation leave up to the maximum
514 accrual amount shall be made to the employee's estate, or, in applicable cases, as
515 provided for by state law, ~~((RCW))~~ Title 11 RCW; provided that, except with the written
516 approval of the executive, the position, if vacated by a ~~((non-represented))~~
517 nonrepresented employee, shall not be filled until salary savings for such position are
518 accumulated in an amount sufficient to pay the cost of the cash out.

DRAFT

12-7-08

519 ~~((M-))~~ N. If an employee resigns from a full-time regular or part-time regular
520 position with the county in good standing or is laid off and subsequently returns to county
521 employment within two years from such resignation or layoff, as applicable, the
522 employee's prior county service shall be counted in determining the vacation leave
523 accrual rate under ~~((paragraph))~~ subsection A. of this section.

524 SECTION 8. Ordinance 12052, Section 1, as amended, and K.C.C. 3.12.210 are
525 each hereby amended to read as follows:

526 A. Employees eligible for leave benefits shall be entitled to three working days of
527 bereavement leave a year due to death of members of their immediate family. A
528 furloughed employee shall not be eligible to take or be paid for bereavement leave on a
529 furlough day.

530 B. Employees who have exhausted their bereavement leave shall be entitled to
531 use sick leave in the amount of three days for each instance of death when death occurs to
532 a member of the employee's immediate family. A furloughed employee shall not be
533 eligible to take or be paid for bereavement sick leave on a furlough day.

534 C. In cases of family death where no sick leave benefit is authorized or exists, an
535 employee may be granted leave without pay.

536 D. In the application of any of ~~((the foregoing provisions))~~ subsections A., B. and
537 C. of this section, holidays or regular days off falling within the prescribed period of
538 absence shall not be charged.

539 SECTION 9. Ordinance 12014, Section 20, and K.C.C. 3.12.215 are each hereby
540 amended to read as follows:

DRAFT

12-7-08

541 A. The appointing authority shall allow employees eligible for family leave, sick
542 leave, vacation leave or leave of absence without pay who are voluntarily participating as
543 donors in life-giving or life-saving procedures such as, but not limited to, bone marrow
544 transplants, kidney transplants, or blood transfusions to take five days paid leave without
545 having such leave charged to family leave, sick leave, vacation leave or leave of absence
546 without pay; provided that the employee shall:

547 1. Give the appointing authority reasonable advance notice of the need to take
548 time off from work for the donation of bone marrow, a kidney, or other organs or tissue
549 where there is a reasonable expectation that the employee's failure to donate may result in
550 serious illness, injury, pain or the eventual death of the identified recipient.

551 2. Provide written proof from an accredited medical institution, organization or
552 individual as to the need for the employee to donate bone marrow, a kidney, or other
553 organs or tissue or to participate in any other medical procedure where the participation
554 of the donor is unique or critical to a successful outcome.

555 3. A furloughed employee shall not be eligible to take or be paid for organ
556 donor leave on a furlough day.

557 B. Time off from work for the purposes set out above in excess of five working
558 days shall be subject to existing leave policies contained in K.C.C. chapter 3.12 or in any
559 applicable collective bargaining agreement.

560 SECTION 10. Ordinance 14591, Section 2, and K.C.C. 3.12.218 are each hereby
561 amended to read as follows:

562 A. Any employee who is immunized for smallpox and who subsequently misses
563 work for medical reasons related to the smallpox immunization shall be granted paid

DRAFT

12-7-08

564 leave without having such charged to vacation or sick leave for the period the employee
565 is unable to work due to medical complications from the immunization. Paid leave shall
566 be granted if:

567 ~~((A-))~~ 1. The employee is a member of one or more categories of individuals
568 covered by a declaration by the United States Secretary of Health and Human Services
569 specifying the administration of smallpox countermeasures.

570 ~~((B-))~~ 2. The employee has been authorized by the county to receive the
571 immunization in order to participate in the county's response under Section 304 of the
572 Homeland Security Act.

573 ~~((C-))~~ B. Any part of the leave that is covered by worker's compensation time loss
574 shall be paid from that fund. If the amount of worker's compensation time loss payment
575 is less than the employee's regular net pay, the county will supplement the time loss
576 payment up to the level needed to equal the employee's regular net pay.

577 C. A furloughed employee shall not be eligible to take or be paid for smallpox
578 vaccination leave on a furlough day. However, any part of the leave that is covered by
579 worker's compensation time loss shall be paid from that fund.

580 SECTION 11. Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220
581 are each hereby amended to read as follows:

582 A. Except for employees covered by K.C.C. 3.12.220.G, employees eligible for
583 leave benefits shall accrue sick leave benefits at the rate of 0.04616 hours for each hour
584 in pay status exclusive of overtime up to a maximum of eight hours per month; except
585 that sick leave shall not begin to accrue until the first of the month following the month in
586 which the employee commenced employment. No adjustment to reduce sick leave

DRAFT

12-7-08

587 accruals for furloughed employee shall be made as a result of emergency budget

588 furlough. The employee is not entitled to sick leave if not previously earned.

589 B. During the first six months of service, employees eligible to accrue vacation
590 leave may, at the appointing authority's discretion, use any accrued days of vacation leave
591 as an extension of sick leave. If an employee does not work a full six months, any
592 vacation leave used for sick leave must be reimbursed to the county upon termination.

593 C. For employees covered by the overtime requirements of the Fair Labor
594 Standards Act, sick leave may be used in one-half hour increments, at the discretion of
595 the appointing authority.

596 D. There shall be no limit to the hours of sick leave benefits accrued by an
597 eligible employee.

598 E. Separation from or termination of county employment except by reason of
599 retirement or layoff due to lack of work, funds, efficiency reasons or separation for
600 nondisciplinary medical reasons, shall cancel all sick leave accrued to the employee as of
601 the date of separation or termination. Should the employee resign in good standing, be
602 separated for nondisciplinary medical reason or be laid off, and return to county
603 employment within two years, accrued sick leave shall be restored, but the restoration
604 shall not apply where the former employment was in a term-limited temporary position.

605 F.1. Except for employees covered by K.C.C. 3.12.220.G, employees eligible to
606 accrue sick leave and who have successfully completed at least five years of county
607 service and who retire as a result of length of service or who terminate by reason of death
608 shall be paid, or their estates paid or as provided for by Title 11 RCW, as applicable, an
609 amount equal to thirty-five percent of their unused, **accumulated sick leave multiplied by**

DRAFT

12-7-08

610 the employee's rate of pay in effect upon the date of leaving county employment less
611 mandatory withholdings. This provision is predicated on the requirement that, except
612 with the written approval of the executive, the position, if vacated by a nonrepresented
613 employee, shall not be filled until salary savings for such position are accumulated in an
614 amount sufficient to pay the cost of the ~~((cashout))~~ cash out. For the purposes of this
615 subsection F.1, "retire as a result of length of service" means an employee is eligible,
616 applies for and begins drawing a pension from the Law Enforcement Officers and
617 Firefighters (LEOFF), Public Employees' Retirement System (PERS), Public Safety
618 Employees' Retirement System (PSERS) or the city of Seattle Retirement ~~((P))~~Plan
619 immediately upon terminating county employment.

620 2.a. In lieu of the remuneration for unused sick leave at retirement, the manager
621 of the human resources division, or the manager's designee, may, with equivalent funds,
622 provide eligible employees with a voluntary employee beneficiary association plan that
623 provides for reimbursement of retiree and other qualifying medical expenses.

624 b. The manager shall adopt procedures for the implementation of all voluntary
625 employee beneficiary association plans. At a minimum, the procedures shall provide that:

626 (1) each group of employees hold an election to decide whether to implement
627 a voluntary employee beneficiary association plan for a defined group of employees. The
628 determination of the majority of voting employees in a group shall bind the remainder.
629 Elections for represented employees shall be conducted by the appropriate bargaining
630 representative. Elections for ~~((non-represented))~~ nonrepresented employees shall be
631 conducted in accordance with procedures established by the manager;

DRAFT

12-7-08

632 (2) the manager has discretion to determine the scope of employee groups
633 voting on whether to adopt a voluntary employee beneficiary association plan. The
634 manager shall consult with bargaining representatives and elected officials in determining
635 the scope of voting groups;

636 (3) any voluntary employee beneficiary association plan implemented in
637 accordance with this subsection F.2. complies with federal tax law. Disbursements in
638 accordance with this subsection F.2. shall be exempt from withholdings, to the extent
639 permitted by law; and

640 (4) employees shall forfeit remuneration under subsections F.1. and 2. of this
641 section if the employee belongs to a group that has voted to implement a voluntary
642 employee beneficiary association plan and the employee fails to execute forms that are
643 necessary to the proper administration of the plan within twelve months of retirement by
644 reason of length of service, as defined in subsection F.1. of this subsection.

645 G. Uniformed employees covered under the LEOFF Retirement System-Plan I
646 shall apply for disability retirement under RCW 41.26.120.

647 H. 1. An employee must use all of his or her accrued sick leave and any donated
648 sick leave before taking unpaid leave for his or her own health reasons. If the injury or
649 illness is compensable under the county's workers compensation program, then the
650 employee has the option to augment or not augment time loss payments with the use of
651 accrued sick leave. A furloughed employee shall not be eligible to take or be paid for
652 sick leave on a furlough day.

653 2. For a leave for family reasons, the employee shall choose at the start of the
654 leave whether the particular leave would be paid or unpaid; but when an employee

DRAFT

12-7-08

655 chooses to take paid leave for family reasons he or she may set aside a reserve of up to
656 eighty hours of accrued sick leave. A furloughed employee who is on county family
657 medical leave as provided for in K.C.C. 3.12.220 shall retain county benefits while
658 furloughed.

659 3. An employee who has exhausted all of his or her sick leave may use accrued
660 vacation leave before going on leave of absence without pay, if approved by his or her
661 appointing authority. A furloughed employee shall not be eligible to take or be paid for
662 vacation leave in lieu of sick leave on a furlough day. Sick leave shall be used for the
663 following reasons:

664 1. The employee's bona fide illness, but an employee who suffers an
665 occupational illness may not simultaneously collect sick leave and worker's
666 compensation payments in a total amount greater than the net regular pay of the
667 employee;

668 2. The employee's incapacitating injury, but:

669 a. an employee injured on the job may not simultaneously collect sick leave
670 and worker's compensation payments in a total amount greater than the net regular pay of
671 the employee((;)), though an employee who chooses not to augment his or her worker's
672 compensation time loss pay through the use of sick leave shall be deemed on unpaid
673 leave status;

674 b. an employee who chooses to augment workers' compensation payments
675 with the use of accrued sick leave shall notify the safety and workers' compensation
676 program office in writing at the beginning of the leave;

DRAFT

12-7-08

677 c. an employee may not collect sick leave and workers' compensation time loss
678 payments for physical incapacity due to any injury or occupational illness (~~(which)~~) that
679 is directly traceable to employment other than with the county;

680 3. The employee's exposure to contagious diseases and resulting quarantine;

681 4. A female employee's temporary disability caused by or contributed to by
682 pregnancy and childbirth;

683 5. The employee's medical or dental appointments(~~(, provided that)~~) but only if
684 the employee's appointing authority has approved the use of sick leave for such
685 appointments;

686 6. To care for the employee's child as defined in this chapter if the child has an
687 illness or health condition which requires treatment or supervision from the employee; or

688 7. To care for other family members, if:

689 a. the employee has been employed by the county for twelve months or more
690 and has worked a minimum of nine hundred ten hours (~~((~~) for a thirty-five-hour
691 employee(~~))~~) or one thousand forty hours (~~((~~) for a forty-hour employee(~~))~~) in the
692 preceding twelve months;

693 b. the family member is the employee's spouse or domestic partner, the
694 employee's child, a child of the employee's spouse or domestic partner, the parent of the
695 employee, employee's spouse or domestic partner or an individual who stands or stood in
696 loco parentis to the employee, the employee's spouse or domestic partner; and

697 c. the reason for the leave is one of the following:

DRAFT

12-7-08

698 (1) the birth of a son or daughter and care of the newborn child, or placement
699 with the employee of a son or daughter for adoption or foster care, if the leave is taken
700 within twelve months of the birth, adoption or placement;

701 (2) the care of the employee's child or child of the employee's spouse or
702 domestic partner whose illness or health condition requires treatment or supervision by
703 the employee; or

704 (3) care of a family member who suffers from a serious health condition.

705 I. An employee may take a total of up to eighteen work weeks unpaid leave for
706 his or her own serious health condition, and for family reasons as provided in K.C.C.
707 3.12.220.H.6. and K.C.C. 3.12.220.H.7, combined, within a twelve-month period. The
708 leave may be continuous, which is consecutive days or weeks, or intermittent, which is
709 taken in whole or partial days as needed. Intermittent leave is subject to the following
710 conditions:

711 1. When leave is taken after the birth or placement of a child for adoption or
712 foster care, an employee may take leave intermittently or on a reduced leave schedule
713 only if authorized by the employee's appointing authority;

714 2. An employee may take leave intermittently or on a reduced schedule when
715 medically necessary due to a serious health condition of the employee or a family
716 member of the employee; and

717 3. If an employee requests intermittent leave or leave on a reduced leave
718 schedule under K.C.C. 3.12.220.I.2, that is foreseeable based on planned medical
719 treatment, the appointing authority may require the employee to transfer temporarily to
720 an available alternative position for which the employee is qualified and that has

DRAFT

12-7-08

721 equivalent pay and benefits and that better accommodates recurring periods of leave than
722 the regular position of the employee.

723 J. Use of donated leave shall run concurrently with the eighteen work week
724 family medical leave entitlement.

725 K. The county shall continue its contribution toward health care benefits during
726 any unpaid leave taken under K.C.C. 3.12.220.I.

727 L. Department management is responsible for the proper administration of the
728 sick leave benefit. Verification from a licensed health care provider may be required to
729 substantiate the health condition of the employee or family member for leave requests.

730 M. An employee who returns from unpaid family or medical leave within the
731 time provided in this ((~~ordinance~~)) section is entitled, subject to bona fide layoff
732 provisions, to:

733 1.a. the same position he or she held when the leave commenced; or

734 b. a position with equivalent status, benefits, pay and other terms and
735 conditions of employment; and

736 2. The same seniority accrued before the date on which the leave commenced.

737 N. Failure to return to work by the expiration date of a leave of absence may be
738 cause for removal and result in termination of the employee from county service.

739

740 SECTION 12. Ordinance 12014, Section 22, as amended, and K.C.C. 3.12.223

741 are each hereby amended to read as follows:

742 A. **Vacation** leave hours.

DRAFT

12-7-08

743 1. Any employee eligible for leave benefits may donate a portion of his or her
744 accrued vacation leave to another employee eligible for leave benefits. Such a donation
745 will occur upon written request to and approval of the donating and receiving employees'
746 department director(~~((s))~~) or directors, except that requests for vacation donation made
747 for the purposes of supplementing the sick leave benefits of the receiving employee shall
748 not be denied unless approval would result in a departmental hardship for the receiving
749 department.

750 2. The number of hours donated shall not exceed the donor's accrued vacation
751 credit as of the date of the request. No donation of vacation hours shall be permitted
752 where it would cause the employee receiving the transfer to exceed his or her maximum
753 vacation accrual.

754 3. A furloughed employee shall not be eligible to take or be paid for donated
755 vacation on an emergency budget furlough day, except as provided in Section 21 of this
756 ordinance.

757 4. Donated vacation leave hours must be used within ninety calendar days
758 following the date of donation. Donated hours not used within ninety days or due to the
759 death of the receiving employee shall revert to the donor. Donated vacation leave hours
760 shall be excluded from vacation leave payoff provisions (~~((contained))~~) in this chapter. For
761 purposes of this section, the first hours used by an employee shall be accrued vacation
762 leave hours.

763 B. Sick leave hours.

DRAFT

12-7-08

764 1. Any employee eligible for leave benefits may donate a portion of his or her
765 accrued sick leave to another employee eligible for leave benefits upon written notice to
766 the donating and receiving employees' department director(~~((s))~~) or directors.

767 2. No donation shall be permitted unless the donating employee's sick leave
768 accrual balance immediately subsequent to the donation is one hundred hours or more.
769 No employee may donate more than twenty-five hours of his or her accrued sick leave in
770 a calendar year.

771 3. Donated sick leave hours must be used within ninety calendar days. Donated
772 hours not used within ninety days or due to the death of the receiving employee shall
773 revert to the donor. Donated sick leave hours shall be excluded from the sick leave payoff
774 provisions contained in this chapter, and sick leave restoration provisions contained in
775 this chapter. For purposes of this section, the first hours used by an employee shall be
776 accrued sick leave hours.

777 C. All donations of vacation and sick leave made under this chapter are strictly
778 voluntary. Employees are prohibited from soliciting, offering or receiving monetary or
779 any other compensation or benefits in exchange for donating vacation or sick leave hours.

780 D. All vacation and sick leave hours donated shall be converted to a dollar value
781 based on the donor's straight time hourly rate at the time of donation. Such dollar value
782 will then be divided by the receiving employee's hourly rate to determine the actual
783 number of hours received. Vacation leave donated to a furloughed employee, who is
784 designated by a furlough administrator, as defined in Section 17 of this ordinance, as
785 eligible to use donated leave on a furlough day, is donated on an hour-for-hour basis,
786 without an hourly rate conversion. Unused donated vacation and sick leave shall be

DRAFT

12-7-08

787 reconverted based on the donor's straight time hourly rate at the time of reconversion.

788 Vacation leave donated to a furloughed employee who is designated by a furlough

789 administrator as eligible to use donated leave on a furlough day shall not revert back to

790 the donor.

791 SECTION 13. Ordinance 7956, Section 6, and K.C.C. 3.12.225 are each hereby

792 amended to read as follows:

793 The appointing authority shall allow the use of up to three days of sick leave each

794 year to allow employees to perform volunteer services at the school attended by the

795 employee's child. A furloughed employee shall not be eligible to take or be paid for

796 school volunteer sick leave on a furlough day. Employees requesting to use sick leave

797 for this purpose shall submit such request in writing specifying the name of the school

798 and the nature of the volunteer services to be performed.

799 SECTION 14. Ordinance 12014, Section 23, as amended, and K.C.C. 3.12.230

800 are each hereby amended to read as follows:

801 A. The following days are hereby designated as official county holidays:

802 1. January 1, New Year's Day;

803 2. Third Monday in January, Martin Luther King, Jr. Birthday;

804 3. Third Monday in February, President's Day;

805 4. Last Monday in May, Memorial Day;

806 5. July 4, Independence Day;

807 6. First Monday in September, Labor Day;

808 7. November 11, Veteran's Day;

809 8. Thanksgiving Day and the day immediately following;

DRAFT

12-7-08

810 9. December 25, Christmas Day;

811 10. Special or limited holidays as declared by the president or governor, and as
812 approved by the council;

813 11. Such other days in lieu of holidays as the council may determine;

814 12. An ~~((E))~~employee((s)) eligible for leave benefits shall be granted two
815 personal holidays to be administered through the vacation plan; provided, that the hours
816 granted to an employee((s)) working less than a full-time schedule shall be prorated to
817 reflect ~~((their))~~ his or her normally scheduled work day. One day shall be credited to the
818 employee's leave balance on the first of October and one day on the first of November.

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

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

821 C. An employee must be eligible for leave benefits and in a pay status on the day
822 prior to and the day following a holiday to be eligible for holiday pay. ~~((; provided,~~
823 ~~h))~~ However, ~~((that))~~ an employee who has successfully completed at least five years of
824 county service and who retires at the end of a month in which the last regularly scheduled
825 working day is observed as a holiday, shall be eligible for holiday pay if the employee is
826 in a pay status the day before the day observed as a holiday. An employee otherwise
827 eligible for holiday pay shall not be ineligible as a result of not being in a pay status on
828 the day before or after the holiday due to an emergency budget furlough.

829 SECTION 15. Ordinance 12077, Section 5, as amended, and K.C.C. 3.12.240 are
830 each hereby amended to read as follows:

831 Any employee eligible for leave benefits who is ordered on a jury shall be entitled
832 to his or her regular county pay ~~((; provided, that))~~ but only if any fees received for

DRAFT

12-7-08

833 ((sueh)) jury duty are deposited, exclusive of mileage, with the department of finance. A
834 furloughed employee shall not be eligible to take or be paid for jury duty leave on a
835 furlough day. Employees shall report ((baek)) to their work supervisor when dismissed
836 from jury service.

837 SECTION 16. Sections 17 through 21 of this ordinance should constitute a new
838 chapter in Title 3.

839 NEW SECTION. SECTION 17. Definitions.

840 A. "Annual budget cycle" means the calendar year January 1 through December
841 31, or any portion thereof.

842 B. "Emergency budget crisis" or "financial emergency" means a circumstance in
843 which projected county revenues are determined to be insufficient to fully fund county
844 agency operations and significant cost savings must be achieved through reductions in
845 services and pay.

846 C. "Emergency budget furlough," also referred to as "mandated leave," shall have
847 the same meaning as found in Section 3.U. of this ordinance.

848 D. "Furlough day" shall have the same meaning as found in Section 3.DD. of this
849 ordinance.

850 E. "Furloughed employee" shall have the same meaning as found in Section
851 3.EE. of this ordinance.

852 F. "Furlough administrator" means the county executive for the executive
853 departments, including assessments, public safety and elections; the chair of the council for
854 the legislative branch; the prosecutor for the office of the prosecuting attorney and the

DRAFT

12-7-08

855 presiding judges of the district and superior courts, or the official or officials designated by
856 that branch or unit of county government.

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

859 NEW SECTION. SECTION 18. A. Whenever the executive determines that an
860 emergency budget crisis exists in King County, the executive may proclaim in writing the
861 existence of such an emergency. The executive shall transmit a proclamation and
862 proposed ratifying ordinance to the council within seven days of the proclamation. A
863 proclamation is effective only if ratified by ordinance. A proclamation of an emergency
864 budget crisis remains in effect for all or a portion of one annual budget cycle

865 B. Upon a proclaimed and ratified emergency budget crisis, the executive may:

866 1. Order an emergency budget furlough, including the furlough of employees of
867 the executive branch and closure of county offices; or

868 2. Order the reduction in hours or the closure of county offices on specific days
869 associated with an emergency budget furlough; or

870 3. Order any other actions relating to employees contained in Title 3.

871 C. If an emergency budget crisis has been proclaimed and ratified and furlough
872 days are ordered, the executive shall notify the public of days that county offices are
873 closed by posting the information on the county buildings and the internet and by issuing
874 press releases of the closures.

875 NEW SECTION. SECTION 19. If an emergency budget crisis has been
876 proclaimed and ratified, a furlough administrator may order an emergency budget
877 furlough or take any other authorized actions to meet the emergency budget crisis.

DRAFT

12-7-08

878 NEW SECTION. SECTION 20. A. 1 When a furlough administrator other than
879 the executive has determined that an emergency budget furlough is necessary, the
880 furlough administrator shall designate a person to administer the emergency budget
881 furlough and to provide for the effective direction, control and coordination of an
882 emergency budget furlough in a manner to preserve county functions..

883 2. The county administrative officer shall be responsible for emergency budget
884 furlough administration in the executive branch and shall provide for the effective
885 direction, control and coordination of an emergency budget furlough in a manner to
886 preserve county functions.

887 B. In administering an emergency budget furlough, the following principles
888 should apply:

889 1. An employee who is subject to the emergency budget furlough should be
890 notified of furlough in writing when possible, although any reasonable notice is
891 permissible;

892 2. During a furlough period, a furloughed employee remains a King County
893 employee subject to the provisions of K.C.C. chapter 3.04;

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

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

898 5. A furloughed employee shall not be eligible to take or be paid for vacation or
899 sick leave on an emergency budget furlough day. The furlough administrator may
900 designate that paid vacation leave is available for the following employees:

DRAFT

12-7-08

- 901 a. those employees earning equal or less than two times the federal
902 poverty index; and
- 903 b. those employees enrolled in the Public Employees' Retirement System
904 or the city of Seattle retirement systems who submit to the chief administrative
905 officer or the furlough administrator a letter of intent to retire during the
906 succeeding two calendar years.

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

910 C. If an emergency budget furlough is ordered, the furlough administrator shall
911 file the order with the clerk of the council no later than 10:00 a.m. of the second business
912 day after it is issued.

913 D. The furlough administrator or his or her designee may direct specific employees
914 to perform work with pay on furlough days as determined necessary to perform necessary
915 county functions that must not be interrupted by furlough.

916 NEW SECTION. SECTION 21. No provision of this chapter shall affect the
917 collective bargaining position of the exclusive bargaining representatives of any employee
918 or of the county.

919 SECTION 22. A. The executive has proclaimed that an emergency budget crisis
920 exists for the year 2009. The council hereby ratifies the executive's proclamation.

921 B. For the 2009 emergency budget crisis, if any furlough administrator orders
922 budget furlough days, the furlough administrator shall provide the council with a report

DRAFT

12-7-08

923 of the implementation plan for the budget furlough by January 14, 2009. The report shall

924 include:

- 925 1. Efforts to notify the public of the budget furlough and the closure of
- 926 county offices or sites;
- 927 2. The number of employees who have been furloughed;
- 928 3. The length of the furlough;
- 929 4. The number of employees exempted from the furlough and the reasons
- 930 for the exemption;
- 931 5. The anticipated budget savings from the furlough; and
- 932 6. The anticipated effects of the furlough on both workload and service to
- 933 the public and other county agencies.

934 C. A furlough administrator who orders a budget furlough in 2009 shall provide

935 the council with a report on the effects of the furlough by June 30, 2009. The report shall

936 contain the same information contained in subsection B of this section.

937 D. The reports required by this section must be filed in electronic format and in

938 the form of fifteen paper copies with the clerk of the council, who shall retain the original

939 and forward paper copies to each councilmember, the chief of staff and the policy staff

940 director.

941 **SECTION 23. Severability.** If any provision of this ordinance or its application

942 to any person or circumstance is held invalid, the remainder of the ordinance or the

943 application of the provision to other persons or circumstances is not affected."

944

DRAFT

12-7-08

- 945 **EFFECT: Amends the legislation to create a new chapter relating to an emergency**
946 **budget crisis and set forth policies on budget furloughs.**



King County

**Metropolitan King County Council
Committee of the Whole
December 8, 2008**

**Agenda Item No. 10
Proposed Motion 2008-0634**

**Attachment 3, Title Amendment
will be provided at the meeting**