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Introduced by: Kent Pullen

Clerk 12/2/98 12/15/98

Proposed No.: 98-139

1                   SUBSTITUTE ORDINANCE NO. 13377 (electronic facsimile)

2                   AN ORDINANCE relating to family and medical leaves  
3                   without pay; amending Ordinance 12014, Section 5, as  
4                   amended, and K.C.C. 3.12.010, Ordinance 12014, Section  
5                   21, as amended and K.C.C. 3.12.220, Ordinance 12014,  
6                   Section 25, and K.C.C. 3.12.250 and repealing Ordinance  
7                   7956, Sections 2, 3, 4 and 5, as amended, and K.C.C.  
8                   3.12.245.

9                   BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10                  SECTION 1: Findings and purpose.

11                  In the late 1980s King County adopted a progressive policy which allows employees  
12                  to take up to eighteen weeks of leave in a twenty-four-month period for "family reasons"  
13                  including care of a sick family member or parenting leave at the time of the birth or  
14                  adoption of a child. Under this policy, employees can take leave without pay or they can  
15                  use their personal sick leave balance. Whether or not the leave time is paid, the county  
16                  guarantees the employee will be able to return to his or her regular position, or a position at  
17                  a similar level and pay, and the county will pay for the employee's health benefits during  
18                  the family leave.

19                  In 1993, the federal Family and Medical Leave Act (FMLA) was adopted. FMLA  
20                  provides many of the same benefits as the county's family leave ordinance. However, there  
21                  are enough differences to make accurate administration of both sets of rules at the same  
22                  time very difficult. This ordinance amends certain provisions in the county's policy to  
23                  make the policy consistent with federal provisions.

1            SECTION 2. Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010 are  
2 hereby amended to read as follows:

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

7            A. General definitions.

8            1. "Administrative interns" are employees who are also enrolled full-time  
9 during the regular school year in a program of education, internship or apprenticeship.  
10 All administrative internships in executive departments shall be approved by the  
11 director. Administrative interns are exempt from the career service under Section 550  
12 of the charter.

13            2. "Appointing authority" means the county council, the executive, chief  
14 officers of executive departments and administrative offices, or division managers  
15 having authority to appoint or to remove persons from positions in the county  
16 service.

17            3. "Basis of merit" means the value, excellence or superior quality of an  
18 individual's work performance, as determined by a structured process comparing  
19 the employee's performance against defined standards and, where possible, the  
20 performance of other employees of the same or similar class.

21            4. "Board" means the county personnel board established by Section 540  
22 of the charter.

1           5. "Career service employee" means a county employee appointed to a  
2 career service position as a result of the selection procedure provided for in this  
3 chapter, and who has completed the probationary period.

4           6. "Career service position" means all positions in the county service  
5 except for those which are designated by Section 550 of the charter as follows: All  
6 elected officers; the county auditor, the clerk and all other employees of the county  
7 council; the county administrative officer; the chief officer of each executive  
8 department and administrative office; the members of all boards and commissions;  
9 administrative assistants for the executive and one administrative assistant each for  
10 the county administrative officer, the county auditor, the county assessor, the chief  
11 officer of each executive department and administrative office and for each board  
12 and commission; a chief deputy for the county assessor; one confidential secretary  
13 each for the executive, the chief officer of each executive department and  
14 administrative office, and for each administrative assistant specified herein; all  
15 employees of those officers who are exempted from the provisions of this chapter  
16 by the state constitution; persons employed in a professional or scientific capacity  
17 to conduct a special inquiry, investigation or examination; part-time and temporary  
18 employees; administrative interns; election precinct officials; all persons serving  
19 the county without compensation; physicians; surgeons; dentists; medical interns;  
20 and student nurses and inmates employed by county hospitals, tuberculosis  
21 sanitariums and health departments of the county.

1 Divisions in executive departments and administrative offices as determined  
2 by the county council shall be considered to be executive departments for the  
3 purpose of determining the applicability of Section 550 of the charter.

4 All part-time employees shall be exempted from career service membership  
5 except(~~(, effective January 1, 1989,)~~) all part-time employees employed at least half  
6 time or more, as defined by ordinance, shall be members of the career service.

7 7. "Charter" means the King County Charter, as amended.

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

10 a. under eighteen years of age; or

11 b. eighteen years of age or older and incapable of self care because of  
12 a mental or physical disability.

13 9. "Class" or "classification" means a position or group of positions,  
14 established under authority of this chapter, sufficiently similar in respect to the  
15 duties, responsibilities and authority thereof, that the same descriptive title may be  
16 used to designate each position allocated to the class.

17 ~~((9))~~ 10. "Classification plan" means the arrangement of positions into  
18 classifications together with specifications describing each classification.

19 ~~((10))~~ 11. "Compensatory time" means time off granted with pay in lieu  
20 of pay for work performed either on an authorized overtime basis or work  
21 performed on a holiday which is normally scheduled as a day off. Such  
22 compensatory time shall be granted on the basis of time and one-half.

1           ~~((11))~~ 12. "Competitive employment" means a position established in the county  
2 budget and which will require at least twenty-six weeks of service per year as the work  
3 schedule established for the position.

4           ~~((12))~~ 13. "Council" means the county council as established by Article 2  
5 of the charter.

6           ~~((13))~~ 14. "County" means the county of King and any other organization  
7 that is legally governed by the county with respect to personnel matters.

8           ~~((14))~~ 15. "Developmental disability" means a developmental disability,  
9 as defined in RCW 71A.10.020(2), as amended, attributable to mental retardation,  
10 cerebral palsy, epilepsy, autism(~~((;))~~) or other neurological or other condition of an  
11 individual found by the secretary of the Washington state (~~((d))~~)Department of  
12 (~~((s))~~)Social and (~~((h))~~)Health (~~((s))~~)Services, or designee, to be closely related to mental  
13 retardation or to require treatment similar to that required for individuals with  
14 mental retardation, which disability originates before the individual attains age  
15 eighteen, which has continued or can be expected to continue indefinitely(~~((;))~~) and  
16 which constitutes a substantial handicap for the individual.

17           ~~((15))~~ 16. "Direct cost" means the cost aggregate of the actual weighted  
18 average cost of insured benefits, less any administrative cost therefor. Any  
19 payments to part-time and temporary employees under this chapter shall not include  
20 any administrative overhead charges applicable to administrative offices and  
21 executive departments.

22           ~~((16))~~ 17. "Director" means the chief officer of the administrative office  
23 of human resources management.

1           ((17)) 18. "Domestic partners" are two people in a domestic partnership,  
2 one of whom is a county employee.

3           ((18)) 19. "Domestic partnership" is a relationship whereby two people:

4           a. ((H))have a close personal relationship((, and));

5           b. ((A))are each other's sole domestic partner and are responsible for  
6 each other's common welfare((, and));

7           c. ((S))share the same regular and permanent residence((, and));

8           d. ((A))are jointly responsible for basic living expenses which means  
9 the cost of basic food, shelter and any other expenses of a domestic partner which  
10 are paid at least in part by a program or benefit for which the partner qualified  
11 because of the domestic partnership. The individuals need not contribute equally or  
12 jointly to the cost of these expenses as long as they agree that both are responsible  
13 for the cost((, and));

14           e. ((A))are not married to anyone((, and));

15           f. ((A))are each eighteen years of age or older((, and));

16           g. ((A))are not related by blood closer than would bar marriage in the  
17 ((S))state of Washington((,)); and

18           h. ((W))were mentally competent to consent to contract when the  
19 domestic partnership began.

20           ~~((19. "Employee" means any person who is employed in a career service  
21 position or exempt position.))~~

22           20. "Employed at least half time or more" means employed in a regular position  
23 which has an established work schedule of not less than one-half the number of hours of

1 the full-time positions in the work unit in which the employee is assigned, or when viewed  
2 on a calendar year basis, ~~((910))~~ nine hundred ten hours or more in a work unit in which a  
3 work week of more than thirty-five but less than forty hours is standard or ~~((1040))~~ one  
4 thousand forty hours or more in a work unit in which a forty hour work week is standard. If  
5 the standard work week hours within a work unit varies (for instance, employees working  
6 both thirty-five and forty hours), the director, in consultation with the department, ~~((will be))~~  
7 is responsible for determining what hour threshold will apply.

8 21. “Employee” means any person who is employed in a career service  
9 position or exempt position.

10 22. “Executive” means the county executive, as established by Article 3  
11 of the charter.

12 ~~((22))~~ 23. “Exempt employee” means an employee employed in a  
13 position that is not a career service position under Section 550 of the charter.  
14 Exempt employees serve at the pleasure of the appointing authority.

15 ~~((23))~~ 24. “Exempt position” means any position excluded as a career  
16 service position by Section 550 of the charter. Exempt positions are positions to  
17 which appointment may be made directly without a competitive hiring process.

18 ~~((24))~~ 25. “Full-time regular employee” means an employee employed in  
19 a full-time regular position and, for full-time career service positions, is not serving  
20 a probationary period.

21 ~~((25))~~ 26. “Full-time regular position” means a regular position which  
22 has an established work schedule of not less than thirty-five hours per week in those

1 work units in which a thirty-five hour week is standard, or of not less than forty  
2 hours per week in those work units in which a forty-hour week is standard.

3 ((26)) 27. "Grievance" means an issue raised by an employee relating to  
4 the interpretation of rights, benefits((;)) or condition of employment as contained in  
5 the administrative rules and/or procedures for the career service.

6 ((27)) 28. "Immediate family" means spouse, child, parent, son-in-law, daughter-  
7 in-law, grandparent, grandchild, sibling, ((~~mother in law, father in law,~~)) domestic  
8 partner((;)) and the child, parent, sibling, grandparent or grandchild of the spouse or domestic  
9 partner.

10 ((28)) 29. "Incentive increase" means an increase to an employee's base  
11 salary within the assigned pay range, based on demonstrated performance.

12 ((29)) 30. "Integrated work setting" means a work setting with no more than  
13 eight persons with developmental disabilities or with the presence of a sensory, mental or  
14 physical handicap as specified in K.C.C. 3.12.180, as amended. This definition refers to all  
15 county offices, field locations and other work sites at which supported employees work  
16 along side employees who are not persons with development disabilities employed in  
17 permanent county positions.

18 ((30)) 31. "Life-giving and life-saving procedures" ((shall)) means a  
19 medically-supervised procedure involving the testing, sampling((;)) or donation of  
20 blood, organs, fluids, tissues and other human body components for the purposes of  
21 donation without compensation to a person for a medically necessary treatment.



1           ((31)) 32. "Marital status" ((is)) means the presence or absence of a  
2 marital relationship and includes the status of married, separated, divorced,  
3 engaged, widowed, single or cohabiting.

4           ((32)) 33. "Part-time employee" means an employee employed in a part-  
5 time position. Under Section 550 of the charter, part-time employees are not  
6 members of the career service.

7           ((33)) 34. "Part-time position" means an other\_than\_a\_regular position in  
8 which the part-time employee is employed less than half time, that is less than ((910))  
9 nine hundred ten hours in a calendar year in a work unit in which a thirty-five hour  
10 work week is standard or less than ((1040)) one thousand forty hours in a calendar  
11 year in a work unit in which a forty-hour work week is standard, except as provided  
12 elsewhere in this chapter. Where the standard work week falls between thirty-five  
13 and forty hours, the director, in consultation with the department, ((will be)) is  
14 responsible for determining what hour threshold will apply. Part-time position  
15 excludes administrative intern.

16           ((34)) 35. "Part-time regular employee" means an employee employed in  
17 a part-time regular position and, for part-time career service positions, is not serving  
18 a probationary period. Under Section 550 of the charter, such part-time regular  
19 employees are members of the career service.

20           ((35)) 36. "Part-time regular position" means a regular position in which  
21 the part-time regular employee is employed for at least ((910)) nine hundred ten hours  
22 but less than a full-time basis in a calendar year in a work unit in which a thirty-five  
23 hour work week is standard or for at least ((1040)) one thousand forty hours but less

1 than a full-time basis in a calendar year in a work unit in which a forty-hour work  
2 week is standard. Where the standard work week falls between thirty-five and forty  
3 hours, the director, in consultation with the department, ((will be)) is responsible for  
4 determining what hour threshold will apply.

5 ((36)) 37. "Pay plan" means a systematic schedule of numbered pay  
6 ranges with a minimum, maximum and intermediate steps for each pay range, a  
7 schedule of assignment of each classification to a numbered pay range and rules for  
8 administration.

9 ((37)) 38. "Pay range" means one or more pay rates representing the  
10 minimum, maximum and intermediate steps assigned to a classification.

11 ((38)) 39. "Pay range adjustment" means the adjustment of the numbered  
12 pay range of a classification to another numbered pay range in the schedule based  
13 on a classification change, competitive pay data or other significant factors.

14 ((39)) 40. "Personnel guidelines" means only those operational  
15 procedures promulgated by the director necessary to implement personnel policies  
16 or requirements previously stipulated by ordinance or the charter. Such personnel  
17 guidelines shall be applicable only to employees assigned to executive departments  
18 and administrative agencies.

19 ((40)) 41. "Position" means a group of current duties and responsibilities  
20 assigned by competent authority requiring the employment of one person.

21 ((41)) 42. "Probationary employee" means an employee serving a  
22 probationary period in a regular career service position. Probationary employees

1 are temporary employees and excluded from career service under Section 550 of the  
2 charter.

3 ((42)) 43. "Probationary period" means a period of time, as determined  
4 by the director, constituting the final step in the competitive screening process for  
5 career service or for promotion from one career service position to another. An  
6 appointment to the career service, whether following successful completion of an  
7 initial probationary period of county employment or a promotional probationary  
8 period, shall not be final unless the employee successfully completes this  
9 probationary period.

10 ((43)) 44. "Provisional appointment" means an appointment made in the  
11 absence of a list of candidates certified as qualified by the director. Only the  
12 director may authorize a provisional appointment. An appointment to this status is  
13 limited to six months.

14 ((44)) 45. "Provisional employee" means an employee serving by  
15 provisional appointment in a regular career service. Provisional employees are  
16 temporary employees and excluded from career service under Section 550 of the  
17 charter.

18 ((45)) 46. "Recruiting step" means the first step of the salary range  
19 allocated to a class unless otherwise authorized by the executive.

20 ((46)) 47. "Regular position" means a position established in the county  
21 budget and identified within a budgetary unit's authorized full time equivalent (FTE)  
22 level as set out in the budget detail report.

1           ((47)) 48. "Salary or pay rate" means an individual dollar amount which  
2 is one of the steps in a pay range paid to an employee based on the classification of  
3 the position occupied.

4           49. "Serious health condition" means an illness or injury, impairment or physical  
5 or mental condition that involves one or more of the following:

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

10           b. a chronic ailment continuing over an extended period of time that requires  
11 periodic visits for treatment by a health care provider and that has the ability to cause either  
12 continuous or intermittent episodes of incapacity;

13           c. in-patient care in a hospital, hospice or residential medical care facility or  
14 related out-patient follow-up care;

15           d. an ailment requiring multiple medical interventions or treatments by a  
16 health care provider that, if not provided, would likely result in a period of incapacity for  
17 more than three consecutive calendar days;

18           e. a permanent or long-term ailment for which treatment might not be  
19 effective but that requires medical supervision by a health care provider; or

20           f. any period of incapacity due to pregnancy or prenatal care.

21           ((48)) 50. "Temporary employee" means an employee employed in a temporary  
22 position and, in addition, includes an employee serving a probationary period or ((is)) under

1 provisional appointment. Under Section 550 of the charter, temporary employees are not  
2 members of the career service.

3 ((49)) 51. "Temporary position" means a position which is not a regular position  
4 as defined in this chapter and excludes administrative intern. Temporary positions include  
5 both term-limited temporary positions as defined in this chapter and short-term (normally less  
6 than six months) temporary positions in which a temporary employee works less than ((910))  
7 nine hundred ten hours in a calendar year in a work unit in which a thirty-five hour work  
8 week is standard or less than ((1040)) one thousand forty hours in a calendar year in a work  
9 unit in which a forty((-))hour work week is standard, except as provided elsewhere in this  
10 chapter. Where the standard work week falls between thirty-five and forty hours, the director,  
11 in consultation with the department, ((will be)) is responsible for determining what hour  
12 threshold will apply.

13 ((50)) 52. "Term-limited temporary employee" means a temporary employee who  
14 is employed in a term-limited temporary position. Term-limited temporary employees are not  
15 members of the career service.

16 Term-limited temporary employees may not be employed in term-limited  
17 temporary positions longer than three years beyond the date of hire, except that for grant-  
18 funded projects, capital improvement projects((;)) and information systems technology  
19 projects the maximum period may be extended up to five years upon approval of the director.  
20 The director shall maintain a current list of all term-limited temporary employees by  
21 department.

22 ((51)) 53. "Term-limited temporary position" means a temporary position with  
23 work related to a specific grant, capital improvement project, information systems technology

1 project((;)) or other non((-))routine, substantial body of work, for a period greater than six  
2 months. In determining whether a body of work is appropriate for a term-limited temporary  
3 position, the appointing authority will consider the following:

4 a. ((G))grant-funded projects: These positions will involve projects or  
5 activities that are funded by special grants for a specific time or activity. These grants are not  
6 regularly available to or their receipt predictable by the county((-));

7 b. ((H))information systems technology projects: These positions will be  
8 needed to plan and implement new information systems projects for the county. Term-  
9 limited temporary positions may not be used for on-going maintenance of systems that have  
10 been implemented((-);

11 c. ((E))capital improvement projects: These positions will involve the  
12 management of major capital improvement projects. Term-limited temporary positions may  
13 not be used for on-going management of buildings or facilities once they have been built((-);

14 d. ((M))miscellaneous projects: Other significant and substantial bodies of  
15 work may be appropriate for term-limited temporary positions. These bodies of work must  
16 be either non((-))routine projects for the department((;)) or related to the initiation or  
17 cessation of a county function, project((-)) or department((-);

18 e. ((S))seasonal positions((-); These are positions with work for more than six  
19 consecutive months, half-time or more, with total hours of at least ((910)) nine hundred ten in  
20 a calendar year in a work unit in which a thirty-five hour work week is standard or at least  
21 ((1040)) one thousand forty hours in a calendar year in a work unit in which a forty((-)) hour  
22 work week is standard, that due to the nature of the work have predictable periods of  
23 inactivity exceeding one month. Where the standard work week falls between thirty-five and

1 forty hours, the director, in consultation with the department, ~~((will be))~~ is responsible for  
2 determining what hour threshold will apply~~((:));~~ and

3 f. ~~((F))~~temporary placement in regular positions~~((:));~~ These are positions used  
4 to back fill regular positions for six months or more due to a career service employee's  
5 absence such as extended leave or assignment on any of the foregoing time-limited projects.

6 All appointments to term-limited temporary positions will be made by the  
7 appointing authority in consultation with the director prior to the appointment of term-limited  
8 temporary employees.

9 ~~((B. Definitions related to family leave. Unless the context clearly requires  
10 otherwise, the following terms have the following meanings:~~

11 1. ~~"Child" means a biological, adopted, or foster child, a stepchild, a legal  
12 ward, or a child of a person standing in loco parentis, who is:~~

13 a. ~~Under eighteen years of age, or~~

14 b. ~~Eighteen years of age or older and incapable of self care because of  
15 mental or physical disability.~~

16 2. ~~"Employee" means a full-time regular or part-time regular employee and  
17 includes provisional, probationary and term-limited employees. The term "employee" shall  
18 not include part-time and temporary employees other than the temporary employees  
19 identified above.~~

20 3. ~~"Serious health condition" means an illness, injury, impairment, or  
21 physical or mental condition, whether or not preexisting, which requires:~~

22 a. ~~Inpatient care in a hospice or residential medical care facility, or~~

1                                   b. ~~Continuing treatment or continuing supervision by a health care~~  
2 ~~provider.~~

3                                   4. ~~“Health care provider” means a person whose services are of a type which~~  
4 ~~are compensated under any county health care plan.~~

5                                   5. ~~“Reduced leave schedule” means leave scheduled for fewer than an~~  
6 ~~employee’s usual number of hours per workweek or hours per workday.)~~

7                                   SECTION 3. Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220 are  
8 each hereby amended to read as follows:

9                                   Sick leave and time off for medical and family reasons((-): A. Except for  
10 employees covered by ((paragraph H)) subsection G of this section, employees  
11 eligible for leave benefits shall accrue sick leave benefits at the rate of 0.04616  
12 hours for each hour in pay status exclusive of overtime up to a maximum of eight  
13 hours per month; except that sick leave shall not begin to accrue until the first of  
14 the month following the month in which the employee commenced employment.

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

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

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



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

3 E. ~~((Department management is responsible for the proper administration of the sick~~  
4 ~~leave benefit. Verification of illness from a licensed physician may be required for any~~  
5 ~~requested sick leave absence.~~

6 F.)) Separation from or termination of county employment except by reason of  
7 retirement or layoff due to lack of work, funds, ~~((or))~~ efficiency reasons or separation for  
8 nondisciplinary medical reasons, shall cancel all sick leave accrued to the employee as of  
9 the date of separation or termination. Should the employee resign in good standing, be  
10 separated for nondisciplinary medical reason or be laid off, and return to county  
11 employment within two years, accrued sick leave shall be restored~~((, provided that such))~~,  
12 but the restoration shall not apply where the former employment was in a term-limited  
13 temporary position.

14 ~~((G))~~ F. Except employees covered by ~~((paragraph H))~~ subsection G of this section,  
15 employees eligible to accrue sick leave and who have successfully completed at least five  
16 years of county service and who retire as a result of length of service or who terminate by  
17 reason of death shall be paid, or their estates paid or as provided for by ~~((RCW))~~ Title 11  
18 RCW, as applicable, an amount equal to thirty-five percent of their unused, accumulated  
19 sick leave multiplied by the employee's rate of pay in effect upon the date of leaving  
20 county employment less mandatory withholdings. This provision is predicated on the  
21 requirement that, except with the written approval of the executive, the position, if vacated  
22 by a non~~((-))~~represented employee, shall not be filled until salary savings for such position  
23 are accumulated in an amount sufficient to pay the cost of the cashout.

1           ((H)) G. Uniformed employees covered under the LEOFF Retirement System-Plan I  
2 shall apply for disability retirement under ~~((the provisions of))~~ RCW 41.26.120.

3           ((I)) H. ~~((Accrued sick leave may be used for the following reasons-))~~ An employee  
4 must use all of his or her accrued sick leave and any donated sick leave before taking  
5 unpaid leave for his or her own health reasons. If the injury or illness is compensable under  
6 the county's workers compensation program, then the employee has the option to augment  
7 or not augment time loss payments with the use of accrued sick leave. For a leave for  
8 family reasons, the employee shall choose at the start of the leave whether the particular  
9 leave would be paid or unpaid; but when an employee chooses to take paid leave for family  
10 reasons he or she may set aside a reserve of up to eighty hours of accrued sick leave. An  
11 employee who has exhausted all of his or her sick leave may use accrued vacation leave  
12 before going on leave of absence without pay, if approved by his or her appointing  
13 authority. Sick leave shall be used for the following reasons:

14           1. The employee's bona fide illness~~((; provided, that))~~, but an employee who  
15 suffers an occupational illness may not simultaneously collect sick leave and worker's  
16 compensation payments in a total amount greater than the net regular pay of the employee;

17           2. The employee's incapacitating injury, ~~((provided that))~~ but:

18           a. ~~((A))~~ an employee injured on the job may not simultaneously collect sick  
19 leave and worker's compensation payments in a total amount greater than the net regular  
20 pay of the employee; though an employee who chooses not to augment his or her worker's  
21 compensation time loss pay through the use of sick leave shall be deemed on unpaid leave  
22 status;

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

4                   c. ~~((A))~~an employee may not collect sick leave and worker's compensation  
5 time loss payments for physical incapacity due to any injury or occupational illness which  
6 is directly traceable to employment other than with the county~~((:))~~;

7                   3. the employee's ~~((E))~~exposure to contagious diseases and resulting  
8 quarantine~~((:))~~;

9                   4. ~~((A))~~a female employee's temporary disability caused by or contributed to by  
10 pregnancy and childbirth~~((:))~~;

11                   5. ~~((F))~~the employee's medical or dental appointments, provided that the  
12 employee's appointing authority has approved the use of sick leave for such  
13 appointments~~((:))~~;

14                   6. ~~((To care for the employee's child or the child of an employee's domestic~~  
15 ~~partner if the following conditions are met:~~

16                   a. ~~The child is under the age of eighteen;~~

17                   b. ~~The employee is the natural parent, stepparent, adoptive parent, legal~~  
18 ~~guardian or other person having legal custody and control of the child;~~

19                   c. ~~The employee's child or the child of an employee's domestic partner has a~~  
20 ~~health condition requiring the employee's personal supervision during the hours of his/her~~  
21 ~~absence from work; and,~~

22                   d. ~~The employee actually attends to the child during the absence from work.~~

23                   7. ~~Employees shall be entitled to use sick leave in the maximum amount of three~~

1 days for each instance where such employee is required to care for immediate family  
2 members who are seriously ill. There shall be no limit on the use of sick leave to care for  
3 children under paragraph 1.6 of this section.

4 Up to one day of sick leave may be used by a male employee for the purpose of being  
5 present at the birth of his child.

6 ~~— J. An employee who has exhausted all of his or her sick leave may use accrued  
7 vacation leave as sick leave before going on leave of absence without pay, if approved by  
8 his or her appointing authority.))~~

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

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

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

15 b. the family member is the employee's spouse or domestic partner, the  
16 employee's child, a child of the employee's spouse or domestic partner, the parent of the  
17 employee, employee's spouse or domestic partner or an individual who stands or stood in  
18 loco parentis to the employee, the employee's spouse or domestic partner; and

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

20 i. the birth of a son or daughter and care of the newborn child, or  
21 placement with the employee of a son or daughter for adoption or foster care, if the leave is  
22 taken within twelve months of the birth, adoption or placement;

1                    ii. the care of the employee's child or child of the employee's spouse or  
2 domestic partner whose illness or health condition requires treatment or supervision by the  
3 employee; or

4                    iii. care of a family member who suffers from a serious health condition.

5                    I. An employee may take a total of up to eighteen work weeks unpaid leave for his  
6 or her own serious health condition, and for family reasons as provided in subsection H. 6  
7 and 7 of this section, combined, within a twelve-month period. The leave may be  
8 continuous, which is consecutive days or weeks, or intermittent, which is taken in whole or  
9 partial days as needed. Intermittent leave is subject to the following conditions:

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

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

16                    3. If an employee requests intermittent leave or leave on a reduced leave  
17 schedule under subsection I.2 of this section that is foreseeable based on planned medical  
18 treatment, the appointing authority may require the employee to transfer temporarily to an  
19 available alternative position for which the employee is qualified and that has equivalent  
20 pay and benefits and that better accommodates recurring periods of leave than the regular  
21 position of the employee.

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

1           K. The county shall continue its contribution toward health care benefits during  
2           any unpaid leave taken under subsection I of this section.

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

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

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

9                           b. A position with equivalent status, benefits, pay and other terms and  
10                   conditions of employment; and

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

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

14           SECTION 4. Ordinance 7956, sections 2, 3, 4 and 5, as amended, and K.C.C.  
15           3.12.245 are hereby repealed.

16           SECTION 5. Ordinance 12014, section 25, and K.C.C. 3.12.250 are each  
17           hereby amended to read as follows:

18           **Leave of absence - ~~((W))~~without pay.** A. ~~((Full-time regular employees and part-~~  
19           ~~time regular employees))~~ An employee eligible for leave benefits may take a leave((s)) of  
20           absence without pay for ~~((periods of))~~ thirty calendar days or less if authorized in writing  
21           by the employee's appointing authority.

22           B. ~~((Full-time regular employees and part-time regular employees))~~ An employee  
23           eligible for leave benefits may take a leave((s)) of absence without pay for ((periods of))

1 more than thirty calendar days if authorized in writing by the employee's appointing  
2 authority and the director.

3 C. Leaves of absence without pay shall be for periods not to exceed one year except  
4 that the director may, in special circumstances, grant an extension beyond one year.

5 D. Other employee benefits as provided in this chapter shall not be provided to or  
6 accrue to the employee while on leave of absence without pay, except as provided in  
7 K.C.C. 3.12.220.

8 E. If a leave of absence without pay was granted for purposes of recovering health,  
9 the employee ((may)) shall be required by the director to submit a physician's statement  
10 concerning the employee's ability to resume duties prior to return to work.

11 F. An employee on leave of absence without pay may return from the leave before  
12 its expiration date if the employee provides the appointing authority with a written request  
13 to that effect at least fifteen days prior to resuming duties.

14 G. Failure to return to work by the expiration date of a leave of absence without pay  
15 shall be cause for removal and shall result in automatic termination of the employee from  
16 county service.

17

1 H. A leave of absence without pay may be revoked by the director upon evidence  
2 submitted to the director by the appointing authority of the employee indicating that ((the))  
3 such leave ((of absence)) was requested and granted under false pretenses, or that the need  
4 for such leave ((of absence)) has ceased to exist.

5 SECTION 6. County employees receiving workers' compensation time loss benefits  
6 on the effective date of this ordinance, who are also receiving the county's insured benefits  
7 under an agreement between the county executive, Service Employees International Union,  
8 Local 6, representing scale operators and the International Brotherhood of Teamsters, Local  
9 174, representing truck drivers and transfer station operators will continue to receive those  
10 insured benefits until termination of employment, return to work in a benefited position, or  
11 June 30, 1999, whichever occurs first.

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1 The county executive is directed to review current policies related to family and  
2 medical leave entitlements and their applicability to medical leaves resulting from  
3 industrial injury to determine if the county's practices should be modified. This review  
4 will include, but need not be limited to, policies and practices of other jurisdictions,  
5 requirements under the federal law, and an estimate of the costs of modifying current  
6 policies and practices. A report of the findings of this review and any resulting  
7 recommendations will be presented to the county council for consideration no later than  
8 June 1, 1999.

9 INTRODUCED AND READ for the first time this 9th day of March, 1998.

10 PASSED by a vote of 13 to 0 this 14th day of December,  
11 1998.

12 KING COUNTY COUNCIL  
13 KING COUNTY, WASHINGTON

14 (original signed by Louise Miller)  
15 Chair

16 ATTEST:

17 (original signed by Clerk)  
18 Clerk of the Council

19 APPROVED this 21 day of December, 1998.

20 (original signed by Ron Sims)  
21 King County Executive

22 Attachments: None