

11/29/17

To make technical changes

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BALDUCCI - MOVED - CARRIED

Sponsor: Balducci

[HSP]

1 STRIKING AMENDMENT TO PROPOSED ORDINANCE 2017-0490, VERSION

2 2

3 On page 2, beginning on line 23, strike everything through page 51, line 1115, and insert:

4 "STATEMENT OF FACTS:

5 1. On November 8, 2016, Washington voters approved Initiative 1433,
6 which provided incremental increases to the state minimum wage,
7 effective January 1, 2017, and provides paid sick leave beginning January
8 1, 2018. The initiative's operative provisions are codified in Washington's
9 Minimum Wage Act, chapter 49.46 RCW.

10 2. The paid sick leave portion of the law applies to all employers, and
11 applies to nearly all employees in Washington state.

12 3. Therefore, beginning January 1, 2018, King County will provide sick
13 leave to groups of employees that do not currently receive sick leave
14 benefits.

15 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

18 For the purposes of this chapter, all words shall have their ordinary and usual
19 meanings except those defined in this section which shall have, in addition, the following

20 meanings. In the event of conflict, the specific definitions set forth in this section shall
21 presumptively, but not conclusively, prevail.

22 A.1. "Administrative interns" means employees who are:

23 a. enrolled during the regular school year in a program of education, internship
24 or apprenticeship;

25 b. legal interns who have graduated from law school but have not yet been
26 admitted to the Washington State Bar Association; or

27 c. veterans temporarily working to gain practical workforce experience.

28 2. All administrative internships in executive departments shall be approved by
29 the manager. Administrative interns are exempt from the career service under Section
30 550 of the charter.

31 B. "AmeriCorps" means those who apply for and are selected to serve in
32 positions at King County government through either AmeriCorps or Washington Service
33 Corps programs, or both.

34 C. "Appointing authority" means the county council, the executive, chief officers
35 of executive departments and administrative offices, or division managers having
36 authority to appoint or to remove persons from positions in the county service.

37 D. "Basis of merit" means the value, excellence or superior quality of an
38 individual's work performance, as determined by a structured process comparing the
39 employee's performance against defined standards and, where possible, the performance
40 of other employees of the same or similar class.

41 E. "Board" means the county personnel board established by Section 540 of the
42 charter.

43 F. "Budgetary furlough" means a circumstance in which projected county
44 revenues are determined to be insufficient to fully fund county agency operations and, in
45 order either to achieve budget savings or to meet unallocated budget reductions, which
46 are commonly known as contras, or both, cost savings may be achieved through
47 reduction in days or hours of service, resulting in placing an employee for one or more
48 days in a temporary furlough status without duties and without pay.

49 G. "Career service employee" means a county employee appointed to a career
50 service position as a result of the selection procedure provided for in this chapter, and
51 who has completed the probationary period.

52 H. "Career service position" means all positions in the county service except for
53 those that are designated by Section 550 of the charter as follows: all elected officers; the
54 county auditor, the clerk and all other employees of the county council; the county
55 administrative officer; the chief officer of each executive department and administrative
56 office; the members of all boards and commissions; the chief economist and other
57 employees of the office economic and financial analysis; the chief economist and other
58 employees of the office of economic and financial analysis; administrative assistants for
59 the executive and one administrative assistant each for the county administrative officer,
60 the county auditor, the county assessor, the chief officer of each executive department
61 and administrative office and for each board and commission; a chief deputy for the
62 county assessor; one confidential secretary each for the executive, the chief officer of
63 each executive department and administrative office, and for each administrative assistant
64 specified in this section; all employees of those officers who are exempted from the
65 provisions of this chapter by the state constitution; persons employed in a professional or

66 scientific capacity to conduct a special inquiry, investigation or examination; part-time
67 and temporary employees; administrative interns; election precinct officials; all persons
68 serving the county without compensation; physicians; surgeons; dentists; medical interns;
69 and student nurses and inmates employed by county hospitals, tuberculosis sanitariums
70 and health departments of the county.

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

74 All part-time employees shall be exempted from career service membership
75 except, all part-time employees employed at least half time or more, as defined by
76 ordinance, shall be members of the career service.

77 I. "Charter" means the King County Charter, as amended.

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

- 80 1. Under eighteen years of age; or
- 81 2. Eighteen years of age or older and incapable of self-care because of a mental
82 or physical disability.

83 K. "Class" or "classification" means a position or group of positions, established
84 under authority of this chapter, sufficiently similar in respect to the duties, responsibilities
85 and authority thereof, that the same descriptive title may be used to designate each
86 position allocated to the class.

87 L. "Classification plan" means the arrangement of positions into classifications
88 together with specifications describing each classification.

89 M. "Compensatory time" means time off granted with pay in lieu of pay for work
90 performed either on an authorized overtime basis or work performed on a holiday that is
91 normally scheduled as a day off. Such compensatory time shall be granted on the basis
92 of time and one-half.

93 N. "Competitive employment" means a position established in the county budget
94 and that requires at least twenty-six weeks of service per year as the work schedule
95 established for the position.

96 O. "Comprehensive leave benefits" means those leave benefits described in and
97 subject to this chapter, including leaves for vacations, promotional or qualifying
98 examinations, bereavement, life-giving or life-saving procedures, sickness, volunteering
99 at schools, parental leave, donated leave and leaves of absence without pay.

100 P. "Council" means the county council as established by Article 2 of the charter.

101 ~~((P-))~~ Q. "County" means King County and any other organization that is legally
102 governed by the county with respect to personnel matters.

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

111 ~~((R-))~~ S. "Direct cost" means the cost aggregate of the actual weighted average

112 cost of insured benefits, less any administrative cost therefor. Any payments to part-time
113 and temporary employees under this chapter shall not include any administrative
114 overhead charges applicable to administrative offices and executive departments.

115 ~~((S.))~~ T. "Director" means the manager of the human resources management
116 division.

117 ~~((F.))~~ U. "Division" means the human resources management division or its
118 successor agency.

119 ~~((U.))~~ V. "Domestic partners" are two people in a domestic partnership, one of
120 whom is a county employee.

121 ~~((V.))~~ W. "Domestic partnership" is a relationship whereby two people:

- 122 1. Have a close personal relationship;
- 123 2. Are each other's sole domestic partner and are responsible for each other's
124 common welfare;
- 125 3. Share the same regular and permanent residence;
- 126 4. Are jointly responsible for basic living expenses which means the cost of
127 basic food, shelter and any other expenses of a domestic partner that are paid at least in
128 part by a program or benefit for which the partner qualified because of the domestic
129 partnership. The individuals need not contribute equally or jointly to the cost of these
130 expenses as long as they agree that both are responsible for the cost;
- 131 5. Are not married to anyone;
- 132 6. Are each eighteen years of age or older;
- 133 7. Are not related by blood closer than would bar marriage in the state of
134 Washington;

135 8. Were mentally competent to consent to contract when the domestic
136 partnership began.

137 ~~((W.))~~ X. "Employed at least half time or more" means employed in a regular
138 position that has an established work schedule of not less than one-half the number of
139 hours of the full-time positions in the work unit in which the employee is assigned, or
140 when viewed on a calendar year basis, nine hundred ten hours or more in a work unit in
141 which a work week of more than thirty-five but less than forty hours is standard or one
142 thousand forty hours or more in a work unit in which a forty hour work week is standard.
143 If the standard work week hours within a work unit varies (employees working both
144 thirty five and forty hours) the manager, in consultation with the department, is
145 responsible for determining what hour threshold applies.

146 ~~((X.))~~ Y. "Employee" means any person who is employed in a career service
147 position or exempt position.

148 ~~((Y.))~~ Z. "Employees eligible for comprehensive leave benefits" means full-time
149 regular, part-time regular, provisional, probationary and term-limited temporary
150 employees.

151 AA. "Executive" means the county executive, as established by Article 3 of the
152 charter.

153 ~~((Z.))~~ BB. "Exempt employee" means an employee employed in a position that is
154 not a career service position under Section 550 of the charter. Exempt employees serve
155 at the pleasure of the appointing authority.

156 ~~((AA.))~~ CC. "Exempt position" means any position excluded as a career service
157 position by Section 550 of the charter. Exempt positions are positions to which

158 appointments may be made directly without a competitive hiring process.

159 (~~BB~~) DD. "Full-time regular employee" means an employee employed in a
160 full-time regular position and, for full-time career service positions, is not serving a
161 probationary period.

162 (~~CC~~) EE. "Full-time regular position" means a regular position that has an
163 established work schedule of not less than thirty-five hours per week in those work units
164 in which a thirty-five hour week is standard, or of not less than forty hours per week in
165 those work units in which a forty-hour week is standard.

166 (~~DD~~) FF. "Furlough day" means a day for which an employee shall perform no
167 work and shall receive no pay due to an emergency budget crisis necessitating emergency
168 budget furloughs.

169 (~~EE~~) GG. "Furloughed employee" means an employee who is placed in a
170 temporary status without duties and without pay due to a financial emergency
171 necessitating budget reductions.

172 (~~FF~~) HH. "Grievance" means an issue raised by an employee relating to the
173 interpretation of rights, benefits, or condition of employment as contained in either the
174 administrative rules or procedures, or both, for the career service.

175 (~~GG~~) II. "Immediate family" means spouse, child, parent, son-in-law,
176 daughter-in-law, grandparent, grandchild, sibling, domestic partner and the child, parent,
177 sibling, grandparent or grandchild of the spouse or domestic partner.

178 (~~HH~~) JJ. "Incentive increase" means an increase to an employee's base salary
179 within the assigned pay range, based on demonstrated performance.

180 (~~II~~) KK. "Insured benefits" means those insurance benefits described in and

181 subject to this chapter, including medical, dental, life, disability and vision benefits.

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

188 ~~((JJ.))~~ MM. ""King County family and medical leave"" means a leave of absence
189 taken under K.C.C. 3.12.221.

190 ~~((KK.))~~ NN. "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 ~~((LL.))~~ OO. "Manager" means the manager of the human resources division* or
195 its successor agency.

196 ~~((MM.))~~ PP. "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 ~~((NN.))~~ QQ. "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 ~~((OO.))~~ RR. "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 ~~((PP.))~~ SS. "Part-time regular employee" means an employee employed in a part-
211 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 ~~((QQ.))~~ TT. "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
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 ~~((RR.))~~ UU. "Pay plan" means a systematic schedule of numbered pay ranges
223 with 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 ~~((SS.))~~ VV. "Pay range" means one or more pay rates representing the minimum,
226 maximum and intermediate steps assigned to a classification.

227 (~~TT~~) WW. "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 (~~UU~~) XX. "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 (~~VV~~) YY. "Position" means a group of current duties and responsibilities
236 assigned by competent authority requiring the employment of one person.

237 (~~WW~~) ZZ. "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 (~~XX~~) AAA. "Probationary period" means a period of time, as determined by
241 the director, for assessing whether an individual is qualified for a career service position
242 to which the employee has been newly appointed or has moved from another position,
243 whether through promotion, demotion or transfer, except as provided in K.C.C. 3.12.100.

244 (~~YY~~) BBB. "Probationary period salary increase" means a within-range salary
245 increase from one step to the next highest step upon satisfactory completion of the
246 probationary period.

247 (~~ZZ~~) CCC. "Promotion" means the movement of an employee to a position in a
248 classification having a higher maximum salary.

249 (~~AAA~~) DDD. "Provisional appointment" means an appointment made in the

250 absence of a list of candidates certified as qualified by the manager. Only the manager
251 may authorize a provisional appointment. An appointment to this status is limited to six
252 months.

253 ~~((BBB.))~~ EEE. "Provisional employee" means an employee serving by
254 provisional appointment in a regular career service. Provisional employees are temporary
255 employees and excluded from career service under Section 550 of the charter.

256 ~~((CCC.))~~ FFF. "Qualifying event" means the birth of the employee's child, the
257 employee's adoption of a child or the foster-to-adopt placement of a child with the
258 employee.

259 GGG. "Recruiting step" means the first step of the salary range allocated to a
260 class unless otherwise authorized by the executive.

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

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

267 ~~((FFF.))~~ JJJ. "Section" means an agency's budget unit comprised of a particular
268 project program or line of business as described in the budget detail plan for the previous
269 fiscal period as attached to the adopted appropriation ordinance or as modified by the
270 most recent supplemental appropriations ordinance. This definition is not intended to
271 create an organization structure for any agency.

272 ~~((GGG.))~~ KKK. "Serious health condition" means an illness or injury,

273 impairment or physical or mental condition that involves one or more of the following:

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

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

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

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

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

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

289 ((HHH.)) LLL. "Short-term temporary employee" means a temporary employee
290 who is employed in a short-term temporary position.

291 MMM. "Short-term temporary position" means a type of position in which a
292 temporary employee works less than nine hundred ten hours in a calendar year in a work
293 unit in which a thirty-five-hour work week is standard or less than one thousand forty
294 hours in a calendar year in a work unit in which a forty-hour work week is standard.

295 Where the standard work week falls between thirty-five and forty hours, the manager, in

296 consultation with the department, is responsible for determining what hour threshold will
297 apply.

298 NNN. "Temporary employee" means an employee employed in a temporary
299 position and in addition, includes an employee serving a probationary period or ~~((is))~~
300 under provisional appointment. Under Section 550 of the charter, temporary employees
301 shall not be members of the career service.

302 ~~((HH.))~~ OOO. "Temporary position" means a position that is not a regular position
303 as defined in this chapter and excludes administrative intern. Temporary positions
304 include both term-limited temporary and short-term temporary positions ~~((as defined in~~
305 ~~this chapter and short-term (normally less than six months) temporary positions in which~~
306 ~~a temporary employee works less than nine hundred ten hours in a calendar year in a~~
307 ~~work unit in which a thirty-five hour work week is standard or less than one thousand~~
308 ~~forty hours in a calendar year in a work unit in which a forty hour work week is standard,~~
309 ~~except as provided elsewhere in this chapter. Where the standard work week falls~~
310 ~~between thirty-five and forty hours, the manager, in consultation with the department, is~~
311 ~~responsible for determining what hour threshold will apply)).~~

312 ~~((JJJ.))~~ PPP. "Term-limited temporary employee" means a temporary employee
313 who is employed in a term-limited temporary position. Term-limited temporary
314 employees are not members of the career service. Term-limited temporary employees
315 may not be employed in term-limited temporary positions longer than three years beyond
316 the date of hire, except that for grant-funded projects capital improvement projects and
317 information systems technology projects the maximum period may be extended up to five
318 years upon approval of the manager. The manager shall maintain a current list of all

319 term-limited temporary employees by department.

320 ((~~KKK~~)) QQQ. "Term-limited temporary position" means a temporary position
321 with work related to a specific grant, capital improvement project, information systems
322 technology project or other nonroutine, substantial body of work, for a period greater
323 than six months. In determining whether a body of work is appropriate for a term-limited
324 temporary position, the appointing authority will consider the following:

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

328 2. Information systems technology projects: These positions will be needed to
329 plan and implement new information systems projects for the county. Term-limited
330 temporary positions may not be used for ongoing maintenance of systems that have been
331 implemented;

332 3. Capital improvement projects: These positions will involve the management
333 of major capital improvement projects. Term-limited temporary positions may not be
334 used for ongoing management of buildings or facilities once they have been built;

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

339 5. Seasonal positions: These are positions with work for more than six
340 consecutive months, half-time or more, with total hours of at least nine hundred ten in a
341 calendar year in a work unit in which a thirty-five hour work week is standard or at least

342 one thousand forty hours in a calendar year in a work unit in which a forty hour work
343 week is standard, that due to the nature of the work have predictable periods of inactivity
344 exceeding one month. Where the standard work week falls between thirty-five and forty
345 hours, the manager, in consultation with the department, is responsible for determining
346 what hour threshold will apply; and

347 6. Temporary placement in regular positions: These are positions used to back
348 fill regular positions for six months or more due to a career service employee's absence
349 such as extended leave or assignment on any of the foregoing time-limited projects.

350 All appointments to term-limited temporary positions will be made by the
351 appointing authority in consultation with the manager before the appointment of term-
352 limited temporary employees.

353 ~~((LLL:))~~ RRR. "Volunteer for the county" means an individual who performs
354 service for the county for civic, charitable or humanitarian reasons, without promise,
355 expectation or receipt of compensation from the county for services rendered and who is
356 accepted as a volunteer by the county, except emergency service worker volunteers as
357 described by chapter 38.52 RCW. A "volunteer for the county" may receive reasonable
358 reimbursement of expenses or an allowance for expenses actually incurred without losing
359 ~~((his or her))~~ status as a volunteer. "Volunteer for the county" includes, but is not limited
360 to, a volunteer serving as a board member, officer, commission member, volunteer intern
361 or direct service volunteer.

362 ~~((MMM:))~~ SSS. "Volunteer intern" means volunteers who are either:

363 1. Enrolled during the regular school year in a program of education, internship
364 or apprenticeship and receiving scholastic credit or scholastic recognition for

365 participating in the internship; or

366 2. Legal interns who have graduated from law school but have not yet been
367 admitted to the Washington State Bar Association.

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

373 SECTION 2. Ordinance 12014, Section 7, as amended, and K.C.C. 3.12.040 are
374 each hereby amended to read as follows:

375 A. Full-time regular, part-time regular, provisional, probationary and term-
376 limited temporary employees shall receive the comprehensive leave benefits provided in
377 this chapter. Short-term temporary employees and administrative interns do not receive
378 comprehensive leave benefits and are only eligible for the sick leave benefits outlined in
379 K.C.C. 3.12.220.

380 B. Full-time regular, part-time regular, provisional, probationary, term-limited
381 temporary employees and those employees who meet the definition of full time employee
382 under the Patient Protection and Affordable Care Act of 2010, as amended, and including
383 applicable regulations promulgated under the Patient Protection and Affordable Care act
384 of 2010, as amended, and their spouse or domestic partner, each of their dependent
385 children and each of the dependent children of their spouse or domestic partner shall be
386 eligible for medical, dental, life, disability and vision benefits, except in those instances
387 where contrary provisions have been agreed to in the collective bargaining process and to

388 the extent such benefits are available through insurers selected by the county. The
389 director shall establish specific provisions governing eligibility for these benefits as part
390 of the personnel guidelines and consistent with budget requirements. The provisions may
391 include waiting periods for employees newly-hired to the county.

392 C. Part-time and temporary employees, other than probationary, provisional and
393 term-limited temporary employees, who exceed the calendar year working hours
394 threshold defined in this chapter shall receive compensation in lieu of leave benefits at
395 the rate of fifteen percent of gross pay for all hours worked less the value of any sick
396 leave benefits provided under K.C.C. 3.12.220.A.2., paid retroactive to the first hour of
397 employment and for each hour worked thereafter. If an employee has not previously
398 received insured benefits provided under K.C.C. 3.12.040.B., ((F))the employee shall
399 also receive a one-time only payment in an amount equal to the direct cost of three
400 months of insured benefits, as determined by the director, and, in lieu of insured benefits,
401 in an amount equal to the direct cost to the county for each employee for whom insured
402 benefits are provided, prorated to reflect the affected employee's normal work week, for
403 each hour worked thereafter. The additional compensation shall continue until
404 termination of employment or hire into a full-time regular, part-time regular or term-
405 limited position. Further, employees receiving pay in lieu of insured benefits may elect
406 to receive the medical component of the insured benefit plan, with the cost to be deducted
407 from their gross pay, but an employee who so elects shall remain in the selected plan
408 until: termination of employment; hire into a full-time regular, part-time regular or term-
409 limited position; or service of an appropriate notice of change or cancellation during the
410 employee benefits annual open enrollment.

411 Part-time and temporary employees, other than probationary, provisional and
412 term-limited temporary employees, who exceed the applicable threshold are also eligible
413 for cash in lieu of the bus pass benefit provided to regular employees. The value shall be
414 determined based on the average annual cost per employee as determined in the adopted
415 budget, prorated to an hourly equivalent based on the employee's normal work week, and
416 shall be paid retroactive to the first hour worked and for each hour worked thereafter until
417 termination of employment or hire into a full-time regular, part-time regular or term
418 limited position.

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

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

434 B. Separate accounts shall be maintained for any vacation or sick leave accrued
435 before an increase in the number of work-week hours. The "adjusted leave account" shall
436 be used for leave accrued before an increase in the number of work-week hours. The
437 "unadjusted leave account" shall be used for leave accrued subsequent to an increase in
438 the number of work-week hours. Leave in the adjusted leave account shall be used first.

439 C. In the event the number of work-week hours is reduced for any employee
440 whose vacation and sick leave accruals have been adjusted upward under the terms of this
441 section, the remaining hours in the adjusted leave account shall be reduced in the same
442 proportion as the work-week hours are reduced. Under no circumstances shall the
443 adjusted leave account be reduced by a greater proportion than the proportion of the
444 previous upward adjustment. Any leave accrued in the unadjusted leave account shall not
445 be affected by this reduction.

446 D. No adjustment to reduce sick leave or vacation accruals for a furloughed
447 employee shall be made as a result of a budgetary furlough.

448 SECTION 4. Ordinance 12014, Section 36, as amended, and K.C.C. 3.12.188 are
449 each hereby amended to read as follows:

450 A. Employees eligible for comprehensive leave (~~(and insured)~~) benefits under
451 this chapter, administrative interns, volunteer interns, work study students and eligible
452 department of transportation retirees as defined in this section shall be issued a transit bus
453 pass entitling the holder to ride without payment of fare on public transportation services
454 operated by or under the authority of the county. In addition, such employees shall be
455 entitled to use the transit bus pass to ride without payment of fare on public transportation
456 services operated by or under the authority of Pierce Transit, Kitsap Transit, the King

457 County Ferry District, Sound Transit, Everett Transit, and Community Transit, subject to
458 agreements with such agencies as may be entered into by the executive. Use of transit
459 bus passes shall be restricted to such employees, administrative interns, volunteer interns,
460 work study students and department of transportation retirees and any unauthorized use
461 shall, at a minimum, result in forfeiture of the passes. With the exception of
462 administrative interns, volunteer interns and work study students, employees not eligible
463 for comprehensive leave (~~and insured~~) benefits under this chapter shall not receive
464 transit bus passes or any transit bus pass subsidy.

465 B. The executive shall cause an appropriate survey to be conducted biennially of
466 the use of public transportation services by county employees and volunteer interns.
467 Based on the results of the survey, the projected usage of public transportation services
468 by county employees, the county's commute trip reduction objectives and other factors
469 determined appropriate by the executive, the executive shall recommend in the annual
470 budget an amount to be paid to the public transportation operating account for transit bus
471 passes. The amount recommended by the executive shall not include any payment for
472 transit bus passes for commissioned police officers, eligible department of transportation
473 retirees and employees whose positions are determined by the director of the department
474 of transportation to be dedicated exclusively to the public transportation function. The
475 final amount to be transferred to the public transportation operating account for transit
476 bus passes shall be determined by the council as part of the annual budget and
477 appropriation process consistent with the requirements of the King County Charter and
478 applicable state law.

479 C. For purposes of this section, "eligible department of transportation retiree"

480 means an employee eligible for comprehensive leave ((and insured benefits)) under this
481 chapter who:

482 1. Separates from employment with the county while holding a position in the
483 department of transportation determined by the director of the department of
484 transportation to be dedicated exclusively to the public transportation function; and

485 2. On the date of the separation is eligible to receive benefits from a retirement
486 system established pursuant to state law.

487 SECTION 5. Ordinance 12014, Section 19, as amended, and K.C.C. 3.12.190 are
488 each hereby amended to read as follows:

489 A. Beginning January 1, 1996, employees eligible for comprehensive leave
490 benefits shall accrue vacation leave benefits as described in and further qualified by this
491 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
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

492 B. Notwithstanding the vacation leave schedule in subsection A. of this section,
493 employees eligible for comprehensive leave benefits, excluding employees in the former
494 department of metropolitan services, shall accrue vacation leave as follows:

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

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

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

504 C. Vacation accrual rates for an employee who works other than the full time
505 schedule standard to ~~((his or her))~~ the employee's work unit shall be prorated to reflect
506 ~~((his or her))~~ the employee's normally scheduled work week. No adjustment to vacation
507 accrual rates for a furloughed employee shall be made as a result of a budgetary furlough.

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

510 E. Employees eligible for vacation leave may accrue up to sixty days of vacation

511 leave, prorated to reflect their normally scheduled work day. Those employees shall use
512 vacation leave beyond the maximum accrual amount before December 31 of each year.
513 Failure to use vacation leave beyond the maximum accrual amount will result in
514 forfeiture of the vacation leave beyond the maximum amount unless the appointing
515 authority has approved a carryover of the vacation leave because of cyclical workloads,
516 work assignments or other reasons as may be in the best interests of the county.

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

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

525 H. A furloughed employee shall not be eligible to take or be paid for vacation in
526 lieu of taking a budgetary furlough day.

527 In lieu of the remuneration for fifty percent of unused accrued vacation leave at
528 retirement, the manager of the human resources division((;)) or ((the manager's))
529 designee((;)) may, with equivalent funds and in accordance with the procedures in K.C.C.
530 3.12.220.F.2.b, provide eligible employees with a voluntary employee beneficiary
531 association plan that provides for reimbursement of retiree and other qualifying medical
532 expenses.

533 I. An employee who is eligible for comprehensive leave benefits shall be paid for

534 accrued vacation leave to the employee's date of separation up to the maximum accrual
535 amount if the employee has successfully completed (~~(his or her)~~) the employee's first six
536 months of county service and is in good standing. Except with the written approval of
537 the executive, the position, if vacated by a nonrepresented employee, shall not be filled
538 until salary savings for the position are accumulated in an amount sufficient to pay the
539 cost of the cash out. Payment shall be the accrued vacation leave multiplied by the
540 employee's rate of pay in effect upon the date of leaving county employment less
541 mandatory withholdings.

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

544 K. Employees shall not work for compensation for the county in any capacity
545 during the time that the employees are on vacation leave.

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

549 M. In cases of separation from county employment by death of an employee with
550 accrued vacation leave and who has successfully completed (~~(his or her)~~) the employee's
551 first six months of county service, payment of unused vacation leave up to the maximum
552 accrual amount shall be made to the employee's estate, or, in applicable cases, as
553 provided for by state law, Title 11 RCW. Except with the written approval of the
554 executive, the position, if vacated by a nonrepresented employee, shall not be filled until
555 salary savings for the position are accumulated in an amount sufficient to pay the cost of
556 the cashout.

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

562 SECTION 6. Ordinance 12077, Section 4, as amended, and K.C.C. 3.12.200 are
563 each hereby amended to read as follows:

564 Employees eligible for comprehensive leave benefits shall be entitled to necessary
565 time off with pay for the purpose of taking county qualifying or promotional
566 examinations. This shall include time required to complete any required interviews.

567 SECTION 7. Ordinance 4324, Section 27, as amended, and K.C.C. 3.12.210 are
568 each hereby amended to read as follows:

569 A. Employees eligible for comprehensive leave benefits shall be entitled to three
570 working days of bereavement leave a year due to death of members of their immediate
571 family. A furloughed employee shall not be eligible to take or be paid for bereavement
572 leave in lieu of taking a budgetary furlough day.

573 B. Employees eligible for comprehensive leave benefits who have exhausted
574 their bereavement leave shall be entitled to use sick leave in the amount of three days for
575 each instance of death when death occurs to a member of the employee's immediate
576 family. A furloughed employee shall not be eligible to take or be paid for bereavement
577 sick leave in lieu of taking a budgetary furlough day.

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

580 D. In the application of any of subsections A., B. and C. of this section, holidays
581 or regular days off falling within the prescribed period of absence shall not be charged.

582 SECTION 8. Ordinance 12014, Section 20, as amended, and K.C.C. 3.12.215 are
583 each hereby amended to read as follows:

584 A.1. The appointing authority shall allow an employee (~~who is~~) eligible for
585 (~~family leave, sick leave, vacation leave or leave of absence without pay~~)
586 comprehensive leave benefits who is voluntarily participating as a donor in a life-giving
587 or life-saving procedure such as, but not limited to, a bone marrow transplant, kidney
588 transplant or blood transfusion to take five days paid leave without having the leave
589 charged to family leave, sick leave, vacation leave or leave of absence without pay, but
590 only if the employee:

591 a. gives the appointing authority reasonable advance notice of the need to take
592 time off from work for the donation of bone marrow, a kidney or other organs or tissue
593 where there is a reasonable expectation that the employee's failure to donate may result in
594 serious illness, injury, pain or the eventual death of the identified recipient; and

595 b. provides written proof from an accredited medical institution, organization
596 or individual as to the need for the employee to donate bone marrow, a kidney or other
597 organs or tissue or to participate in any other medical procedure where the participation
598 of the donor is unique or critical to a successful outcome.

599 2. A furloughed employee shall not be eligible to take or be paid for an organ
600 donor leave in lieu of taking a budgetary furlough day.

601 B. Time off from work for the purposes set out above in excess of five working
602 days shall be subject to existing leave policies in this chapter or in any applicable

603 collective bargaining agreement.

604 SECTION 9. Ordinance 18408, Section 2, and K.C.C. 3.12.219 are each hereby
605 amended to read as follows:

606 A. The executive shall create a program that provides nonrepresented employees,
607 on the terms in Ordinance 18408, paid parental leave following a qualifying event.

608 B. The executive is authorized to enter into memoranda of agreement with the
609 labor organizations that represent King County employees to provide those employees
610 paid parental leave consistent with the terms of this section.

611 C. The program for paid parental leave shall be subject to the following:

612 1. The program is intended to provide employees eligible for comprehensive
613 leave benefits with twelve weeks of paid parental leave during the twelve months
614 following a qualifying event;

615 2. Participation in the program shall be limited to employees eligible for
616 comprehensive leave benefits who have been employed with the county for at least six
617 months of continuous service at the time of the qualifying event and are either
618 nonrepresented or represented by a union that has signed a paid parental leave
619 memorandum of agreement in subsection B. of this section;

620 3. An employee's supplemental paid leave benefit shall be calculated based on
621 the employee's accrued paid leave balances at the time of the qualifying event.

622 4. An employee electing to participate in the program must reserve one week of
623 accrued vacation and one week of accrued sick leave, or whatever smaller amount of
624 each the employee has accrued. An employee with twelve weeks or more of unreserved,
625 accrued paid leave at the time of the qualifying event may use up to twelve weeks of

626 accrued paid leave as paid parental leave during the twelve months after the qualifying
627 event. An employee who has less than twelve weeks of unreserved, accrued paid leave at
628 the time of the qualifying event shall be granted supplemental paid leave in an amount
629 sufficient, when combined with the employee's unreserved accrued paid leave, to equal a
630 total of twelve weeks of paid parental leave. For example, if an employee has two weeks
631 of accrued vacation and three weeks of accrued sick leave at the time of the qualifying
632 event, the employee shall be granted nine weeks of supplemental paid leave, bringing the
633 total available paid parental leave to twelve weeks.

634 5. An employee may use supplemental paid leave and accrued paid leave in any
635 order and is not required to use any of the accrued paid leave as paid parental leave.

636 6. An employee on paid leave in the program shall be compensated at the
637 employee's base pay rate.

638 7. An employee should provide notice to the designated representative of the
639 employee's department that the employee intends to participate in the program. The
640 notice should meet the notice requirements for taking family and medical leave under
641 federal law.

642 8. Paid parental leave under the program must begin and end within twelve
643 months after the qualifying event.

644 9. The employee and the employee's supervisor shall agree upon a schedule for
645 taking paid parental leave that is consistent with the county's operational needs. An
646 employee may use the paid parental leave on a part-time basis as long as that is consistent
647 with the county's operational needs and is approved in writing by the supervisor before
648 the leave begins.

649 10. Paid parental leave under Ordinance 18408 shall run concurrently with King
650 County family and medical leave, as well as federal and state family and medical leave,
651 to the extent permitted by law.

652 11. During the time that an employee is on leave in the program, the employee's
653 job shall be protected to the same extent that an employee's job is protected while the
654 employee is on family or medical leave under federal or state law. No retaliatory action
655 may be taken against an employee for participating or planning to participate in the
656 program or for exercising the employee's rights under this ordinance. In particular,
657 permission to use accrued paid leave shall not be denied or delayed on the basis that the
658 employee intends to participate in the program. This is a general statement of county
659 policy that cannot form the basis of a private right of action.

660 12. Taking leave under the program shall not affect an employee's health
661 benefits or an employee's accrual of paid leave, which shall continue during the period of
662 paid parental leave.

663 13. Employees shall not be compensated in any manner for not using the
664 supplemental paid leave that is available under Ordinance 18408.

665 14. An employee who does not return to work for at least six months of
666 continuous service following the paid parental leave, will be required to reimburse King
667 County for the supplemental paid parental leave funds received.

668 SECTION 10. Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220
669 are each hereby amended to read as follows:

670 A.1. Except for employees covered by subsection ~~((G))~~A.3. of this section,
671 employees eligible for comprehensive leave benefits shall accrue sick leave ~~((benefits))~~ at

672 the rate of 0.04616 hours for each hour in pay status exclusive of overtime up to a
673 maximum of eight hours per month; except that ~~((sick leave shall not begin to accrue
674 until the first of the month following the month in which the employee commenced
675 employment))~~ if an hourly employee works in excess of seventy-four hours in one week,
676 the employee shall accrue sick leave at the rate of 0.025 hours for each hour worked in
677 excess of seventy-four. No adjustment to reduce sick leave accruals for furloughed
678 employee shall be made as a result of a budgetary furlough. ~~((The employee is not
679 entitled to use sick leave if not previously earned.~~

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

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

686 3. Employees who are members of the Law Enforcement Officers and
687 Firefighters (LEOFF) 1 retirement system and short-term temporary employees who are
688 employed in social service programs designed to help youth gain basic work training
689 skills, such as Work Experience (WEX) participants and Division of Youth Services
690 (DYS) youth employment workers, shall not accrue sick leave.

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

692 C. For employees covered by the overtime requirements of the Fair Labor
693 Standards Act, sick leave may be used in fifteen-minute increments ~~((or as specified in
694 the collective bargaining agreement)).~~

695 D. There shall be no limit to the ~~((hours))~~ number of sick leave ~~((benefits))~~ hours
696 accrued and carried over to the following year by ~~((an))~~ employees eligible ~~((employee))~~
697 for comprehensive leave benefits. Short-term temporary employees and administrative
698 interns may carry over forty hours of unused sick leave to the following year, all other
699 unused accrued sick leave shall be forfeited.

700 E.1. Separation from or termination of county employment, except by reason of
701 retirement or layoff due to lack of work, funds, efficiency reasons or separation for
702 medical reasons, shall cancel all sick leave accrued to ~~((the))~~ employees eligible for
703 comprehensive leave benefits as of the date of separation or termination.

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

707 3. Should ~~((the))~~ an employee ~~((resign in good standing, be separated for~~
708 ~~medical reasons or be laid off, and))~~ return to county employment within two years,
709 accrued sick leave shall be restored~~((, but the restoration shall not apply where the former~~
710 ~~employment was in a term limited temporary position))~~.

711 F.1. Except for ~~((employees covered by subsection G. of this section))~~ short-term
712 temporary employees, administrative interns, and employees covered by the Law
713 Enforcement Officers and Firefighters (LEOFF) 1 retirement system, employees eligible
714 to accrue sick leave ~~((and))~~ who have successfully completed at least five years of county
715 service and who retire as a result of length of service or who terminate by reason of death
716 shall be paid, or their estates paid or as provided for by Title 11 RCW, as applicable, an
717 amount equal to thirty-five percent of their unused, accumulated sick leave multiplied by

718 the employee's rate of pay in effect upon the date of leaving county employment less
719 mandatory withholdings. This provision is predicated on the requirement that, except
720 with the written approval of the executive, the position, if vacated by a nonrepresented
721 employee, shall not be filled until salary savings for the position are accumulated in an
722 amount sufficient to pay the cost of the cash out. For the purposes of this subsection F.1.,
723 "retire as a result of length of service" means an employee is eligible, applies for and
724 begins drawing a pension from the Law Enforcement Officers and Firefighters (LEOFF),
725 Public Employees' Retirement System (PERS), Public Safety Employees' Retirement
726 System (PSERS) or the city of Seattle Retirement Plan immediately upon terminating
727 county employment.

728 2.a. In lieu of the remuneration for unused sick leave at retirement, the manager
729 of the human resources division((;)) or ((the manager's)) designee((;)) may, with
730 equivalent funds, provide eligible employees with a voluntary employee beneficiary
731 association plan that provides for reimbursement of retiree and other qualifying medical
732 expenses. Under K.C.C. 3.12.190.H., in lieu of the remuneration for fifty percent of
733 unused vacation leave at retirement, the manager may also fund the voluntary employee
734 beneficiary association plan.

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

738 (1) each group of employees hold an election to decide whether to implement
739 a voluntary employee beneficiary association plan for a defined group of employees. The
740 determination of the majority of voting employees in a group shall bind the remainder.

741 Elections for represented employees shall be conducted by the appropriate bargaining
742 representative. Elections for nonrepresented employees shall be conducted in accordance
743 with procedures established by the manager;

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

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

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

757 G. ~~((Uniformed employees covered under the LEOFF Retirement System Plan I
758 shall apply for disability retirement under RCW 41.26.120.~~

759 H.)1. An employee must use all of ~~((his or her))~~ the employee's accrued sick
760 leave and any donated sick leave before taking unpaid leave for ~~((his or her))~~ the
761 employee's own health reasons. If the employee has an injury or illness that is
762 compensable under the county's workers compensation program, then the employee has
763 the option to augment or not augment wage replacement pay with the use of accrued sick

764 leave. A furloughed employee shall not be eligible to take or be paid for sick leave in
765 lieu of taking a budgetary furlough day.

766 2. For a leave for family reasons, the employee shall choose at the start of the
767 leave whether the particular leave would be paid or unpaid((;)), but when an employee
768 chooses to take paid leave for family reasons ((he or she)) the employee may set aside a
769 reserve of up to eighty hours of accrued sick leave. A furloughed employee who is on
770 county family medical leave as provided for in this section shall retain county benefits
771 during furlough days.

772 3. An employee who has exhausted all of ((his or her)) the employee's accrued
773 sick leave may use accrued vacation leave before going on leave of absence without pay,
774 if approved by ((his or her)) the employee's appointing authority. A furloughed
775 employee shall not be eligible to take or be paid for vacation leave in lieu of sick leave in
776 lieu of taking a furlough day.

777 ((I.)) H. Sick leave may be used ((only)) for the following reasons:

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

782 2. ~~The employee's incapacitating injury, but:))~~ An absence:

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

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

787 c. for the employee's need for preventive medical care;
788 2. To allow the employee to provide care:
789 a. for a family member with a mental or physical illness, injury or health
790 condition;
791 b. for a family member who needs medical diagnosis, care or treatment of a
792 mental or physical illness, injury or health condition; or
793 c. for a family member who needs preventive medical care;
794 3. When a King County facility is closed by order of public official for any
795 health-related reason, or when an employee's child's school or place of care is closed by
796 order of a public official for a health-related reason;
797 4. For absences that qualify for leave under the domestic violence leave act,
798 chapter 49.76 RCW;
799 5. For absences to increase the safety of the employee or a family member
800 when the employee or a family member has been a victim of trafficking under RCW
801 9A.40.100; and
802 6. For family and medical leave available under federal law, state law or King
803 County ordinance.
804 I. For purposes of sick leave, "family member" means any of the following:
805 1. A child, including a biological, adopted or foster child, a stepchild or a child
806 to whom the employee stands in loco parentis, is a legal guardian or is a de facto parent,
807 regardless of age or dependency status, or the child of the employee's domestic partner;
808 2. The parent of an employee, employee's spouse or employee's domestic
809 partner. Parent includes:

810 a. a biological parent;
811 b. an adoptive parent;
812 c. a de facto parent;
813 d. a foster parent;
814 e. a stepparent;
815 f. a legal guardian; or
816 g. a person who stood or stands in loco parentis to the employee, employee's
817 spouse or employee's domestic partner.

818 3. A spouse;

819 4. A domestic partner;

820 5. A grandparent;

821 6. A grandchild; or

822 7. A sibling.

823 ~~((a-))~~ J.1. ((a))An employee injured on the job may not simultaneously collect
824 sick leave and workers' compensation payments in a total amount greater than the net
825 regular pay of the employee, though an employee who chooses not to augment ~~((his or~~
826 ~~her))~~ the employee's workers' compensation wage replacement pay through the use of
827 sick leave shall be deemed on unpaid leave status~~((;))~~.

828 ~~((b-))~~ 2. ((a))An employee who chooses to augment workers' compensation
829 payments with the use of accrued sick leave shall notify the safety and workers'
830 compensation program office in writing at the beginning of the leave~~((; and))~~.

831 ~~((c-))~~ 3. ((a))An employee may not collect sick leave and workers' compensation
832 wage replacement pay for physical incapacity due to any injury or occupational illness

833 that is directly traceable to employment other than with the county;

834 ~~((3. The employee's exposure to contagious diseases and resulting quarantine;~~

835 ~~4. A female employee's temporary disability caused by or contributed to by~~
836 ~~pregnancy and childbirth;~~

837 ~~5. The employee's medical or dental appointments but only if the employee's~~
838 ~~appointing authority has approved the use of sick leave for those appointments;~~

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

841 ~~7. For family and medical leave available under federal law, state law or King~~
842 ~~County ordinance.~~

843 ~~J.))~~ K. ((Department m)) Management of the employee's department is

844 responsible for the proper administration of ((the)) sick leave benefits. ((Verification
845 from a health care provider may be required to substantiate the health condition of the

846 employee or family member for leave requests.)) Management of the employee's

847 department may require an employee to provide reasonable notice of an absence from

848 work, so long as the notice does not interfere with an employee's lawful use of sick leave.

849 ~~((K. Failure to return to work by the expiration date of a leave of absence may be~~
850 ~~cause for removal and result in termination of the employee from county service.))~~ L.

851 Verification that an employee's use of sick leave is for an authorized purpose may be

852 required for absences exceeding three days. Verification may not result in an

853 unreasonable burden or expense on the employee and may not exceed privacy or

854 verification requirements otherwise established by law.

855 SECTION 11. Ordinance 12014, Section 22, as amended, and K.C.C. 3.12.223

856 are each hereby amended to read as follows:

857 A.1. Any employee eligible for comprehensive leave benefits may donate a
858 portion of ~~((his or her))~~ the employee's accrued vacation leave to another employee
859 eligible for comprehensive leave benefits. Such a donation will occur upon written
860 request to and approval of the donating and receiving employees' department director or
861 directors, except that requests for vacation donation made for the purposes of
862 supplementing the sick leave benefits of the receiving employee shall not be denied
863 unless approval would result in a departmental hardship for the receiving department.

864 2. The number of hours donated shall not exceed the donor's accrued vacation
865 credit as of the date of the request. No donation of vacation hours shall be permitted
866 where it would cause the employee receiving the transfer to exceed ~~((his or her))~~ the
867 employee's maximum vacation accrual.

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

870 4. Donated vacation leave hours must be used within ninety calendar days
871 following the date of donation. Donated hours not used within ninety days or due to the
872 death of the receiving employee shall revert to the donor. Donated vacation leave hours
873 shall be excluded from vacation leave payoff provisions in this chapter. For purposes of
874 this section, the first hours used by an employee shall be accrued vacation leave hours.

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

879 2. No donation shall be permitted unless the donating employee's sick leave
880 accrual balance immediately subsequent to the donation is one hundred hours or more.
881 No employee may donate more than twenty-five hours of ~~((his or her))~~ the employee's
882 accrued sick leave in a calendar year.

883 3. Donated sick leave hours must be used within ninety calendar days. Donated
884 hours not used within ninety days or due to the death of the receiving employee shall
885 revert to the donor. Donated sick leave hours shall be excluded from the sick leave
886 payoff provisions contained in this chapter, and sick leave restoration provisions
887 contained in this chapter. For purposes of this section, the first hours used by an
888 employee shall be accrued sick leave hours.

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

892 D. All vacation and sick leave hours donated shall be converted to a dollar value
893 based on the donor's straight time hourly rate at the time of donation. Such dollar value
894 will then be divided by the receiving employee's hourly rate to determine the actual
895 number of hours received. Vacation leave donated to a furloughed employee, who is
896 designated by a department director and confirmed by the chief administrative officer as
897 eligible to use donated leave on a furlough day, is donated on an hour-for-hour basis,
898 without an hourly rate conversion. Unused donated vacation and sick leave shall be
899 reconverted based on the donor's straight time hourly rate at the time of reconversion.
900 Vacation leave donated to a furloughed employee who is designated by the department
901 director and confirmed by the chief administrative officer as eligible to use donated leave

902 on a furlough day shall not revert back to the donor.

903 SECTION 12. Ordinance 13743, Section 1, as amended, and K.C.C. 3.12.224 are
904 each hereby amended to read as follows:

905 Notwithstanding K.C.C. 3.12.190, if an employee dies while engaged within the
906 scope of ~~((his or her))~~ the employee's employment, the executive may implement a
907 process providing a one-time opportunity to allow employees eligible for comprehensive
908 leave benefits to convert either accrued vacation or accumulated compensatory time
909 hours, or both, to cash to benefit any children of the deceased employee who are under
910 twenty-three years old at the time of the employee's death. This process must conform to
911 the following requirements:

912 A. The executive shall establish a forty-five-day period during which time
913 employees may sign a written request, subject to approval by the executive, to convert
914 either accrued vacation or accumulated compensatory time hours, or both, to cash and to
915 authorize a payroll deduction of the cash to benefit the children of the deceased employee
916 who are under twenty-three years old at the time of the employee's death. The hours
917 must be in full-hour increments, with a minimum of four;

918 B. The executive shall determine the maximum hours that any employee can
919 convert to cash, but the maximum may not be greater than a total of forty by each
920 employee;

921 C. The value of the hours must be determined based on the regular hourly rate of
922 the employee in effect at the time the approved conversion request is received by the
923 county's payroll office;

924 D. If employees elect to convert either accrued vacation or accumulated

925 compensatory time hours, or both, to cash as set forth in this section, the executive shall
926 identify one or more support accounts or programs to which the cash may be paid for the
927 benefit of the children. Unless the executive determines that another support account or
928 program is more suitable given the circumstances of the children, the executive shall first
929 insure the establishment of a Washington state college tuition prepaid program-
930 guaranteed education tuition (GET) account with the state of Washington treasury to
931 benefit the children of the deceased employee. In addition to or in lieu of the GET
932 program, the executive may direct that some or all of the cash collected under this section
933 be paid to other support accounts or programs that the executive has determined:

- 934 1. Are established in the names of the children or their legal guardian for the
935 benefit of the children;
- 936 2. Are held by a governmental agency, nonprofit organization, bank, trust or
937 lawful entity other than an individual;
- 938 3. Contain adequate safeguards against theft, diversion, loss or wasting of the
939 funds paid under this section; and
- 940 4. Restrict the permissible use of funds paid under this section to paying for
941 minimal, if any, administrative expenses and providing for the children's reasonable food,
942 shelter and educational expenses;

943 E. The cash resulting from converted accrued vacation or compensatory time
944 hours, or both, net of all mandatory deductions, including, but not limited to, deductions
945 for retirement plans and federal income tax and the Federal Insurance Contributions Act,
946 must be transmitted to the Washington state college tuition prepaid program-guaranteed
947 education tuition (GET) account established by the executive, or such other accounts or

948 programs as may be determined by the executive, under subsection D₁ of this section; and

949 F. Employees governed by a collective bargaining agreement may convert to
950 cash either accrued vacation or accumulated compensatory time hours, or both, only if
951 the existing agreement allows for or the collective bargaining agreement is amended to
952 allow for conversions as authorized in this section.

953 SECTION 13. Ordinance 7956, Section 6, as amended, and K.C.C. 3.12.225 are
954 each hereby amended to read as follows:

955 The appointing authority shall allow employees eligible for comprehensive leave
956 benefits the use of up to three days of sick leave each year to allow employees to perform
957 volunteer services at the school attended by the employee's child. A furloughed
958 employee shall not be eligible to take or be paid for school volunteer sick leave in lieu of
959 taking a furlough day. Employees requesting to use sick leave for this purpose shall
960 submit such a request in writing specifying the name of the school and the nature of the
961 volunteer services to be performed.

962 SECTION 14. Ordinance 12014, Section 23, as amended, and K.C.C. 3.12.230
963 are each hereby amended to read as follows:

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

- 965 1. January 1, New Year's Day;
- 966 2. Third Monday in January, Martin Luther King, Jr. Birthday;
- 967 3. Third Monday in February, President's Day;
- 968 4. Last Monday in May, Memorial Day;
- 969 5. July 4, Independence Day;
- 970 6. First Monday in September, Labor Day;

- 971 7. November 11, Veteran's Day;
- 972 8. Thanksgiving Day and the day immediately following;
- 973 9. December 25, Christmas Day;
- 974 10. Special or limited holidays as declared by the president or governor, and as
975 approved by the council;
- 976 11. Such other days in lieu of holidays as the council may determine;
- 977 12. An employee who is eligible for comprehensive leave benefits shall be
978 granted two personal holidays to be administered through the vacation plan, though the
979 hours granted to an employee working less than a full-time schedule shall be prorated to
980 reflect ((his or her)) that employee's normally scheduled work day. One day shall be
981 credited to the employee's leave balance on the first of October and one day on the first of
982 November.

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

985 C. An employee must be eligible for comprehensive leave benefits and in a pay
986 status on the day before and the day following a holiday to be eligible for holiday pay.
987 However, an employee who has successfully completed at least five years of county
988 service and who retires at the end of a month in which the last regularly scheduled
989 working day is observed as a holiday, shall be eligible for holiday pay if the employee is
990 in a pay status the day before the day observed as a holiday. An employee otherwise
991 eligible for holiday pay shall not be ineligible as a result of not being in a pay status on
992 the day before or after the holiday due to budgetary furlough.

993 SECTION 15. Ordinance 12077, Section 5, as amended, and K.C.C. 3.12.240 are

994 each hereby amended to read as follows:

995 Any employee eligible for comprehensive leave benefits who is ordered on a jury
996 shall be entitled to ~~((his or her))~~ the employee's regular county pay but only if any fees
997 received for jury duty are deposited, exclusive of mileage, with the department of
998 finance. A furloughed employee shall not be eligible to take or be paid for jury duty
999 leave in lieu of taking a furlough day. Employees shall report to their work supervisor
1000 when dismissed from jury service.

1001 SECTION 16. Ordinance 12014, Section 25, as amended, and K.C.C. 3.12.250
1002 are each hereby amended to read as follows:

1003 A. An employee eligible for comprehensive leave benefits may take a leave of
1004 absence without pay for thirty calendar days or less if authorized in writing by the
1005 employee's appointing authority.

1006 B. An employee eligible for comprehensive leave benefits may take a leave of
1007 absence without pay for more than thirty calendar days if authorized in writing by the
1008 employee's appointing authority and the director.

1009 C. Leaves of absence without pay shall be for periods not to exceed one year
1010 except that the director may, in special circumstances, grant an extension beyond one
1011 year.

1012 D. Other employee benefits as provided in this chapter shall not be provided to or
1013 accrue to the employee while on leave of absence without pay, except as provided in
1014 K.C.C. 3.12.220.

1015 E. If a leave of absence without pay was granted for purposes of recovering
1016 health, the employee shall be required by the director to submit a physician's statement

1017 concerning the employee's ability to resume duties prior to return to work.

1018 F. An employee on leave of absence without pay may return from the leave
1019 before its expiration date if the employee provides the appointing authority with a written
1020 request to that effect at least fifteen days prior to resuming duties.

1021 G. Failure to return to work by the expiration date of a leave of absence without
1022 pay shall be cause for removal and shall result in automatic termination of the employee
1023 from county service.

1024 H. A leave of absence without pay may be revoked by the director upon evidence
1025 submitted to the director by the appointing authority of the employee indicating that such
1026 leave was requested and granted under false pretenses, or that the need for such leave has
1027 ceased to exist.

1028 SECTION 17. Ordinance 12014, Section 26, as amended, and K.C.C. 3.12.260
1029 are each hereby amended to read as follows:

1030 A.1. A leave of absence shall be granted, in accordance with applicable
1031 provisions of state or federal law, to any employee who voluntarily or upon demand by
1032 the Washington state or the United States government leaves ~~((his or her))~~ the employee's
1033 position with the county, either to determine ~~((his or her))~~ the employee's physical fitness
1034 to enter or to actually enter active duty or training in the United States Uniformed
1035 Services, which includes, but is not limited to, the Armed Services, the Washington
1036 National Guard and the United States Public Health Service Commissioned Corps and its
1037 reserve. Under the Uniform Services Employment and Reemployment Rights Act of
1038 1994, 38 U.S.C. Secs. 4301 through 4335, Uniformed Services may also include an
1039 appointee when the National Disaster Medical System is activated.

1040 2. The leave of absence shall continue until the employee has exhausted ((his or
1041 her)) the employee's employment and reemployment rights under the Uniform Services
1042 Employment and Reemployment Rights Act of 1994, 38 U.S.C. Secs. 4301 through 4335,
1043 which is generally up to five years, subject to certain exceptions provided under federal
1044 law.

1045 B. Employees are required to give their employing county agency advance notice
1046 of the need for military leave, preferably in writing, though oral notification is sufficient.
1047 Notice should be provided as soon as is reasonable under the circumstances, and, if
1048 feasible to do so, service members should provide thirty days advance notice; however,
1049 advance notice is not required if prevented by military necessity or otherwise impossible
1050 or unreasonable under the circumstances, to the extent provided in federal law and
1051 regulations. Written notice should be accompanied by a validated copy of the military
1052 orders. Oral notice should be supplemented as soon as is reasonable with a validated
1053 copy of the military orders.

1054 C. An employee who is eligible for comprehensive leave benefits under K.C.C.
1055 3.12.040 and volunteers or is ordered to serve in the United States Uniformed Services,
1056 as described in subsection A.1. of this section, or to receive associated training that
1057 requires a leave of absence from the employee's county position, and has exhausted
1058 annual military leave provided pursuant to state and federal law or a collective bargaining
1059 agreement, shall be granted a paid leave of absence from the employee's county position
1060 at the employee's regular base rate of county pay less the amount of the employee's
1061 regular base rate of military pay to which the employee is entitled. The paid leave of
1062 absence shall continue until the lesser of the conclusion of the employee's service in the

1063 United States Uniformed Services, or until the employee has exhausted (~~his or her~~) the
1064 employee's employment and reemployment rights under the Uniform Services
1065 Employment and Reemployment Rights Act of 1994, 38 U.S.C. Secs. 4301 through 4335,
1066 which is generally up to five years, subject to certain exceptions provided under federal
1067 law.

1068 D. Receipt of the pay provided for in the preceding section is contingent upon the
1069 employee providing the employing county agency with supporting documentation
1070 verifying:

- 1071 1. The employee's rank;
- 1072 2. That the employee is on active duty; and
- 1073 3. The employee's military pay grade statement and military pay grade change
1074 statement.

1075 SECTION 18. Ordinance 9967, Section 2, as amended, and K.C.C. 3.12.262 are
1076 each hereby amended to read as follows:

1077 A. An employee who is eligible for comprehensive leave benefits under K.C.C.
1078 3.12.040 and who volunteers or is ordered to serve in the United States Uniformed
1079 Services, as described in K.C.C. 3.12.260.A.1, or to receive associated training that
1080 requires a leave of absence from the employee's county position, shall continue to receive
1081 medical, dental, vision and life insurance benefits, and shall continue to accrue vacation
1082 and sick leave. Receipt of medical, dental, vision and life insurance benefits and vacation
1083 and sick leave accruals shall continue until the lesser of the conclusion of the employee's
1084 service in the United States Uniformed Services, or until the employee has exhausted
1085 (~~his or her~~) the employee's employment and reemployment rights under the Uniform

1086 Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. Secs. 4301
1087 through 4335, which is generally up to five years, subject to certain exceptions provided
1088 under federal law.

1089 B. Receipt of medical, dental, vision and life insurance benefits and leave
1090 accruals is contingent upon the employee providing (~~his or her~~) the employing county
1091 agency with supporting documentation verifying that the employee is in service. The
1092 documentation shall be provided by the employee upon commencing military leave,
1093 annually in September and upon leaving military service.

1094 SECTION 19. Severability. If any provision of this ordinance or its application
1095 to any person or circumstance is held invalid, the remainder of the ordinance or the
1096 application of the provision to other persons or circumstances is not affected."

1097 **EFFECT: Striking Amendment to PO 2017-0490.2 would make technical changes.**