



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**December 15, 2009**

**Ordinance 16735**

**Proposed No. 2009-0605.2**

**Sponsors Gossett, Lambert, Hague and  
Patterson**

1 AN ORDINANCE relating to code revisions and additions  
2 necessary to reduce the necessity for additional reductions  
3 in force, by either reducing services or hours of operation,  
4 or both, resulting in unpaid furloughs for certain designated  
5 county employees; and amending Ordinance 16639,  
6 Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,  
7 17, 18, 19, 20, 21, 22, and 23, as amended; Ordinance 376,  
8 Section 1, and K.C.C. 2.08.010, Ordinance 12014, Section  
9 5, as amended, and K.C.C. 3.12.010, Ordinance 12014,  
10 Section 13, and K.C.C. 3.12.100, Ordinance 12014, Section  
11 15, and K.C.C. 3.12.120, Ordinance 12077, Section 3, as  
12 amended, and K.C.C. 3.12.125, Ordinance 12014, Section  
13 19, as amended, and K.C.C. 3.12.190, Ordinance 12052,  
14 Section 1, as amended, and K.C.C. 3.12.210, Ordinance  
15 12014, Section 20, and K.C.C. 3.12.215, Ordinance 14591,  
16 Section 2, and K.C.C. 3.12.218, Ordinance 12014, Section  
17 21, as amended, and K.C.C. 3.12.220, Ordinance 12014,  
18 Section 22, as amended, and K.C.C. 3.12.223, Ordinance  
19 7956, Section 6, and K.C.C. 3.12.225, Ordinance 12014,

20 Section 23, as amended, and K.C.C. 3.12.230, Ordinance  
21 12077, Section 5, as amended, and K.C.C. 3.12.240.

22 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

23 **SECTION 1. Findings:**

24 A. The county is experiencing a budget crisis resulting in a significant shortfall in  
25 the amount of funding needed to sustain the current level of general operations through  
26 2010. In order to address the shortfall, program cuts and reductions in force are being  
27 implemented.

28 B. In order to preserve certain services and reduce the necessity for additional  
29 reductions in force, the county in 2010 may need to shut down all but certain designated  
30 services and place eligible employees on an unpaid furlough, also known as a budgetary  
31 furlough. In order to provide for the furlough, certain code revisions are necessary.  
32 Areas affected include office hours, workweeks and personnel provisions.

33 C. Some departments have expressed a desire to reduce service hours in  
34 2010 to achieve the budget savings necessitated by the council's anticipated 2010  
35 unallocated budget reductions, which are commonly known as contras, either by  
36 closing operations fully for a day or by reducing operations within a day. One  
37 result of these reductions in service hours is that certain designated departmental  
38 employees will have unpaid time off, either through staggered unpaid days off or  
39 all employees in an office will receive unpaid days off.

40 D. With reduced revenues, King County departments are working hard to find  
41 innovative ways to gain efficiencies in all county functions in order to minimize service  
42 reductions to the public while at the same time responding to decreased revenue.

43 E. In recognition of the county's need to manage economic challenges by  
44 utilization of versatile and original strategies in future fiscal years, additional flexibility  
45 in staffing management is necessary.

46 F. The council expresses its gratitude and appreciation to county employees who  
47 are taking unpaid furlough days in order to close the budget shortfall while minimizing  
48 additional layoffs.

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

51 A. All county offices shall remain open for the transaction of public business as  
52 follows:

53 1. Open on Monday through Friday of each week from eight-thirty a.m. to four-  
54 thirty p.m., except where accommodations can be made, as determined necessary by the  
55 county (~~(executive)~~) chief administrative officer, to provide services to the public  
56 (~~((during the hours of eight a.m. to five p.m. through the use of staggered work shifts~~  
57 ~~agreeable to employees))~~) on a reduced or alternative basis and not in conflict with union  
58 contracts;

59 2. Closed on Saturdays, Sundays and all legal holidays, and

60 3. Closed on designated furlough days in the case of an emergency budget  
61 crisis.

62 B. If an emergency budget crisis is proclaimed and ratified or declared under  
63 K.C.C. 3.12F.020 and a budget furlough has been ordered, the executive shall notify the  
64 public that county offices are closed by posting the information on the county buildings

65 or offices that are closed, by posting a notice on the Internet, by advertising in the official  
66 county newspaper and by issuing press releases.

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

69 For the purposes of this chapter, ((A))all words shall have their ordinary and usual  
70 meanings except those defined in this section which shall have, in addition, the following  
71 meanings. In the event of conflict, the specific definitions set forth in this section shall  
72 presumptively, but not conclusively, prevail.

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

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

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

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

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

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

96 ((F.)) G. "Career service position" means all positions in the county service  
97 except for those that are designated by Section 550 of the charter as follows: all elected  
98 officers; the county auditor, the clerk and all other employees of the county council; the  
99 county administrative officer; the chief officer of each executive department and  
100 administrative office; the members of all boards and commissions; the chief economist  
101 and other employees of the office of economic and financial analysis; administrative  
102 assistants for the executive and one administrative assistant each for the county  
103 administrative officer, the county auditor, the county assessor, the chief officer of each  
104 executive department and administrative office and for each board and commission; a  
105 chief deputy for the county assessor; one confidential secretary each for the executive, the  
106 chief officer of each executive department and administrative office, and for each  
107 administrative assistant specified in this section; all employees of those officers who are  
108 exempted from the provisions of this chapter by the state constitution; persons employed  
109 in a professional or scientific capacity to conduct a special inquiry, investigation or

110 examination; part-time and temporary employees; administrative interns; election  
111 precinct officials; all persons serving the county without compensation; physicians;  
112 surgeons; dentists; medical interns; and student nurses and inmates employed by county  
113 hospitals, tuberculosis sanitariums and health departments of the county. Divisions in  
114 executive departments and administrative offices as determined by the county council  
115 shall be considered to be executive departments for the purpose of determining the  
116 applicability of Section 550 of the charter. All part-time employees shall be exempted  
117 from career service membership except, all part-time employees employed at least half  
118 time or more, as defined by ordinance, shall be members of the career service.

119       ~~((G.))~~ H. "Charter" means the King County Charter, as amended.

120       ~~((H.))~~ I. "Child" means a biological, adopted or foster child, a stepchild, a legal  
121 ward or a child of an employee standing in loco parentis to the child, who is:

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

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

129       ~~((J.))~~ K. "Classification plan" means the arrangement of positions into  
130 classifications together with specifications describing each classification.

131       ~~((K.))~~ L. "Compensatory time" means time off granted with pay in lieu of pay for  
132 work performed either on an authorized overtime basis or work performed on a holiday

133 that is normally scheduled as a day off. Such compensatory time shall be granted on the  
134 basis of time and one-half.

135 ~~((L.))~~ M. "Competitive employment" means a position established in the county  
136 budget and that will require at least twenty-six weeks of service per year as the work  
137 schedule established for the position.

138 ~~((M.))~~ N. "Council" means the county council as established by Article 2 of the  
139 charter.

140 ~~((N.))~~ O. "County" means King County and any other organization that is legally  
141 governed by the county with respect to personnel matters.

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

150 ~~((P.))~~ Q. "Direct cost" means the cost aggregate of the actual weighted average  
151 cost of insured benefits, less any administrative cost therefor. Any payments to part-time  
152 and temporary employees under this chapter shall not include any administrative  
153 overhead charges applicable to administrative offices and executive departments.

154 ~~((Q.))~~ R. "Director" means the manager of the human resources division.

155 ~~((R.))~~ S. "Division" means the human resources division or its successor agency.

156           ~~((S.))~~ T. "Domestic partners" are two people in a domestic partnership, one of  
157 whom is a county employee.

158           ~~((T.))~~ U. "Domestic partnership" is a relationship whereby two people:

- 159           1. Have a close personal relationship;
- 160           2. Are each other's sole domestic partner and are responsible for each other's  
161 common welfare;
- 162           3. Share the same regular and permanent residence;
- 163           4. Are jointly responsible for basic living expenses which means the cost of  
164 basic food, shelter and any other expenses of a domestic partner that are paid at least in  
165 part by a program or benefit for which the partner qualified because of the domestic  
166 partnership. The individuals need not contribute equally or jointly to the cost of these  
167 expenses as long as they agree that both are responsible for the cost;
- 168           5. Are not married to anyone;
- 169           6. Are each eighteen years of age or older;
- 170           7. Are not related by blood closer than would bar marriage in the state of  
171 Washington;
- 172           8. Were mentally competent to consent to contract when the domestic  
173 partnership began.

174           ~~((U. "Emergency budget furlough," also referred to as "mandated leave," means  
175 placing an employee for one or more furlough days in a temporary status without duties  
176 and without pay due to an emergency budget crisis proclaimed under K.C.C. 3-12F-020.))~~

177           V. "Employed at least half time or more" means employed in a regular position  
178 that has an established work schedule of not less than one-half the number of hours of the

179 full-time positions in the work unit in which the employee is assigned, or when viewed  
180 on a calendar year basis, nine hundred ten hours or more in a work unit in which a work  
181 week of more than thirty-five but less than forty hours is standard or one thousand forty  
182 hours or more in a work unit in which a forty hour work week is standard. If the standard  
183 work week hours within a work unit varies (for instance, employees working both thirty  
184 five and forty hours), the manager, in consultation with the department, is responsible for  
185 determining what hour threshold will apply.

186 X. "Employee" means any person who is employed in a career service position or  
187 exempt position.

188 Y. "Executive" means the county executive, as established by Article 3 of the  
189 charter.

190 Z. "Exempt employee" means an employee employed in a position that is not a  
191 career service position under Section 550 of the charter. Exempt employees serve at the  
192 pleasure of the appointing authority.

193 AA. "Exempt position" means any position excluded as a career service position  
194 by Section 550 of the charter. Exempt positions are positions to which appointment may  
195 be made directly without a competitive hiring process.

196 BB. "Full-time regular employee" means an employee employed in a full-time  
197 regular position and, for full-time career service positions, is not serving a probationary  
198 period.

199 CC. "Full-time regular position" means a regular position that has an established  
200 work schedule of not less than thirty-five hours per week in those work units in which a

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

203 DD. "Furlough day" means a day for which an employee shall perform no work  
204 and shall receive no pay due to a~~((n emergency budget crisis necessitating emergency~~  
205 ~~budget))~~ budgetary furlough~~((s))~~.

206 EE. "Furloughed employee" means an employee who is placed in a temporary  
207 status without duties and without pay due to ~~((a financial emergency necessitating budget~~  
208 ~~reductions))~~ a budgetary furlough, but whose employment status with the county is  
209 retained.

210 FF. "Grievance" means an issue raised by an employee relating to the  
211 interpretation of rights, benefits, or condition of employment as contained in either the  
212 administrative rules or procedures, or both, for the career service.

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

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

218 II. "Integrated work setting" means a work setting with no more than eight  
219 persons with developmental disabilities or with the presence of a sensory, mental or  
220 physical handicap as specified in K.C.C. 3.12.180. This definition refers to all county  
221 offices, field locations and other work sites at which supported employees work  
222 alongside employees who are not persons with development disabilities employed in  
223 permanent county positions.

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

228 KK. "Manager" means the manager of the human resources division or its  
229 successor agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

369           JJJ. "Volunteer for the county" means an individual who performs service for the  
370 county for civic, charitable or humanitarian reasons, without promise, expectation or  
371 receipt of compensation from the county for services rendered and who is accepted as a  
372 volunteer by the county, except emergency service worker volunteers as described by  
373 chapter 38.52 RCW. A "volunteer for the county" may receive reasonable  
374 reimbursement of expenses or an allowance for expenses actually incurred without losing  
375 his or her status as a volunteer. "Volunteer for the county" includes, but is not limited to,  
376 a volunteer serving as a board member, officer, commission member, volunteer intern or  
377 direct service volunteer.

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

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

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

388           A. There shall be a probationary period during which time a probationary  
389 employee shall be evaluated by the appointing authority to determine qualification for  
390 entry into the career service. The probationary period shall be determined by the director,  
391 but shall be not less than six months or more than one year of actual service, and shall be  
392 served by those employees who have been newly~~(( ))~~ hired, ~~((re-employed))~~ reemployed,  
393 transferred to a different position, or promoted or demoted. A furloughed employee's  
394 probationary period shall not be extended as a result of ~~((emergency budget))~~ a budgetary  
395 furlough ~~((days))~~.

396           B. A probationary employee may be separated from county service at any time  
397 during the probationary period without right of appeal to the personnel board.  
398 Notwithstanding any other provisions of this section, an employee who does not  
399 successfully complete the probationary period in a position to which he or she had been  
400 promoted or transferred may be restored to his or her former position. Such restoration is  
401 not mandatory, but is optional at the discretion of the former appointing authority within  
402 the limits of available authorized positions. Such restoration shall include restoration of

403 the employee's former salary and all other benefits to which he or she would have been  
404 entitled if the promotion or transfer had not occurred.

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

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

412 B. Except as otherwise provided by ordinance, the official workday shall consist  
413 of eight hours of work for all full-time regular and full-time probationary employees.  
414 The lunch hour shall not be considered as part of the workday. The official workday for  
415 other employees shall be determined by the director. In the case of service reductions  
416 resulting in a~~((n-emergency budget))~~ budgetary furlough, departments may reduce work  
417 hours ~~((may be reduced))~~ or county offices may be closed.

418 C. Except as otherwise provided by ordinance, the official workweek shall  
419 consist of five working days for all full-time regular and full-time probationary  
420 employees. The official workweek for other employees shall be determined by the  
421 director. In the case of ~~((an-emergency budget))~~ service reductions resulting in a  
422 budgetary furlough, county offices may be closed, resulting in the reduction of the  
423 workweek.

424 D. ~~((In the event of an-emergency budget furlough, a furloughed employee~~  
425 ~~regularly scheduled to work on those days must take the designated furlough days off~~

426 ~~without pay. If any designated furlough day falls on an employee's regularly scheduled~~  
427 ~~day off, the affected employee will take an alternate furlough day off without pay. An~~  
428 ~~employee who regularly works less than a standard work week for his or her agency shall~~  
429 ~~observe a furlough day or days on a prorated basis.))~~

430 ~~E.))~~ E.) The county recognizes that there is an occasional need for an employee to  
431 return to work outside his or her normal workday. The personnel guidelines shall contain  
432 procedures relating to call duty.

433 ~~((F.))~~ E. The county recognizes a responsibility for action regarding on-the-job  
434 injuries. The personnel guidelines shall contain procedures relating to on-the-job injury.

435 ~~((G.))~~ F. A career service employee who accepts an appointment to an exempt  
436 position effective on or after January 1, 1996, and which position and appointment  
437 resulted from the reorganization of the executive branch as reflected in the creation of  
438 certain new positions contained in Attachment A to Ordinance 12013 shall retain his or  
439 her career service status and rights while holding such exempt position and have the  
440 restoration rights set forth in this section. This provision is not intended to provide the  
441 career service employee with a right to the exempt position. But, such employee, if  
442 selected for the exempt position, could be terminated from the position only for just  
443 cause.

444 ~~((H.))~~ G. A career service employee who accepts a transfer or promotion to an  
445 exempt position ~~((prior to))~~ before December 1, 1979, shall, upon separation from the  
446 exempt position, be allowed to re-enter career service at a position comparable in terms  
447 of responsibilities and salary or wage (including normal cost-of-living increases) to the  
448 career service position formerly held by the employee. A career service employee

449 accepting such a transfer or promotion on or after December 1, 1979, shall have such a  
450 right to restoration(~~(; provided, that)~~), but only if:

451 1. The right to restoration is exercised within four calendar years from the  
452 effective date of the transfer or promotion to an exempt position; and

453 2.a. ~~((F))~~ the former appointing authority, at ((his or her)) the appointing  
454 authority's discretion, approves ((such)) the restoration within the limits of available  
455 authorized positions; or

456 ~~((3-))~~ b. ((A)) a different appointing authority, having jurisdiction over  
457 comparable authorized positions, and at ((his or her)) the different appointing authority's  
458 discretion, approves ((such)) the restoration within the limits of available authorized  
459 positions.

460 ~~((F-))~~ H. Matters involving wages and hours, including but not limited to  
461 minimum wage and overtime compensation, shall be determined in accordance with  
462 applicable state and federal laws and regulations.

463 ~~((F-))~~ I. Overtime work may be authorized by the department director where  
464 necessary to maintain or perform vital county services and shall be paid in accordance  
465 with appropriate state and federal law.

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

468 A. Notwithstanding any other provision of this chapter, in the event the number  
469 of hours in the standard work week of a position occupied by a full-time regular  
470 employee, part-time regular employee or, term-limited temporary employee is increased,  
471 the sick leave and vacation leave accruals of such employee at the time of the increase

472 shall be adjusted upward so as to insure that the equivalent number of sick leave and  
473 vacation leave days accrued does not change. For example, if the standard work week of  
474 such a position is increased from thirty-five to forty hours, and if at the time of such  
475 change the employee occupying the position had accrued seven hours of sick leave, the  
476 sick leave accrual of that employee would be adjusted upward to eight hours. This  
477 section shall apply to all employees eligible for leave benefits occupying positions where  
478 the standard work week of the position was increased on or after July 1, 1991. After such  
479 increase, such employees shall accrue vacation and sick leave in accordance with the  
480 otherwise applicable provisions of K.C.C. chapter 3.12.

481       B. Separate accounts shall be maintained for any vacation or sick leave accrued  
482 ~~((prior to))~~ before an increase in the number of work-week hours. The "adjusted leave  
483 account" shall be used for leave accrued ~~((prior to))~~ before an increase in the number of  
484 work-week hours. The "unadjusted leave account" shall be used for leave accrued  
485 subsequent to an increase in the number of work-week hours. Leave in the adjusted leave  
486 account shall be used first.

487       C. In the event the number of work-week hours is reduced for any employee  
488 whose vacation and sick leave accruals have been adjusted upward under the terms of this  
489 section, the remaining hours in the adjusted leave account shall be reduced in the same  
490 proportion as the work-week hours are reduced. Under no circumstances shall the  
491 adjusted leave account be reduced by a greater proportion than the proportion of the  
492 previous upward adjustment. Any leave accrued in the unadjusted leave account shall not  
493 be affected by this reduction.

494 D. No adjustment to reduce sick leave or vacation accruals for a furloughed  
495 employee shall be made as a result of a ~~(n-emergency budget)~~ budgetary furlough.

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

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

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

500 B. Notwithstanding the vacation leave schedule (~~(set forth)~~) in subsection A. of  
501 this section, employees eligible for leave benefits, excluding employees in the former  
502 department of metropolitan services, shall accrue vacation leave as follows:

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

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

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

512 C. Vacation accrual rates for an employee who works other than the full time  
513 schedule standard to his or her work unit shall be prorated to reflect his or her normally  
514 scheduled work week. No adjustment to (~~reduce~~) vacation accrual(~~(s)~~) rates for a  
515 furloughed employee shall be made as a result of a(~~n emergency budget~~) budgetary  
516 furlough.

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

519 E. Employees eligible for vacation leave may accrue up to sixty days vacation  
520 leave, prorated to reflect their normally scheduled work day. Those employees shall use  
521 vacation leave beyond the maximum accrual amount (~~(prior to)~~) before December 31 of  
522 each year. Failure to use vacation leave beyond the maximum accrual amount will result

523 in forfeiture of the vacation leave beyond the maximum amount unless the appointing  
524 authority has approved a carryover of the vacation leave because of cyclical workloads,  
525 work assignments or other reasons as may be in the best interests of the county.

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

529 G. Career service employees, provisional, probationary and term-limited  
530 temporary employees, shall not be eligible to take or be paid for vacation leave until they  
531 have successfully completed their first six months of county service, and if they leave  
532 county employment (~~((prior to))~~ before successfully completing their first six months of  
533 county service, shall forfeit and not be paid for accrued vacation leave.

534 H. A furloughed employee shall not be eligible to take or be paid for vacation  
535 (~~((on an emergency budget))~~ in lieu of taking a budgetary furlough day. (~~((A furlough~~  
536 ~~administrator may designate that paid vacation leave is available for use by specific~~  
537 ~~groups of employees as may be necessary, as set forth in K.C.C. 3.12F.040.))~~)

538 In lieu of the remuneration for fifty percent of unused accrued vacation leave at  
539 retirement, the manager of the human resources division, or the manager's designee, may,  
540 with equivalent funds and in accordance with the procedures in K.C.C. 3.12.220F.2.b,  
541 provide eligible employees with a voluntary employee beneficiary association plan that  
542 provides for reimbursement of retiree and other qualifying medical expenses.

543 I. An (~~((E))~~)employee(s) who is eligible for leave benefits shall be paid for  
544 accrued vacation leave to (~~((their))~~) the employee's date of separation up to the maximum  
545 accrual amount if (~~((they have))~~) the employee has successfully completed (~~((their))~~) his or

546 her first six months of county service and ~~((are))~~ is in good standing~~((; provided that,))~~.  
547 ~~((e))~~Except with the written approval of the executive, the position, if vacated by a  
548 nonrepresented employee, shall not be filled until salary savings for ~~((such))~~ the position  
549 are accumulated in an amount sufficient to pay the cost of the cash out. Payment shall be  
550 the accrued vacation leave multiplied by the employee's rate of pay in effect upon the  
551 date of leaving county employment less mandatory withholdings.

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

554 K. ~~((No-e))~~Employees shall not work for compensation for the county in any  
555 capacity during the time that the employees ~~((is))~~ are on vacation leave.

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

559 M. In cases of separation from county employment by death of an employee with  
560 accrued vacation leave and who has successfully completed his or her first six months of  
561 county service, payment of unused vacation leave up to the maximum accrual amount  
562 shall be made to the employee's estate, or, in applicable cases, as provided for by state  
563 law, Title 11 RCW~~((; provided that,))~~. ~~((e))~~Except with the written approval of the  
564 executive, the position, if vacated by a nonrepresented employee, shall not be filled until  
565 salary savings for ~~((such))~~ the position are accumulated in an amount sufficient to pay the  
566 cost of the cash out.

567 N. If an employee resigns from a full-time regular or part-time regular position  
568 with the county in good standing or is laid off and subsequently returns to county

569 employment within two years from the resignation or layoff, as applicable, the  
570 employee's prior county service shall be counted in determining the vacation leave  
571 accrual rate under subsection A. of this section.

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

574 A. Employees eligible for leave benefits shall be entitled to three working days of  
575 bereavement leave a year due to death of members of their immediate family. A  
576 furloughed employee shall not be eligible to take or be paid for bereavement leave (~~(or~~  
577 a)) in lieu of taking a budgetary furlough day.

578 B. Employees who have exhausted their bereavement leave shall be entitled to  
579 use sick leave in the amount of three days for each instance of death when death occurs to  
580 a member of the employee's immediate family. A furloughed employee shall not be  
581 eligible to take or be paid for bereavement sick leave (~~(or a)~~) in lieu of taking a  
582 budgetary furlough day.

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

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

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

589 A.1. The appointing authority shall allow an employee((s)) who is eligible for  
590 family leave, sick leave, vacation leave or leave of absence without pay who ~~((are))~~ is  
591 voluntarily participating as a donor((s)) in a life-giving or life-saving procedure((s)) such

592 as, but not limited to, a bone marrow transplant((s)), kidney transplant((s;)) or blood  
593 transfusion((s)) to take five days paid leave without having ((such)) the leave charged to  
594 family leave, sick leave, vacation leave or leave of absence without pay((; provided  
595 ~~that~~)), but only if the employee ((shall)):

596 ((1-)) a. ((G)) gives the appointing authority reasonable advance notice of the  
597 need to take time off from work for the donation of bone marrow, a kidney((;)) or other  
598 organs or tissue where there is a reasonable expectation that the employee's failure to  
599 donate may result in serious illness, injury, pain or the eventual death of the identified  
600 recipient((-)); and

601 ((2-)) b. ((P)) provides written proof from an accredited medical institution,  
602 organization or individual as to the need for the employee to donate bone marrow, a  
603 kidney((;)) or other organs or tissue or to participate in any other medical procedure  
604 where the participation of the donor is unique or critical to a successful outcome.

605 ((3-)) 2. A furloughed employee shall not be eligible to take or be paid for organ  
606 donor leave ((en)) in lieu of taking a budgetary furlough day.

607 B. Time off from work for the purposes set out above in excess of five working  
608 days shall be subject to existing leave policies ((contained)) in ((K.C.C.)) this chapter  
609 ((3-12)) or in any applicable collective bargaining agreement.

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

612 A. Any employee who is immunized for smallpox and who subsequently misses  
613 work for medical reasons related to the smallpox immunization shall be granted paid  
614 leave without having such charged to vacation or sick leave for the period the employee

615 is unable to work due to medical complications from the immunization. Paid leave shall  
616 be granted if:

617           1. The employee is a member of one or more categories of individuals covered by  
618 a declaration by the United States Secretary of Health and Human Services specifying the  
619 administration of smallpox countermeasures.

620           2. The employee has been authorized by the county to receive the immunization  
621 in order to participate in the county's response under Section 304 of the Homeland  
622 Security Act.

623           B. Any part of the leave that is covered by worker's compensation time loss shall  
624 be paid from that fund. If the amount of worker's compensation time loss payment is less  
625 than the employee's regular net pay, the county will supplement the time loss payment up  
626 to the level needed to equal the employee's regular net pay.

627           C. A furloughed employee shall not be eligible to take or be paid for smallpox  
628 vaccination leave ~~((on))~~ in lieu of taking a budgetary furlough day. However, any part of  
629 the leave that is covered by worker's compensation time loss shall be paid from that fund.

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

632           A. Except for employees covered by subsection G. of this section, employees  
633 eligible for leave benefits shall accrue sick leave benefits at the rate of 0.04616 hours for  
634 each hour in pay status exclusive of overtime up to a maximum of eight hours per month;  
635 except that sick leave shall not begin to accrue until the first of the month following the  
636 month in which the employee commenced employment. No adjustment to reduce sick

637 leave accruals for furloughed employee shall be made as a result of ~~((emergency budget))~~  
638 a budgetary furlough. The employee is not entitled to sick leave if not previously earned.

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

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

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

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

655 F.1. Except for employees covered by subsection G. of this section, employees  
656 eligible to accrue sick leave and who have successfully completed at least five years of  
657 county service and who retire as a result of length of service or who terminate by reason  
658 of death shall be paid, or their estates paid or as provided for by Title 11 RCW, as  
659 applicable, an amount equal to thirty-five percent of their unused, accumulated sick leave

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

670           2.a. In lieu of the remuneration for unused sick leave at retirement, the manager  
671 of the human resources division, or the manager's designee, may, with equivalent funds,  
672 provide eligible employees with a voluntary employee beneficiary association plan that  
673 provides for reimbursement of retiree and other qualifying medical expenses. Under  
674 K.C.C. 3.12.190.H., in lieu of the remuneration for fifty percent of unused vacation leave  
675 at retirement, the manager may also fund the voluntary employee beneficiary association  
676 plan.

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

679           (1) each group of employees hold an election to decide whether to implement  
680 a voluntary employee beneficiary association plan for a defined group of employees. The  
681 determination of the majority of voting employees in a group shall bind the remainder.  
682 Elections for represented employees shall be conducted by the appropriate bargaining

683 representative. Elections for nonrepresented employees shall be conducted in accordance  
684 with procedures established by the manager;

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

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

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

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

700 H.1. An employee must use all of his or her accrued sick leave and any donated  
701 sick leave before taking unpaid leave for his or her own health reasons. If the injury or  
702 illness is compensable under the county's workers compensation program, then the  
703 employee has the option to augment or not augment time loss payments with the use of  
704 accrued sick leave. A furloughed employee shall not be eligible to take or be paid for  
705 sick leave ~~((on))~~ in lieu of taking a budgetary furlough day.

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

712           3. An employee who has exhausted all of his or her sick leave may use accrued  
713 vacation leave before going on leave of absence without pay, if approved by his or her  
714 appointing authority. A furloughed employee shall not be eligible to take or be paid for  
715 vacation leave in lieu of sick leave (~~on~~) in lieu of taking a furlough day. Sick leave  
716 shall be used for the following reasons:

717           a. the employee's bona fide illness, but an employee who suffers an  
718 occupational illness may not simultaneously collect sick leave and worker's  
719 compensation payments in a total amount greater than the net regular pay of the  
720 employee;

721           b. the employee's incapacitating injury, but:

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

727           (2) an employee who chooses to augment workers' compensation payments  
728 with the use of accrued sick leave shall notify the safety and workers' compensation  
729 program office in writing at the beginning of the leave;

730           (3) an employee may not collect sick leave and workers' compensation time  
731 loss payments for physical incapacity due to any injury or occupational illness that is  
732 directly traceable to employment other than with the county;

733           c. the employee's exposure to contagious diseases and resulting quarantine;

734           d. a female employee's temporary disability caused by or contributed to by  
735 pregnancy and childbirth;

736           e. the employee's medical or dental appointments but only if the employee's  
737 appointing authority has approved the use of sick leave for such appointments;

738           f. to care for the employee's child as defined in this chapter if the child has an  
739 illness or health condition which requires treatment or supervision from the employee; or

740           g. to care for other family members, if:

741           (1) the employee has been employed by the county for twelve months or  
742 more and has worked a minimum of nine hundred ten hours for a thirty-five-hour  
743 employee or one thousand forty hours for a forty-hour employee in the preceding twelve  
744 months;

745           (2) the family member is the employee's spouse or domestic partner, the  
746 employee's child, a child of the employee's spouse or domestic partner, the parent of the  
747 employee, employee's spouse or domestic partner or an individual who stands or stood in  
748 loco parentis to the employee, the employee's spouse or domestic partner; and

749           (3) the reason for the leave is one of the following:

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

753           ii. the care of the employee's child or child of the employee's spouse or  
754 domestic partner whose illness or health condition requires treatment or supervision by  
755 the employee; or

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

757           I. An employee may take a total of up to eighteen work weeks unpaid leave for  
758 his or her own serious health condition, and for family reasons as provided in subsection  
759 H.3.f. and g. of this section, combined, within a twelve-month period. The leave may be  
760 continuous, which is consecutive days or weeks, or intermittent, which is taken in whole  
761 or partial days as needed. Intermittent leave is subject to the following conditions:

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

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

768           3. If an employee requests intermittent leave or leave on a reduced leave  
769 schedule under subsection I.2. of this section that is foreseeable based on planned  
770 medical treatment, the appointing authority may require the employee to transfer  
771 temporarily to an available alternative position for which the employee is qualified and

772 that has equivalent pay and benefits and that better accommodates recurring periods of  
773 leave than the regular position of the employee.

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

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

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

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

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

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

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

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

789 SECTION 12. Ordinance 12014, Section 22, as amended, and K.C.C. 3.12.223  
790 are each hereby amended to read as follows:

791 A. 1. Any employee eligible for leave benefits may donate a portion of his or her  
792 accrued vacation leave to another employee eligible for leave benefits. Such a donation  
793 will occur upon written request to and approval of the donating and receiving employees'  
794 department director or directors, except that requests for vacation donation made for the

795 purposes of supplementing the sick leave benefits of the receiving employee shall not be  
796 denied unless approval would result in a departmental hardship for the receiving  
797 department.

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

802           3. A furloughed employee shall not be eligible to take or be paid for donated  
803 vacation (~~(on an emergency budget)~~) in lieu of taking a furlough day, except as provided  
804 in K.C.C. 3.12F.040.

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

810           B. 1. Any employee eligible for leave benefits may donate a portion of his or her  
811 accrued sick leave to another employee eligible for leave benefits upon written notice to  
812 the donating and receiving employees' department director or directors.

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

817           3. Donated sick leave hours must be used within ninety calendar days. Donated  
818 hours not used within ninety days or due to the death of the receiving employee shall  
819 revert to the donor. Donated sick leave hours shall be excluded from the sick leave  
820 payoff provisions contained in this chapter, and sick leave restoration provisions  
821 contained in this chapter. For purposes of this section, the first hours used by an  
822 employee shall be accrued sick leave hours.

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

826           D. All vacation and sick leave hours donated shall be converted to a dollar value  
827 based on the donor's straight time hourly rate at the time of donation. Such dollar value  
828 will then be divided by the receiving employee's hourly rate to determine the actual  
829 number of hours received. Vacation leave donated to a furloughed employee, who is  
830 designated by ~~((a furlough administrator, as defined in K.C.C. 3.12F.010,))~~ a department  
831 director and confirmed by the chief administrative officer as eligible to use donated leave  
832 on a furlough day, is donated on an hour-for-hour basis, without an hourly rate  
833 conversion. Unused donated vacation and sick leave shall be reconverted based on the  
834 donor's straight time hourly rate at the time of reconversion. Vacation leave donated to a  
835 furloughed employee who is designated by ~~((a furlough administrator))~~ the department  
836 director and confirmed by the chief administrative officer as eligible to use donated leave  
837 on a furlough day shall not revert back to the donor.

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

840 The appointing authority shall allow the use of up to three days of sick leave each  
841 year to allow employees to perform volunteer services at the school attended by the  
842 employee's child. A furloughed employee shall not be eligible to take or be paid for  
843 school volunteer sick leave ~~((on))~~ in lieu of taking a furlough day. Employees requesting  
844 to use sick leave for this purpose shall submit such a request in writing specifying the  
845 name of the school and the nature of the volunteer services to be performed.

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

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

- 849 1. January 1, New Year's Day;
- 850 2. Third Monday in January, Martin Luther King, Jr. Birthday;
- 851 3. Third Monday in February, President's Day;
- 852 4. Last Monday in May, Memorial Day;
- 853 5. July 4, Independence Day;
- 854 6. First Monday in September, Labor Day;
- 855 7. November 11, Veteran's Day;
- 856 8. Thanksgiving Day and the day immediately following;
- 857 9. December 25, Christmas Day;
- 858 10. Special or limited holidays as declared by the president or governor, and as  
859 approved by the council;
- 860 11. Such other days in lieu of holidays as the council may determine;
- 861 12. An employee who is eligible for leave benefits shall be granted two personal  
862 holidays to be administered through the vacation plan(~~(; provided, that)~~), though the

863 hours granted to an employee working less than a full-time schedule shall be prorated to  
864 reflect his or her normally scheduled work day. One day shall be credited to the  
865 employee's leave balance on the first of October and one day on the first of November.

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

868 C. An employee must be eligible for leave benefits and in a pay status on the day  
869 ~~((prior to))~~ before and the day following a holiday to be eligible for holiday pay.

870 However, an employee who has successfully completed at least five years of county  
871 service and who retires at the end of a month in which the last regularly scheduled  
872 working day is observed as a holiday, shall be eligible for holiday pay if the employee is  
873 in a pay status the day before the day observed as a holiday. An employee otherwise  
874 eligible for holiday pay shall not be ineligible as a result of not being in a pay status on  
875 the day before or after the holiday due to a ~~((n-emergency-budget))~~ budgetary furlough.

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

878 Any employee eligible for leave benefits who is ordered on a jury shall be entitled  
879 to his or her regular county pay but only if any fees received for jury duty are deposited,  
880 exclusive of mileage, with the department of finance. A furloughed employee shall not  
881 be eligible to take or be paid for jury duty leave ~~((on))~~ in lieu of taking a furlough day.

882 Employees shall report to their work supervisor when dismissed from jury service.

883 SECTION 16. Ordinance 16339, Section 17, as amended, and K.C.C. 3.12F.010  
884 are each hereby amended to read as follows:

885           The definitions in this section apply throughout this chapter unless the context  
886 clearly requires otherwise.

887           A. (~~"Annual budget cycle" means the calendar year January 1 through December~~  
888 ~~31, or any portion thereof.~~

889           ~~B.)~~ "Budgetary furlough" has the same meaning as found in K.C.C. 3.12.010.

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

894           C. (~~"Emergency budget furlough," also referred to as "mandated leave," shall~~  
895 ~~have the same meaning as found in K.C.C. 3.12.010.~~

896           ~~D.)~~ "Furlough day" (~~shall have~~) has the same meaning as found in K.C.C.  
897 3.12.010.

898           ~~(E.)~~ D. "Furloughed employee" (~~shall have~~) has the same meaning as found in  
899 K.C.C. 3.12.010.

900           ~~(F.)~~ E. "Furlough administrator" means: the county executive for the executive  
901 departments; the chair of the council for the legislative branch; the prosecutor for the  
902 office of the prosecuting attorney, the presiding judge of the district and superior courts,  
903 the sheriff for the department of public safety, the assessor for the department of  
904 assessments, the director of elections for the department of elections; the chair of the  
905 forecast council for the office of economic and financial analysis; or the official or  
906 officials designated by that branch of unit of county government.

907            ~~((G-))~~ F. "Salaried employee" means an employee whose position is normally  
908 exempt from wage and hours regulations.

909            SECTION 17. Ordinance 16339, Section 18, and K.C.C. 3.12F.020 are each  
910 hereby amended to read as follows:

911            A. Whenever the executive determines that an emergency budget crisis exists in  
912 King County, the executive may proclaim in writing the existence of such an emergency.  
913 The executive shall transmit a proclamation and proposed ratifying ordinance to the  
914 council within seven days of the proclamation. A proclamation is effective only if  
915 ratified by ordinance. A proclamation of an emergency budget crisis remains in effect for  
916 all or a portion of one annual budget cycle.

917            B. Whenever the council determines that an emergency budget crisis exists in  
918 King County, it may by ordinance declare the existence of such an emergency. A  
919 declaration of an emergency budget crisis remains in effect for all or a portion of one  
920 annual budget cycle.

921            C. Upon a proclaimed and ratified or declared emergency budget crisis, the  
922 executive may:

- 923            1. Order a~~((n-emergency budget))~~ budgetary furlough, including the furlough of  
924 employees of the executive branch and closure of county offices; or
- 925            2. Order the reduction in hours or the closure of county offices on specific days  
926 associated with a~~((n-emergency budget))~~ budgetary furlough; or
- 927            3. Order any other actions relating to employees in K.C.C. Title 3.

928            ~~((C-))~~ D. If an emergency budget crisis has been proclaimed and ratified or  
929 declared and furlough days are ordered, the executive shall notify the public of days that

930 county offices are closed, by posting the information on the county buildings or offices  
931 that are closed, by posting a notice on the Internet, by advertising in the official county  
932 newspaper and by issuing press releases.

933         SECTION 18. Ordinance 16339, Section 19, and K.C.C. 3.12F.030 are each  
934 hereby repealed.

935         SECTION 19. Ordinance 16339, Section 20, and K.C.C. 3.12F.040 are each  
936 hereby amended to read as follows:

937             A.1. When a furlough administrator other than the executive has determined that  
938 a(~~n emergency budget~~) budgetary furlough is necessary, the furlough administrator  
939 shall designate a person to administer the (~~emergency budget~~) budgetary furlough and  
940 to provide for the effective direction, control and coordination of a(~~n emergency~~  
941 ~~budget~~) budgetary furlough in a manner to preserve county functions.

942             2. The county administrative officer shall be responsible for (~~emergency~~  
943 ~~budget~~) budgetary furlough administration in the executive branch and shall provide for  
944 the effective direction, control and coordination of a(~~n emergency budget~~) budgetary  
945 furlough in a manner to preserve county functions.

946             B. In order to achieve budget savings, a furlough administrator may implement a  
947 budgetary furlough for designated nonrepresented employees, and implement reductions  
948 in operating and office hours, closure of offices or departments or reductions in levels of  
949 operations or service. A furlough administrator shall seek and document the views of  
950 affected nonrepresented employees when determining whether and how to implement a  
951 budgetary furlough.

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

957           E. In administering a((n-emergency budget)) budgetary furlough, the following  
958   principles should apply:

959           1. An employee who is ~~((subject to the emergency budget furlough))~~ furloughed  
960   should be notified of furlough in writing when possible, although any reasonable notice is  
961   permissible;

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

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

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

968           5. A furloughed employee shall not be eligible to take or be paid for vacation or  
969   sick leave on an ((emergency budget)) budgetary furlough day. The furlough  
970   administrator may designate that paid vacation leave is available for the following  
971   employees:

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

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

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

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

984           ~~D. The furlough administrator or his or her designee may direct specific  
985 employees to perform work with pay on furlough days as determined necessary to  
986 perform necessary county function that must not be interrupted by furlough.))~~

987           NEW SECTION. SECTION 20. There is hereby added to K.C.C. chapter 3.12F  
988 a new section to read as follows:

989           A. In any year for which an emergency budget crisis has been proclaimed and  
990 ratified or declared, or for which any furlough administrator orders budgetary furlough  
991 days, the furlough administrator shall provide the council with a report of the  
992 implementation plan for the budget furlough by January 30. The report shall include:

- 993           1. Efforts to notify the public of the budget furlough and the closure of county  
994 offices or sites;
- 995           2. The number of employees who have been furloughed;
- 996           3. The length of the furlough;

997           4. The number of employees exempted from the furlough and the reasons for  
998 the exemption;

999           5. The anticipated budget savings from the furlough;

1000           6. The anticipated effects of the furlough on both workload and service to the  
1001 public and other county agencies; and

1002           7. A summary of input received from nonrepresented employees on whether and  
1003 how to implement a budgetary furlough.

1004           B. A furlough administrator who orders a budget furlough shall provide the  
1005 council with a report on the effects of the furlough by June 30 of the furlough year. The  
1006 report shall contain the same information required by subsection A. of this section.

1007           C. The reports required by this section must be filed in electronic format and in  
1008 the form of twelve paper copies with the clerk for the council, who shall retain the  
1009 original and forward the paper copies to each councilmember and the chief of staff.

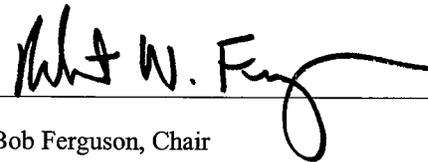
1010           SECTION 21. Severability. If any provision of this ordinance or its application

1011 to any person or circumstance is held invalid, the remainder of the ordinance or the  
1012 application of the provision to other person or circumstances is not affected.

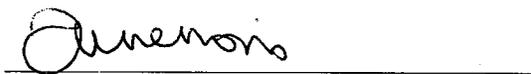
Ordinance 16735 was introduced on 11/9/2009 and passed as amended by the Metropolitan King County Council on 12/14/2009, by the following vote:

Yes: 6 - Mr. Phillips, Mr. Gossett, Ms. Hague, Ms. Patterson, Mr. Ferguson and Mr. Dunn  
No: 1 - Mr. von Reichbauer  
Excused: 1 - Ms. Lambert

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
\_\_\_\_\_  
Bob Ferguson, Chair

ATTEST:

  
\_\_\_\_\_  
Anne Noris, Clerk of the Council

APPROVED this 22<sup>nd</sup> day of December, 2009.

  
\_\_\_\_\_  
Dow Constantine, County Executive

RECEIVED  
2009 DEC 22 PM 4: 11  
CLERK  
KING COUNTY COUNCIL

Attachments: None