



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 23, 2010

Ordinance

Proposed No. 2010-0499.1

Sponsors

1 AN ORDINANCE relating to code amendments necessary
2 to efficiently narrow the nonrepresented reduction in force
3 merit-based process to include the option of a section level
4 review in addition to a department or division level review;
5 and amending Ordinance 12014, Section 30, and K.C.C.
6 3.12.300 and Ordinance 12014, Section 5, as amended, and
7 K.C.C. 3.12.010.

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 **SECTION 1. Findings:**

10 A. The county experienced an unprecedented financial emergency resulting in a
11 significant shortfall in the amount of funding needed to sustain the current level of
12 general operations through 2011 and significant reductions in force are expected for both
13 represented and nonrepresented employees.

14 B. Reductions in force for nonrepresented employees are administered pursuant
15 to the provisions of K.C.C. 3.12.300, which require that they are based upon merit and be
16 conducted by classification within a department or division. That is the case even though
17 the budget reduction is only affecting one section of a division. This often results in an
18 unnecessarily expansive department-wide or division-wide competitive process for the
19 positions in a classification that are retained.

20 C. In order to provide agencies the ability to narrow the reduction in force
21 process for nonrepresented employees, certain code amendments are necessary.

22 SECTION 2. Ordinance 12014, Section 30, and K.C.C. 3.12.300 are each hereby
23 amended to read as follows:

24 In the event of a reduction in force due to lack of work, lack of funds or
25 considerations of efficiency, layoffs shall be conducted at a department ((~~or~~), a division or
26 section level. The order of layoff shall be conducted by class on the basis of merit.

27 Where two or more career service employees within a class are of equal merit, county
28 seniority shall determine the order of layoff as between those employees. Where there is
29 an applicable collective bargaining agreement, the order of layoff shall be determined by
30 the collective bargaining agreement. In lieu of laying off a career service employee, the
31 director may reassign ((~~such~~)) the employee to a comparable, vacant position, when the
32 director determines ((~~such~~)) the reassignment to be in the best interests of the county.

33 SECTION 3. Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010 is
34 hereby amended to read as follows:

35 For the purposes of this chapter, all words shall have their ordinary and usual
36 meanings except those defined in this section which shall have, in addition, the following
37 meanings. In the event of conflict, the specific definitions set forth in this section shall
38 presumptively, but not conclusively, prevail.

39 A. "Administrative interns" are employees who are also enrolled full-time during
40 the regular school year in a program of education, internship or apprenticeship. All
41 administrative internships in executive departments shall be approved by the manager.

42 Administrative interns are exempt from the career service under Section 550 of the
43 charter.

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

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

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

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

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

62 G. "Career service position" means all positions in the county service except for
63 those that are designated by Section 550 of the charter as follows: all elected officers; the
64 county auditor, the clerk and all other employees of the county council; the county

65 administrative officer; the chief officer of each executive department and administrative
66 office; the members of all boards and commissions; the chief economist and other
67 employees of the office economic and financial analysis; the chief economist and other
68 employees of the office of economic and financial analysis; administrative assistants for
69 the executive and one administrative assistant each for the county administrative officer,
70 the county auditor, the county assessor, the chief officer of each executive department
71 and administrative office and for each board and commission; a chief deputy for the
72 county assessor; one confidential secretary each for the executive, the chief officer of
73 each executive department and administrative office, and for each administrative assistant
74 specified in this section; all employees of those officers who are exempted from the
75 provisions of this chapter by the state constitution; persons employed in a professional or
76 scientific capacity to conduct a special inquiry, investigation or examination; part-time
77 and temporary employees; administrative interns; election precinct officials; all persons
78 serving the county without compensation; physicians; surgeons; dentists; medical interns;
79 and student nurses and inmates employed by county hospitals, tuberculosis sanitariums
80 and health departments of the county.

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

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

87 H. "Charter" means the King County Charter, as amended.

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

90 1. Under eighteen years of age; or

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

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

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

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

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

106 N. "Council" means the county council as established by Article 2 of the charter.

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

109 P. "Developmental disability" means a developmental disability, as defined in
110 RCW 71A.10.020(2), as amended, attributable to mental retardation, cerebral palsy,

111 epilepsy, autism or other neurological or other condition of an individual found by the
112 secretary of the Washington state Department of Social and Health Services, or the
113 secretary's designee, to be closely related to mental retardation or to require treatment
114 similar to that required for individuals with mental retardation, which disability originates
115 before the individual attains age eighteen, that has continued or can be expected to
116 continue indefinitely and that constitutes a substantial handicap for the individual.

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

121 R. "Director" means the manager of the human resources division*.

122 S. "Division" means the human resources division or its successor agency*.

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

125 U. "Domestic partnership" is a relationship whereby two people:

- 126 1. Have a close personal relationship;
- 127 2. Are each other's sole domestic partner and are responsible for each other's
128 common welfare;
- 129 3. Share the same regular and permanent residence;
- 130 4. Are jointly responsible for basic living expenses which means the cost of
131 basic food, shelter and any other expenses of a domestic partner that are paid at least in
132 part by a program or benefit for which the partner qualified because of the domestic

133 partnership. The individuals need not contribute equally or jointly to the cost of these
134 expenses as long as they agree that both are responsible for the cost;

135 5. Are not married to anyone;

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

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

138 Washington;

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

140 partnership began.

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

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

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

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

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

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

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

167 CC. "Furlough day" means a day for which an employee shall perform no work
168 and shall receive no pay due to an emergency budget crisis necessitating emergency
169 budget furloughs.

170 DD. "Furloughed employee" means an employee who is placed in a temporary
171 status without duties and without pay due to a financial emergency necessitating budget
172 reductions.

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

176 FF. "Immediate family" means spouse, child, parent, son-in-law, daughter-in-
177 law, grandparent, grandchild, sibling, domestic partner and the child, parent, sibling,
178 grandparent or grandchild of the spouse or domestic partner.

179 GG. "Incentive increase" means an increase to an employee's base salary within
180 the assigned pay range, based on demonstrated performance.

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

187 II. "Life-giving and life-saving procedures" means a medically-supervised
188 procedure involving the testing, sampling, or donation of blood, organs, fluids, tissues
189 and other human body components for the purposes of donation without compensation to
190 a person for a medically necessary treatment.

191 JJ. "Manager" means the manager of the human resources division* or its
192 successor agency.

193 KK. "Marital status" means the presence or absence of a marital relationship and
194 includes the status of married, separated, divorced, engaged, widowed, single or
195 cohabiting.

196 LL. "Part-time employee" means an employee employed in a part-time position.
197 Under Section 550 of the charter, part-time employees are not members of the career
198 service.

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

207 NN. "Part-time regular employee" means an employee employed in a part-time
208 regular position and, for part-time career service positions, is not serving a probationary
209 period. Under Section 550 of the charter, such part-time regular employees are members
210 of the career service.

211 OO. "Part-time regular position" means a regular position in which the part-time
212 regular employee is employed for at least nine hundred ten hours but less than a full-time
213 basis in a calendar year in a work unit in which a thirty-five hour work week is standard
214 or for at least one thousand forty hours but less than a full-time basis in a calendar year in
215 a work unit in which a forty-hour work week is standard. Where the standard work week
216 falls between thirty-five and forty hours, the manager, in consultation with the
217 department, is responsible for determining what hour threshold will apply.

218 PP. "Pay plan" means a systematic schedule of numbered pay ranges with a
219 minimum, maximum and intermediate steps for each pay range, a schedule of assignment
220 of each classification to a numbered pay range and rules for administration.

221 QQ. "Pay range" means one or more pay rates representing the minimum,
222 maximum and intermediate steps assigned to a classification.

223 RR. "Pay range adjustment" means the adjustment of the numbered pay range of
224 a classification to another numbered pay range in the schedule based on a classification
225 change, competitive pay data or other significant factors.

226 SS. "Personnel guidelines" means only those operational procedures promulgated
227 by the manager necessary to implement personnel policies or requirements previously
228 stipulated by ordinance or the charter. Such personnel guidelines shall be applicable only
229 to employees assigned to executive departments and administrative agencies.

230 TT. "Position" means a group of current duties and responsibilities assigned by
231 competent authority requiring the employment of one person.

232 UU. "Probationary employee" means an employee serving a probationary period
233 in a regular career service. Probationary employees are temporary employees and
234 excluded from career service under Section 550 of the charter.

235 VV. "Probationary period" means a period of time, as determined by the
236 manager, constituting the final step in the competitive screening process for career
237 service or for promotion from one career service position to another. An appointment to
238 the career service, whether following successful completion of an initial probationary
239 period of county employment or a promotional probationary period, shall not be final
240 unless the employee successfully completes this probationary period.

241 WW. "Probationary period salary increase" means a within-range salary increase
242 from one step to the next highest step upon satisfactory completion of the probationary
243 period.

244 XX. "Promotion" means the movement of an employee to a position in a
245 classification having a higher maximum salary.

246 YY. "Provisional appointment" means an appointment made in the absence of a
247 list of candidates certified as qualified by the manager. Only the manager may authorize
248 a provisional appointment. An appointment to this status is limited to six months.

249 ZZ. "Provisional employee" means an employee serving by provisional
250 appointment in a regular career service. Provisional employees are temporary employees
251 and excluded from career service under Section 550 of the charter.

252 AAA. "Recruiting step" means the first step of the salary range allocated to a
253 class unless otherwise authorized by the executive.

254 BBB. "Regular position" means a position established in the county budget and
255 identified within a budgetary unit's authorized full time equivalent (FTE) level as set out
256 in the budget detail report.

257 CCC. "Salary or pay rate" means an individual dollar amount that is one of the
258 steps in a pay range paid to an employee based on the classification of the position
259 occupied.

260 DDD. "Section" means an agency's budget unit comprised of a particular project
261 program or line of business as described in the budget detail plan for the previous fiscal
262 period as attached to the adopted appropriation ordinance or as modified by the most
263 recent supplemental appropriations ordinance. This definition is not intended to create an
264 organization structure for any agency.

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

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

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

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

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

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

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

282 ~~((EEE.))~~ FFF. "Temporary employee" means an employee employed in a
283 temporary position and in addition, includes an employee serving a probationary period
284 or is under provisional appointment. Under Section 550 of the charter, temporary
285 employees shall not be members of the career service.

286 ~~((FFF.))~~ GGG. "Temporary position" means a position that is not a regular
287 position as defined in this chapter and excludes administrative intern. Temporary
288 positions include both term-limited temporary positions as defined in this chapter and
289 short-term (normally less than six months) temporary positions in which a temporary

290 employee works less than nine hundred ten hours in a calendar year in a work unit in
291 which a thirty-five hour work week is standard or less than one thousand forty hours in a
292 calendar year in a work unit in which a forty hour work week is standard, except as
293 provided elsewhere in this chapter. Where the standard work week falls between thirty-
294 five and forty hours, the manager, in consultation with the department, is responsible for
295 determining what hour threshold will apply.

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

304 ~~((HHH.))~~ III. "Term-limited temporary position" means a temporary position
305 with work related to a specific grant, capital improvement project, information systems
306 technology project or other nonroutine, substantial body of work, for a period greater
307 than six months. In determining whether a body of work is appropriate for a term-limited
308 temporary position, the appointing authority will consider the following:

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

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

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

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

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

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

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

337 ~~((H.))~~ JJJ. "Volunteer for the county" means an individual who performs service
338 for the county for civic, charitable or humanitarian reasons, without promise, expectation
339 or receipt of compensation from the county for services rendered and who is accepted as
340 a volunteer by the county, except emergency service worker volunteers as described by
341 chapter 38.52 RCW. A "volunteer for the county" may receive reasonable
342 reimbursement of expenses or an allowance for expenses actually incurred without losing
343 his or her status as a volunteer. "Volunteer for the county" includes, but is not limited to,
344 a volunteer serving as a board member, officer, commission member, volunteer intern or
345 direct service volunteer.

346 ~~((JJ.))~~ KKK. "Volunteer intern" means volunteers who are also enrolled full-
347 time during the regular school year in a program of education, internship or
348 apprenticeship who are receiving scholastic credit or scholastic recognition for
349 participating in the internship.

350 ~~((KK.))~~ LLL. "Work study student" means a student enrolled or accepted for
351 enrollment at a post-secondary institution who, according to a system of need analysis
352 approved by the higher education coordinating board, demonstrates a financial inability,
353 either parental, familial or personal, to bear the total cost of education for any semester or
354 quarter.

355 **SECTION 4. Severability.** If any provision of this ordinance or its application to
356 any person or circumstance is held invalid, the remainder of the ordinance or the
357 application of the provision to other persons or circumstances is not affected.
358

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Robert W. Ferguson, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None

October 26, 2010

1

nw

Sponsor: Dunn

Proposed No.: 2010-0499

1 **AMENDMENT TO PROPOSED ORDINANCE 2010-0499, VERSION 1**

2 On page 1, on line 10, after "county" strike "experienced" and insert "has experienced"

3 On page 1, on line 15, after "that they" strike "are based" and insert "be based"

4 **EFFECT: The changes are technical; they do not change the meaning of the**
5 **ordinance.**

King County Code § 3.12.300

3.12.300 Reductions in force. In the event of a reduction in force due to lack of work, lack of funds or considerations of efficiency, layoffs shall be conducted at a department or division level. The order of layoff shall be conducted by class on the basis of merit. Where two or more career service employees within a class are of equal merit, county seniority shall determine the order of layoff as between those employees. Where there is an applicable collective bargaining agreement, the order of layoff shall be determined by the collective bargaining agreement. In lieu of laying off a career service employee, the director may reassign such employee to a comparable, vacant position, when the director determines such reassignment to be in the best interests of the county. (Ord. 12014 § 30, 1995).

Labor Policy re. Reduction in Force

Reduction-in-Force: Where there is an applicable collective bargaining agreement, the order of layoff shall be determined by the collective bargaining agreement. In the absence of a collective bargaining agreement, it shall be the policy of King County that reductions to the present represented work force shall be based on seniority and merit including, where appropriate, specific skills the County needs to retain in order to effectively provide a service to the public. When two or more career service employees within a class are of co-equal value to King County, seniority alone shall determine the order of layoff as between those employees. It shall further be the policy of King County that in those cases where jobs may be eliminated, the County will endeavor to retrain[] and redeploy[] affected employees to the extent possible.

September 7, 2010

The Honorable Bob Ferguson
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Ferguson:

Attached for County Council consideration and approval is an ordinance amending the King County Code which would:

- 1) Enhance the county's ability to meet the intent of the recently adopted County Council policy related to reductions in force based on merit;
- 2) Further the Executive's goals of creating efficiencies in administrative processes and maintaining a high performance workforce; and
- 3) Minimize the negative impact on staff of certain current reduction in force procedures.

King County Code 3.12.300 currently requires that reductions in force for non-represented employees be conducted by classification *within a department or division* based upon merit. This Code requirement often results in unnecessarily expansive competitive processes for the positions in a classification which are retained.

The requested amendment to the code is to provide for the ability to conduct the needed merit based competitive process for non-represented employees at the section level which more closely aligns with agency business operations. Such an amendment would result in a more meaningful merit based reduction in force process and also would result in increased process efficiencies and less disruption to the agency and county employees.

The Honorable Bob Ferguson

September 7, 2010

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There is no actual cost impact in administering the process because it involves personnel time. For that reason there is no accompanying fiscal note. However, the current process is extremely labor intensive and utilizes time which could be spent on other critical county functions.

Your consideration and approval is appreciated. If you have any questions, please feel free to contact Anita Whitfield, Director, Human Resources Division, at 206-296-1737.

Sincerely,

Dow Constantine
King County Executive

Enclosure

cc: King County Councilmembers

ATTN: Tom Bristow, Chief of Staff

Anne Noris, Clerk of the Council

Rhonda Berry, Assistant Deputy County Executive, King County Executive Office

Dwight Dively, Office of Management and Budget, and Office of Strategic
Planning and Performance Management

Caroline Whalen, County Administrative Officer, Department of Executive
Services (DES)

Anita Whitfield, Director, Human Resources Division (HRD), DES

Karen Pool Norby, Acting Deputy Director, HRD, DES

Kerry Delaney, Human Resources Senior Manager, HRD, DES