



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 22, 2010

Motion 13378

Proposed No. 2010-0595.1

Sponsors Phillips

1 A MOTION relating to the organization of the council; and
2 amending Motion 10651, Section III, as amended, and OR
3 1-020, Motion 10651, Section IV, as amended, and OR 1-
4 030, Motion Motion 10651, Section V, as amended, and
5 OR 2-030, Motion 10651, Section VI, as amended, and OR
6 3-010, Motion 10651, Section VII, as amended, and OR 3-
7 030 and Motion 8868, Sections 1-2, as amended, and OR 3-
8 110.

9 WHEREAS, the charter provides that the council shall elect one of its members as
10 chair, and Motion 10651, Section II, as amended, and OR 1-010 provides that the council
11 shall elect a chair who shall serve at the pleasure of the council for a term of one year,
12 unless otherwise ordered by the council, and

13 WHEREAS, the council has specified by motion the chairs, vice-chairs and
14 members of council committees and provided for any changes to these positions to be
15 made by adoption of a formal legislative motion, and

16 WHEREAS, the council has specified by motion policies for members and staff;

17 NOW, THEREFORE, BE IT MOVED by the Council of King County:

18 I. Motion 10651, Section III, as amended, and OR 1-020 are each hereby
19 amended to read as follows:

20 **Powers and duties of the chair.**

21 A. The chair, with their consent, shall appoint councilmembers to regional
22 committees, standing committees, administrative committees, special committees and
23 outside committees as required or as deemed necessary to efficiently conduct the business
24 of the council. The council recognizes that its committee structure, membership and
25 chairs and vice-chairs reflect the council's will. Any changes thereto shall be made only
26 by formal legislative motion adopted by a majority of the members at a council meeting.

27 B. The chair shall have the responsibility and general direction for the council's
28 resources, budget, operation and organizational structure. The chair shall allocate an
29 equal amount of funding and FTE positions to each councilmember's district support and
30 constituent service account from within the council administration account. The chair
31 shall be responsible for the general oversight of legislative branch employees, except
32 personal and district support and constituent service staff of councilmembers. Each
33 councilmember shall be responsible for hiring, managing and making all personnel
34 decisions related to his or her personal and district support and constituent service staff.

35 The council chief of staff shall be responsible for the overall management and
36 administration of council staff employees, except for personal and district support and
37 constituent service staff. The council chief of staff shall be responsible for the overall
38 management and administration of other legislative branch employees as specified in OR
39 3-030, except for personal and district support and constituent service staff.

40 C. The chair of the council shall not enter into a consultant contract for more than
41 twenty-five thousand dollars without first being authorized to do so by council motion.

42 All consultants shall comply with the King County code of ethics.

43 D. The chair shall regularly consult in the exercise of her or his duties with the
44 vice-chair. The chair, in consultation with committee chairs, shall direct the necessary
45 coordination of staff. The council's chief of staff shall report to the chair. The chair may
46 exercise any power conferred upon the chief of staff.

47 E. The chair shall be a member of the employment and administration committee.

48 II. Motion 10651, Section IV, as amended, and OR 1-030 are each hereby
49 amended to read as follows:

50 **Powers and duties of the vice-chair.**

51 A. The vice-chair shall exercise the duties, powers and prerogatives of the
52 council chair in the event of the chair's absence.

53 B. The vice-chair shall serve as the chair of the committee of the whole.

54 C. The vice-chair shall serve as the chair of the employment and administration
55 committee. The chair of the employment and administration committee shall issue, upon
56 recommendation of the employment and administration committee and with the approval
57 of a majority of the council, all employment decisions for legislative branch employees
58 except interns and the councilmembers' personal and district support and constituent
59 service staff, other than employment decisions that are made by the chair of the
60 employment and administration committee as provided in OR 2-030.

61 III. Motion 10651, Section V, as amended, and OR 2-030 are each hereby
62 amended to read as follows:

63 **Employment and administration committee.**

64 **A. Membership requirements.** The employment and administration committee
65 shall consist of four members.

66 **B. Duties and process.**

67 1. Administrative committee. The employment and administration committee is
68 an administrative committee of the council. The employment and administration
69 committee shall consult with councilmembers and the chief of staff on a continuing basis
70 in order to review council operations under the staffing structure defined in this motion.

71 2. Personnel decisions. The employment and administration committee shall
72 make recommendations to the council concerning decisions for legislative branch
73 employees, except for interns and councilmembers' personal and district support and
74 constituent service staffs, and except for minor personnel decisions, which may be made
75 by the chair of the employment and administration committee in accordance with
76 subsection B.5. of this section. Personnel decisions include decisions to hire, to fill
77 vacancies, to make staffing adjustments, to designate staff employment assignments,
78 except assignments of policy staff to specific issues and legislation which shall be made
79 by the chief of staff under OR 3-040.D.2, to adjust staff pay, to analyze future hiring
80 needs and to make other necessary employment decisions. Personnel decisions do not
81 include termination or disciplinary decisions, which follow the process stated in
82 subsection B.3. of this section, or minor personnel decisions, which follow the process
83 stated in subsection B.5. of this section. Where applicable, employment and
84 administration committee recommendations on personnel decisions shall be developed in
85 consultation with appropriate committee chairs and, where applicable, the chief of staff.

86 3. Personnel decisions shall be contained in a written recommendation report
87 and may be voted out of committee upon: a. the receipt of the signature of three
88 committee members during a meeting of the committee; or b. subject to signature by a

89 quorum of the committee members in accordance with K.C.C. 1.24.055.C (Rule 6.C).
90 Once the necessary signatures are obtained, recommendation reports from the committee
91 shall be forwarded to the council for consideration on an employment and administration
92 committee consent agenda. The chair of the employment and administration committee
93 shall issue, upon recommendation of the employment and administration committee and
94 with the approval of a majority of the council, all employment decisions for legislative
95 branch employees except interns and the councilmembers' personal and district support
96 and constituent service staffs.

97 4. Terminations and disciplinary decisions. The employment and administration
98 committee makes decisions on discipline and termination, including layoffs. If three
99 committee members vote for a termination or disciplinary action the decision is final,
100 except when an employee exercises the right of an appeal to the full council. An
101 employee who has been either suspended without pay of two weeks or more or
102 terminated may appeal the decision of the employment and administration committee to
103 the council. The appeal must be filed within ten calendar days of written notice of the
104 suspension or termination being sent to the employee. An appeal is accomplished by
105 delivering a notice of appeal to the clerk of the council. Nondisciplinary terminations are
106 subject to appeal in the same manner as disciplinary terminations.

107 5. Minor personnel decisions.

108 a. The chair of the employment and administration committee shall make all
109 minor personnel decisions as set forth in this subsection B.5. Minor personnel actions
110 are:

111 (1) authorizing recruiting for a vacated or newly created position;

112 (2) increasing or reducing the hours assigned to a current position up to the
113 total budgeted hours for the position, as reflected in the Staff and Salary Detail Report
114 maintained by the chief of staff or his or her designee;

115 (3) reassigning an employee employed within a legislative branch agency of
116 the county auditor, board of appeals/equalization, hearing examiner, ombudsman/tax
117 advisor or civic television to another position in the same agency and pay range;

118 (4) hiring a temporary or a term-limited temporary employee to perform
119 clerical or technical functions, up to a total of the maximum period allowed by ordinance
120 or two years, whichever is less;

121 (5) extending the employment period of a temporary or a term-limited
122 temporary employee hired to perform clerical or technical functions, up to a total of the
123 maximum period allowed by ordinance or two years, whichever is less; and

124 (6) approving a carryover of excess vacation leave under K.C.C. 3.12.190
125 because of cyclical workloads, work assignments or other reasons as may be in the best
126 interests of the county.

127 b. Requests for minor personnel decisions shall be made in writing to the
128 employment and administration committee chair via the chief of staff. Requests may be
129 made only by councilmembers, legislative branch agency managers, the chief of staff or a
130 staff member who is supervised directly by the chair of the council. The chief of staff
131 shall promptly provide the employment and administration committee chair with a copy
132 of the request and the chief of staff's recommendation for approval, disapproval or
133 modification of the request.

134 c. Action on a requested minor personnel decision shall be in writing, signed
135 by the chair of the employment and administration committee. The chief of staff shall
136 file the original of the decision action with the clerk of the council, and shall provide
137 copies of the decision action to the agency manager or supervisor, affected employee and
138 members of the employment and administration committee.

139 6. Nothing in this process is to be construed to alter the at-will status of
140 legislative branch employees. This process is designed to facilitate the will of the
141 majority of the council. If there are specific provisions of a collective bargaining
142 agreement that are contrary to this process, the collective bargaining agreement controls.

143 **C. Recommendations to the council chair.** The employment and
144 administration committee may consider and make recommendations to the council chair
145 regarding management organization structure and legislative branch customer service.
146 The committee may monitor and make recommendations on the legislative branch
147 budget.

148 **D. Removal of recommendations from consent agenda.** Upon the request of
149 any member present before the council, any specific recommendation from the
150 employment and administration committee shall be removed from the consent agenda
151 and considered separately by the council prior to adoption of the employment and
152 administration committee consent agenda. The council may then by a majority vote
153 make whatever orderly disposition of the matter it deems appropriate.

154 **E. Motions for censure.** The employment and administration committee shall
155 consider and make recommendations on motions for censure related to alleged violations
156 of any antiharassment policy by a councilmember.

157 **F. Personnel records as confidential.** To the extent permitted by law, personnel
158 records which would be exempt from public disclosure shall continue to be treated as
159 confidential and records or portions thereof which are exempt shall be conspicuously
160 identified as such and separated from nonexempt records.

161 IV. Motion 10651, Section VI, as amended, and OR 3-010 are each hereby
162 amended to read as follows:

163 **Use of councilmembers' district support and constituent service accounts.**

164 A.1. All salaries for a councilmember's (~~personal~~) district support and
165 constituent service staff shall be paid out of the councilmember's district support and
166 constituent service account.

167 2.a. The council prohibits councilmembers from hiring as personal or district
168 support and constituent service staff persons who have been employed within the prior
169 twelve months:

170 (1) as a council policy or administrative central staff member classified at
171 range 23 or above in the Legislative Branch Classification Plan; or

172 (2) persons who have been employed within the prior twelve months as a
173 personal or district support and constituent service staff member of another
174 councilmember, except with the consent of the former-employer councilmember.

175 b. District support and constituent service account funds cannot be used to pay
176 the salary or benefits of persons prohibited from being hired as set forth subsection A.2.a.
177 of this section.

178 c. This subsection A.2. shall not apply to any employee hired as a personal
179 staff member before October 13, 2008.

180 3. (~~The cost of benefits for personal staff shall be paid out of the central council~~
181 ~~account for up to four personal staff per district. The cost of benefits for each personal~~
182 ~~staff member above four for a councilmember shall be paid out of that councilmember's~~
183 ~~district account.)) Neither the central council account nor a district support and
184 constituent service account may be used to fund benefits for employees whose
185 employment as personal and district support and constituent service staff is prohibited by
186 subsection A.2. of this section.~~

187 B.1. All expenditures for mail originating from an individual councilmember's
188 office shall be paid for out of that councilmember's district support and constituent
189 service account, except for mailings of ten items or less, which may be paid for out of the
190 council administration budget, and for postage that may be funded from the council
191 administration budget subject to the approval of the chair of the council.

192 2. A councilmember shall not send any mass mailing that is deposited in the
193 mail between the date the councilmember has filed a declaration and affidavit of
194 candidacy with the department of elections and election day in any year in which an
195 election is to be held to fill the councilmember's office. However, mailings may be made
196 after the last day for filing for office if the councilmember has not filed for the office.
197 For the purposes of this subsection B.2, "mass mailing" means any mailing of more than
198 two hundred pieces that contains essentially identical messages and that is prepared or
199 sent by or on behalf of an individual councilmember at council expense.

200 C. All expenditures for rent, office equipment and furniture, utilities and
201 telephones to support a councilmember's outside district office shall be paid out of the
202 councilmember's district support and constituent service account.

203 D. All travel expenditures incurred by councilmembers or personal and district
204 support and constituent service staff shall be paid for out of the councilmember's district
205 support and constituent service account, or from the council administration budget with
206 the approval of the chair of the council.

207 E. All other expenditures for community meetings, training, publications,
208 newspaper advertising, nonnewspaper advertising, cellular phones, cellular phone
209 services or other related activities as determined by the councilmember shall be paid out
210 of the councilmember's district support and constituent service account, or from the
211 council administration budget with the approval of the chair of the council.

212 F. Whenever questions about expenditures may arise, a councilmember shall
213 consult with the chief of staff, legal counsel or the chief of staff's designee as necessary in
214 considering whether a specific expenditure is authorized by this section OR 3-010.

215 V. Motion 10651, Section VII, as amended, and OR 3-030 are each hereby
216 amended to read as follows:

217 **Legislative branch organization - organization chart.**

218 The legislative branch shall be organized in accordance with the organization
219 chart, Attachment A to ~~((Motion 13129))~~ this motion.

220 VI. Motion 8868, Sections 1-2, as amended, and OR 3-110 are each hereby
221 amended to read as follows:

222 **Policies and procedures against sexual harassment and discrimination -**
223 **policy statement.**

224 A. The metropolitan King County council promotes a respectful,
225 nondiscriminatory work environment, free of behavior which is illegal and/or which

226 contributes to interpersonal conflicts, poor performance or poor morale. Therefore, the
227 metropolitan King County council prohibits:

228 1. Sexual harassment;

229 2. Discrimination or harassment of, or inappropriate conduct toward, any
230 employee on the basis of his or her race, color, sex, marital status, sexual orientation,
231 religion, ancestry, national origin, and/or the presence of any sensory, mental, or physical
232 disability; and

233 3. Retaliation.

234 B. This policy applies to members of the council, councilmembers' personal and
235 district support and constituent service staff and all employees of the legislative branch.

236 Violations of this policy may lead to censure or discipline, up to and including discharge.

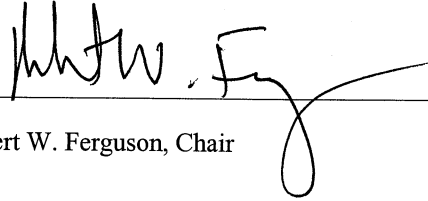
237 C. This policy is supplemental to other procedures available under federal, state,
238 and county laws, including but not limited to the Whistleblower Ordinance, K.C.C.
239 chapter 3.42, the Ethics Code, K.C.C. chapter 3.04, and the Fair Employment Practices
240 Code, K.C.C. chapter 12.18. Employees are encouraged to report pursuant to this policy,
241 but shall continue to have the right to utilize other formal complaint procedures
242 established by law.

243 The policies and procedures against sexual harassment and discrimination in the
244 legislative branch in Attachment B to Motion 13129 are hereby adopted.
245

Motion 13378 was introduced on 11/15/2010 and passed by the Metropolitan King County Council on 11/22/2010, by the following vote:

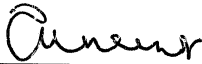
Yes: 8 - Ms. Drago, Mr. Phillips, Mr. Gossett, Ms. Hague, Ms. Patterson, Ms. Lambert, Mr. Ferguson and Mr. Dunn
No: 0
Excused: 1 - Mr. von Reichbauer

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Robert W. Ferguson, Chair

ATTEST:

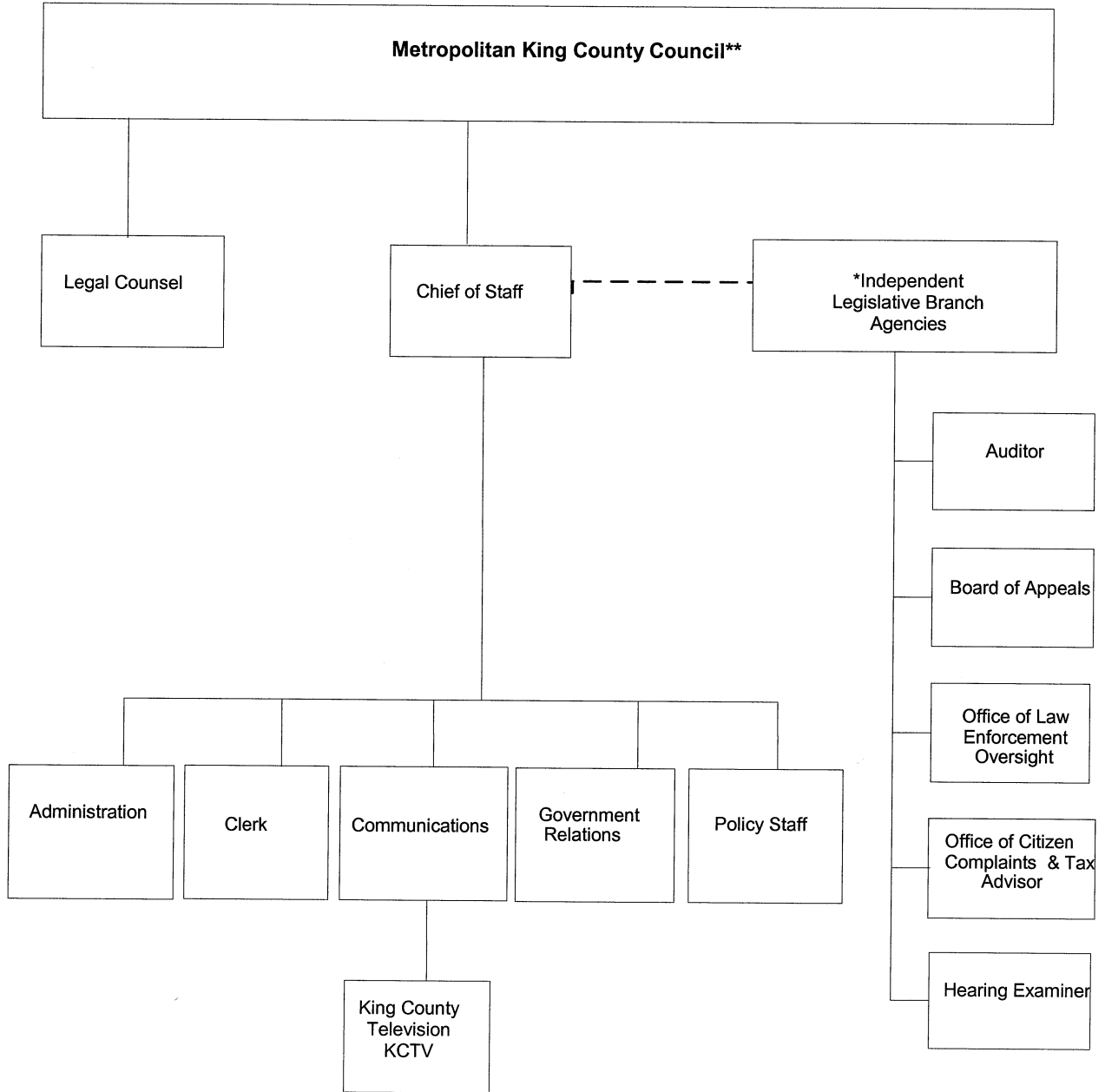


Anne Noris, Clerk of the Council

Attachments: A. King County Legislative Branch Organization Chart

(Revised 11/12/2010)

King County Legislative Branch Organization Chart



* The Chief of Staff monitors the offices and activities of the Council's Independent Legislative Branch Agencies

**Each member supervises his or her personal and district support and constituent services staff.

111 **Control District in 2011 and conforms the attachments to the various budgets, work**
112 **plans and programs.**