

13408

S1.A

1/18/2011 Council Meeting

IT MOVED

AN/BAR PASSED:
9-0

Sponsor: _____

Proposed No.: 2011-0032

1 **STRIKING AMENDMENT TO PROPOSED MOTION 2011-0032, VERSION 1**

2 On page 1, beginning on line 10, strike everything through page 14, line 306, and insert:

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

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

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

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

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

14 **OR 1-020. Powers and duties of the chair.**

15 A. The chair, with their consent, shall appoint councilmembers to regional
16 committees, standing committees, administrative committees, special committees and
17 outside committees as required or as deemed necessary to efficiently conduct the business

18 of the council. The council recognizes that its committee structure, membership and chairs
19 and vice-chairs reflect the council's will. Any changes thereto shall be made only by
20 formal legislative motion adopted by a majority of the members at a council meeting.

21 B. The chair shall have the responsibility and general direction for the council's
22 resources, budget, operation and organizational structure. The chair shall allocate an equal
23 amount of funding and FTE positions to each councilmember's district support and constituent
24 services account from within the council administration account. The chair shall be
25 responsible for the general oversight of legislative branch employees, except personal and
26 district support and constituent services staff of councilmembers. Each councilmember shall
27 be responsible for employment decisions for his or her personal and district support and
28 constituent services staff. The council chief of staff shall be responsible for the overall
29 management and administration of council staff employees, except for personal staff and
30 district support and constituent services staff. The council chief of staff shall be responsible
31 for the overall management and administration of other legislative branch employees as
32 specified in OR 3-030, except for personal and district support and constituent services staff.

33 C. The chair of the council shall not enter into a consultant contract for more than
34 twenty-five thousand dollars without first being authorized to do so by council motion. All
35 consultants shall comply with the King County code of ethics.

36 D. The chair shall regularly consult in the exercise of her or his duties with the
37 vice-chair. The chair, in consultation with committee chairs, shall direct the necessary
38 coordination of staff, except for personal and district support and constituent services staff.
39 The council's chief of staff shall report to the chair. The chair may exercise any power
40 conferred upon the chief of staff.

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

42 II. Motion 10651, Section IV, as amended, and OR 1-030 are each hereby amended

43 to read as follows:

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

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

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

48 C. The vice-chair shall serve as the chair of the employment and administration
49 committee. The chair of the employment and administration committee shall issue, upon
50 recommendation of the employment and administration committee and with the approval
51 of a majority of the council, all employment decisions for legislative branch employees
52 except interns and the councilmembers' personal and district support and constituent
53 services staff, other than employment decisions that are made by the chair of the
54 employment and administration committee as provided in OR 2-030.

55 III. Motion 10651, Section V, as amended, and OR 2-030 are each hereby amended

56 to read as follows:

57 **Employment and administration committee.**

58 **A. Membership requirements.** The employment and administration committee
59 shall consist of four members.

60 **B. Duties and process.**

61 1. Administrative committee. The employment and administration committee is
62 an administrative committee of the council. The employment and administration
63 committee shall consult with councilmembers and the chief of staff on a continuing basis

64 in order to review council operations under the staffing structure defined in this motion.

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

80 3. Personnel decisions shall be contained in a written recommendation report
81 and may be voted out of committee upon: a. the receipt of the signature of three
82 committee members during a meeting of the committee; or b. subject to signature by a
83 quorum of the committee members in accordance with K.C.C. 1.24.055.C (Rule 6.C).
84 Once the necessary signatures are obtained, recommendation reports from the committee
85 shall be forwarded to the council for consideration on an employment and administration
86 committee consent agenda. The chair of the employment and administration committee

87 shall issue, upon recommendation of the employment and administration committee and
88 with the approval of a majority of the council, all employment decisions for legislative
89 branch employees except interns and the councilmembers' personal and district support
90 and constituent services staffs.

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

102 5. Minor personnel decisions.

103 a. Except for interns and councilmembers' personal and district support and
104 constituent services staff, ((F))the chair of the employment and administration committee
105 shall make all minor personnel decisions as set forth in this subsection B.5. Minor
106 personnel actions are:

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

108 (2) increasing or reducing the hours assigned to a current position up to the

109 total budgeted hours for the position, as reflected in the Staff and Salary Detail Report

110 maintained by the chief of staff or his or her designee;

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

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

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

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

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

130 c. Action on a requested minor personnel decision shall be in writing, signed
131 by the chair of the employment and administration committee. The chief of staff shall
132 file the original of the decision action with the clerk of the council, and shall provide

133 copies of the decision action to the agency manager or supervisor, affected employee and
134 members of the employment and administration committee.

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

139 **C. Recommendations to the council chair.** The employment and
140 administration committee may consider and make recommendations to the council chair
141 regarding management, organization structure and legislative branch customer service.
142 The committee may monitor and make recommendations on the legislative branch
143 budget.

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

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

153 **F. Personnel records as confidential.** To the extent permitted by law, personnel
154 records which would be exempt from public disclosure shall continue to be treated as
155 confidential and records or portions thereof which are exempt shall be conspicuously

156 identified as such and separated from nonexempt records.

157 IV. Motion 11122, Section G, as amended, and OR 2-040 are each hereby
158 amended to read as follows:

159 **OR 2-040. Chairs and vice-chairs.** The council designates the following
160 councilmembers as chairs and vice-chairs of the standing committees created in this
161 motion and the regional committees established in the King County Charter.

162 Committee of the whole:

163 Chair: Jane Hague.

164 Vice-chair: Larry Phillips.

165 Budget and fiscal management committee:

166 Chair: Julia Patterson.

167 Vice-chair: Kathy Lambert

168 Employment and administration committee:

169 Chair: Jane Hague.

170 Vice-chair: ~~((Kathy Lambert))~~ Larry Gossett

171 Environment and transportation committee:

172 Chair: Larry Phillips.

173 Vice-chair: Jane Hague ~~((Pete von Reichbauer))~~.

174 Government accountability and oversight committee:

175 Chair: Kathy Lambert.

176 Vice-chair: ~~((Jan Drago, or her District 8 successor councilmember))~~

177 Reagan Dunn.

178 Law, justice, health and human services committee:

179 Chair: ((~~Reagan Dunn~~)) Bob Ferguson.

180 Vice-chair: ((~~Larry Gossett~~)) Kathy Lambert.

181 Regional policy committee:

182 Chair: Pete von Reichbauer.

183 Regional transit committee:

184 Chair: ((~~Larry Gossett~~)) Reagan Dunn.

185 Regional water quality committee:

186 Chair: ((~~Jan Drago, or her District 8 successor councilmember~~)) Larry

187 Gossett.

188 V. Motion 11122, Section H, as amended, and OR 2-050 are each hereby amended

189 to read as follows:

190 **Memberships.** The council designates the following councilmembers, in
191 addition to the chairs and vice-chairs, as members of the standing committees created in
192 this motion and the regional committees established in the King County Charter.

193 Budget and fiscal management committee:

194 Members: Reagan Dunn, ((~~Larry Gossett~~)) Jane Hague, Joe McDermott,

195 Larry Phillips.

196 Committee of the whole:

197 Members: All councilmembers.

198 Employment and administration committee:

199 Members: ((~~Bob Ferguson~~)) Kathy Lambert, ((~~Larry Phillips~~)) Julia

200 Patterson.

201 Environment and transportation committee:

202 Members: Bob Ferguson, (~~Larry Gossett, Jane Hague~~) Joe McDermott,
203 (~~Julia Patterson~~) Pete von Reichbauer.

204 Government accountability and oversight committee:

205 Members: (~~Reagan Dunn~~) Larry Gossett, Pete von Reichbauer.

206 Law, justice, health and human services committee:

207 Members: (~~Jan Drago, or her District 8 successor councilmember, Bob~~
208 ~~Ferguson, Kathy Lambert~~) Reagan Dunn, Larry Gossett, Joe McDermott.

209 Regional policy committee:

210 Members: (~~Reagan Dunn~~) Bob Ferguson, Joe McDermott.

211 Regional transit committee:

212 Members: (~~Jane Hague~~) Julia Patterson, Larry Phillips.

213 Regional water quality committee:

214 Members: Jane Hague, Kathy Lambert(~~, Larry Phillips~~).

215 VI. Motion 10651, Section VI, as amended, and OR 3-010 are each hereby

216 amended to read as follows:

217 **Use of councilmembers' district accounts and district support and constituent**
218 **services accounts.**

219 A.1. All salaries and benefits for a councilmember and a councilmember's personal
220 staff shall be paid out of the councilmember's district account, and all salaries and benefits
221 for a councilmember's district support and constituent services staff shall be paid out of the
222 councilmember's district support and constituent services account.

223 2.a. The council prohibits councilmembers from hiring as personal or district
224 support and constituent services staff persons who have been employed within the prior
225 twelve months:

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

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

231 b. District account ~~((funds))~~ and district support and constituent services
232 account moneys cannot be used to pay the salary or benefits of persons prohibited from
233 being hired as set forth subsection A.2.a. of this section.

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

236 3. ~~((The cost of benefits for personal staff shall be paid out of the central council~~
237 ~~account for up to four personal staff per district. The cost of benefits for each personal staff~~
238 ~~member above four for a councilmember shall be paid out of that councilmember's district~~
239 ~~account. Neither t))The central council account ~~((nor)),~~ a district account or a district
240 support and constituent services account may not be used to fund benefits for employees
241 whose employment as personal and district support and constituent services staff is
242 prohibited by subsection A.2. of this section.~~

243 B.1. All expenditures for mail originating from an individual councilmember's
244 office shall be paid for out of that councilmember's district account or district support and
245 constituent services account, except for mailings of ten items or less, which may be paid for

246 out of the council administration budget, and for postage that may be funded from the
247 council administration budget subject to the approval of the chair of the council.

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

256 C. All expenditures for rent, office equipment and furniture, utilities and
257 telephones to support a councilmember's outside district office shall be paid out of the
258 councilmember's district support and constituent services account.

259 D. All travel expenditures incurred by a councilmember~~((s-øf))~~, the
260 councilmember's personal staff or the councilmember's district support and constituent
261 services staff shall be paid for out of the councilmember's district account or from the
262 councilmember's district support and constituent services account, or from the council
263 administration budget with the approval of the chair of the council.

264 E. All other expenditures for community meetings, training, publications,
265 newspaper advertising, nonnewspaper advertising, cellular phones, cellular phone services
266 or other related activities as determined by the councilmember shall be paid out of the
267 councilmember's district account or from the councilmember's district support and

268 constituent services account, or from the council administration budget with the approval of
269 the chair of the council.

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

273 VII. Motion 8868, Sections 1-2, as amended, and OR 3-110 are each hereby
274 amended to read as follows:

275 **Policies and procedures against sexual harassment and discrimination -**
276 **policy statement.**

277 A. The metropolitan King County council promotes a respectful,
278 nondiscriminatory work environment, free of behavior which is illegal and/or which
279 contributes to interpersonal conflicts, poor performance or poor morale. Therefore, the
280 metropolitan King County council prohibits:

- 281 1. Sexual harassment;
- 282 2. Discrimination or harassment of, or inappropriate conduct toward, any
283 employee on the basis of his or her race, color, sex, marital status, sexual orientation,
284 religion, ancestry, national origin, and/or the presence of any sensory, mental, or physical
285 disability; and
- 286 3. Retaliation.

287 B. This policy applies to members of the council, councilmembers' personal and
288 district support and constituent services staff and all employees of the legislative branch.
289 Violations of this policy may lead to censure or discipline, up to and including discharge.

290 C. This policy is supplemental to other procedures available under federal, state,

291 and county laws, including but not limited to the Whistleblower Ordinance, K.C.C.
292 chapter 3.42, the Ethics Code, K.C.C. chapter 3.04, and the Fair Employment Practices
293 Code, K.C.C. chapter 12.18. Employees are encouraged to report pursuant to this policy,
294 but shall continue to have the right to utilize other formal complaint procedures
295 established by law.

296 The policies and procedures against sexual harassment and discrimination in the
297 legislative branch in Attachment (~~B to Motion 13129~~) A to this motion are hereby
298 adopted."

299 **EFFECT: Updates the committee chairs, vice chairs and members, and removes a**
300 **section that is not being changed. Includes benefits in what shall be paid out of**
301 **councilmembers' district accounts or district support and constituent services**
302 **accounts.**

13408

T1

1/18/2011 Council Mtg

JH MOVED

AN/BAR PASSED 9-0 Sponsor: _____

Proposed No.: 2011-0032

- 1 **TITLE AMENDMENT TO PROPOSED MOTION 2011-0032, VERSION 1**
- 2 On page 1, at the beginning of line 7, strike "Motion 13129, Section X, and OR 2-051,"
- 3 **EFFECT: Amends the title to reflect Striking Amendment S1.**