



**KING COUNTY**

ATTACHMENT 1

**Signature Report**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**November 28, 2017**

**Ordinance**

**Proposed No.** 2017-0490.1

**Sponsors** Balducci

1 AN ORDINANCE relating to paid sick leave; amending  
2 Ordinance 12014, Section 5, as amended, and K.C.C.  
3 3.12.010, Ordinance 12014, Section 7, as amended, and  
4 K.C.C. 3.12.040, Ordinance 12077, Section 3, as amended,  
5 and K.C.C. 3.12.125, Ordinance 12014, Section 36, as  
6 amended, and K.C.C. 3.12.188, Ordinance 12014, Section  
7 19, as amended, and K.C.C. 3.12.190, Ordinance 12077,  
8 Section 4, as amended, and K.C.C. 3.12.200, Ordinance  
9 4324, Section 27, as amended, and K.C.C. 3.12.210,  
10 Ordinance 12014, Section 20, as amended, and K.C.C.  
11 3.12.215, Ordinance 18408, Section 2, and K.C.C.  
12 3.12.219, Ordinance 12014, Section 21, as amended, and  
13 K.C.C. 3.12.220, Ordinance 12014, Section 22, as  
14 amended, and K.C.C. 3.12.223, Ordinance 13743, Section  
15 1, as amended, and K.C.C. 3.12.224, Ordinance 7956,  
16 Section 6, as amended, and K.C.C. 3.12.225, Ordinance  
17 12014, Section 23, as amended, and K.C.C. 3.12.230,  
18 Ordinance 12077, Section 5, as amended, and K.C.C.  
19 3.12.240, Ordinance 12014, Section 25, as amended, and

20 K.C.C. 3.12.250, Ordinance 12014, Section 26, as  
21 amended, and K.C.C. 3.12.260 and Ordinance 9967,  
22 Section 2, as amended, and K.C.C. 3.12.262.

23 STATEMENT OF FACTS:

24 1. On November 8, 2016, Washington voters approved Initiative 1433,  
25 which provided incremental increases to the state minimum wage,  
26 effective January 1, 2017, and provides paid sick leave beginning January  
27 1, 2018. All of these changes will be codified in Washington's Minimum  
28 Wage Act, chapter 49.46 RCW.

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

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

34 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

42 a. enrolled during the regular school year in a program of education, internship

43 or apprenticeship;

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

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

47           2. All administrative internships in executive departments shall be approved by  
48 the manager. Administrative interns are exempt from the career service under Section  
49 550 of the charter.

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

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

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

60           E. "Board" means the county personnel board established by Section 540 of the  
61 charter.

62           F. "Budgetary furlough" means a circumstance in which projected county  
63 revenues are determined to be insufficient to fully fund county agency operations and, in  
64 order either to achieve budget savings or to meet unallocated budget reductions, which  
65 are commonly known as contras, or both, cost savings may be achieved through

66 reduction in days or hours of service, resulting in placing an employee for one or more  
67 days in a temporary furlough status without duties and without pay.

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

71 H. "Career service position" means all positions in the county service except for  
72 those that are designated by Section 550 of the charter as follows: all elected officers; the  
73 county auditor, the clerk and all other employees of the county council; the county  
74 administrative officer; the chief officer of each executive department and administrative  
75 office; the members of all boards and commissions; the chief economist and other  
76 employees of the office economic and financial analysis; the chief economist and other  
77 employees of the office of economic and financial analysis; administrative assistants for  
78 the executive and one administrative assistant each for the county administrative officer,  
79 the county auditor, the county assessor, the chief officer of each executive department  
80 and administrative office and for each board and commission; a chief deputy for the  
81 county assessor; one confidential secretary each for the executive, the chief officer of  
82 each executive department and administrative office, and for each administrative assistant  
83 specified in this section; all employees of those officers who are exempted from the  
84 provisions of this chapter by the state constitution; persons employed in a professional or  
85 scientific capacity to conduct a special inquiry, investigation or examination; part-time  
86 and temporary employees; administrative interns; election precinct officials; all persons  
87 serving the county without compensation; physicians; surgeons; dentists; medical interns;  
88 and student nurses and inmates employed by county hospitals, tuberculosis sanitariums

89 and health departments of the county.

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

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

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

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

99 1. Under eighteen years of age; or

100 2. Eighteen years of age or older and incapable of self-care because of a mental  
101 or physical disability.

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

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

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

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

115 O. "Council" means the county council as established by Article 2 of the charter.

116 P. "County" means King County and any other organization that is legally  
117 governed by the county with respect to personnel matters.

118 Q. "Developmental disability" means a developmental disability, as defined in  
119 RCW 71A.10.020(2), as amended, attributable to mental retardation, cerebral palsy,  
120 epilepsy, autism or other neurological or other condition of an individual found by the  
121 secretary of the Washington state Department of Social and Health Services, or the  
122 secretary's designee, to be closely related to mental retardation or to require treatment  
123 similar to that required for individuals with mental retardation, which disability originates  
124 before the individual attains age eighteen, that has continued or can be expected to  
125 continue indefinitely and that constitutes a substantial handicap for the individual.

126 R. "Direct cost" means the cost aggregate of the actual weighted average cost of  
127 insured benefits, less any administrative cost therefor. Any payments to part-time and  
128 temporary employees under this chapter shall not include any administrative overhead  
129 charges applicable to administrative offices and executive departments.

130 S. "Director" means the manager of the human resources management division.

131 T. "Division" means the human resources management division or its successor  
132 agency.

133 U. "Domestic partners" are two people in a domestic partnership, one of whom is  
134 a county employee.

- 135 V. "Domestic partnership" is a relationship whereby two people:  
136 1. Have a close personal relationship;  
137 2. Are each other's sole domestic partner and are responsible for each other's  
138 common welfare;  
139 3. Share the same regular and permanent residence;  
140 4. Are jointly responsible for basic living expenses which means the cost of  
141 basic food, shelter and any other expenses of a domestic partner that are paid at least in  
142 part by a program or benefit for which the partner qualified because of the domestic  
143 partnership. The individuals need not contribute equally or jointly to the cost of these  
144 expenses as long as they agree that both are responsible for the cost;  
145 5. Are not married to anyone;  
146 6. Are each eighteen years of age or older;  
147 7. Are not related by blood closer than would bar marriage in the state of  
148 Washington;  
149 8. Were mentally competent to consent to contract when the domestic  
150 partnership began.

151 W. "Employed at least half time or more" means employed in a regular position  
152 that has an established work schedule of not less than one-half the number of hours of the  
153 full-time positions in the work unit in which the employee is assigned, or when viewed  
154 on a calendar year basis, nine hundred ten hours or more in a work unit in which a work  
155 week of more than thirty-five but less than forty hours is standard or one thousand forty  
156 hours or more in a work unit in which a forty hour work week is standard. If the standard  
157 work week hours within a work unit varies (employees working both thirty five and forty

158 hours) the manager, in consultation with the department, is responsible for determining  
159 what hour threshold applies.

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

162 Y. "Employees eligible for comprehensive leave benefits" are full-time regular,  
163 part-time regular, provisional, probationary and term-limited temporary employees.

164 Z. "Executive" means the county executive, as established by Article 3 of the  
165 charter.

166 ~~((Z.))~~ AA. "Exempt employee" means an employee employed in a position that is  
167 not a career service position under Section 550 of the charter. Exempt employees serve  
168 at the pleasure of the appointing authority.

169 ~~((AA.))~~ BB. "Exempt position" means any position excluded as a career service  
170 position by Section 550 of the charter. Exempt positions are positions to which  
171 appointments may be made directly without a competitive hiring process.

172 ~~((BB.))~~ CC. "Full-time regular employee" means an employee employed in a  
173 full-time regular position and, for full-time career service positions, is not serving a  
174 probationary period.

175 ~~((CC.))~~ DD. "Full-time regular position" means a regular position that has an  
176 established work schedule of not less than thirty-five hours per week in those work units  
177 in which a thirty-five hour week is standard, or of not less than forty hours per week in  
178 those work units in which a forty-hour week is standard.

179 ~~((DD.))~~ EE. "Furlough day" means a day for which an employee shall perform no  
180 work and shall receive no pay due to an emergency budget crisis necessitating emergency

181 budget furloughs.

182           (~~EE~~) FF. "Furloughed employee" means an employee who is placed in a  
183 temporary status without duties and without pay due to a financial emergency  
184 necessitating budget reductions.

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

188           (~~GG~~) HH. "Immediate family" means spouse, child, parent, son-in-law,  
189 daughter-in-law, grandparent, grandchild, sibling, domestic partner and the child, parent,  
190 sibling, grandparent or grandchild of the spouse or domestic partner.

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

193           (~~II~~) JJ. "Integrated work setting" means a work setting with no more than eight  
194 persons with developmental disabilities or with the presence of a sensory, mental or  
195 physical handicap as specified in K.C.C. 3.12.180. This definition refers to all county  
196 offices, field locations and other work sites at which supported employees work  
197 alongside employees who are not persons with development disabilities employed in  
198 permanent county positions.

199           (~~JJ~~) KK. "King County family and medical leave" means a leave of absence  
200 taken under K.C.C. 3.12.221.

201           (~~KK~~) LL. "Life-giving and life-saving procedures" means a medically-  
202 supervised procedure involving the testing, sampling, or donation of blood, organs,  
203 fluids, tissues and other human body components for the purposes of donation without

204 compensation to a person for a medically necessary treatment.

205           ~~((LL-))~~ MM. "Manager" means the manager of the human resources division\* or  
206 its successor agency.

207           ~~((MM-))~~ NN. "Marital status" means the presence or absence of a marital  
208 relationship and includes the status of married, separated, divorced, engaged, widowed,  
209 single or cohabiting.

210           ~~((NN-))~~ OO. "Part-time employee" means an employee employed in a part-time  
211 position. Under Section 550 of the charter, part-time employees are not members of the  
212 career service.

213           ~~((OO-))~~ PP. "Part-time position" means an other than a regular position in which  
214 the part-time employee is employed less than half time, that is less than nine hundred ten  
215 hours in a calendar year in a work unit in which a thirty-five hour work week is standard  
216 or less than one thousand forty hours in a calendar year in a work unit in which a forty-  
217 hour work week is standard, except as provided elsewhere in this chapter. Where the  
218 standard work week falls between thirty-five and forty hours, the manager, in  
219 consultation with the department, is responsible for determining what hour threshold will  
220 apply. Part-time position excludes administrative intern.

221           ~~((PP-))~~ QQ. "Part-time regular employee" means an employee employed in a  
222 part-time regular position and, for part-time career service positions, is not serving a  
223 probationary period. Under Section 550 of the charter, such part-time regular employees  
224 are members of the career service.

225           ~~((QQ-))~~ RR. "Part-time regular position" means a regular position in which the  
226 part-time regular employee is employed for at least nine hundred ten hours but less than a

227 full-time basis in a calendar year in a work unit in which a thirty-five hour work week is  
228 standard or for at least one thousand forty hours but less than a full-time basis in a  
229 calendar year in a work unit in which a forty-hour work week is standard. Where the  
230 standard work week falls between thirty-five and forty hours, the manager, in  
231 consultation with the department, is responsible for determining what hour threshold will  
232 apply.

233         ~~((RR-))~~ SS. "Pay plan" means a systematic schedule of numbered pay ranges with  
234 minimum, maximum and intermediate steps for each pay range, a schedule of assignment  
235 of each classification to a numbered pay range and rules for administration.

236         ~~((SS-))~~ TT. "Pay range" means one or more pay rates representing the minimum,  
237 maximum and intermediate steps assigned to a classification.

238         ~~((TT-))~~ UU. "Pay range adjustment" means the adjustment of the numbered pay  
239 range of a classification to another numbered pay range in the schedule based on a  
240 classification change, competitive pay data or other significant factors.

241         ~~((UU-))~~ VV. "Personnel guidelines" means only those operational procedures  
242 promulgated by the manager necessary to implement personnel policies or requirements  
243 previously stipulated by ordinance or the charter. Such personnel guidelines shall be  
244 applicable only to employees assigned to executive departments and administrative  
245 agencies.

246         ~~((VV-))~~ WW. "Position" means a group of current duties and responsibilities  
247 assigned by competent authority requiring the employment of one person.

248         ~~((WW-))~~ XX. "Probationary employee" means an employee serving a  
249 probationary period in a regular career service. Probationary employees are temporary

250 employees and excluded from career service under Section 550 of the charter.

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

255           (~~YY~~) ZZ. "Probationary period salary increase" means a within-range salary  
256 increase from one step to the next highest step upon satisfactory completion of the  
257 probationary period.

258           (~~ZZ~~) AAA. "Promotion" means the movement of an employee to a position in  
259 a classification having a higher maximum salary.

260           (~~AAA~~) BBB. "Provisional appointment" means an appointment made in the  
261 absence of a list of candidates certified as qualified by the manager. Only the manager  
262 may authorize a provisional appointment. An appointment to this status is limited to six  
263 months.

264           (~~BBB~~) CCC. "Provisional employee" means an employee serving by  
265 provisional appointment in a regular career service. Provisional employees are temporary  
266 employees and excluded from career service under Section 550 of the charter.

267           (~~CCC~~) DDD. "Recruiting step" means the first step of the salary range  
268 allocated to a class unless otherwise authorized by the executive.

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

272           (~~EEE~~) FFF. "Salary or pay rate" means an individual dollar amount that is one

273 of the steps in a pay range paid to an employee based on the classification of the position  
274 occupied.

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

280 ~~((GGG-))~~ HHH. "Serious health condition" means an illness or injury,  
281 impairment or physical or mental condition that involves one or more of the following:

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

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

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

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

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

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

297 III. "Short-term temporary employee" means a temporary employee who is  
298 employed in a short-term temporary position.

299 JJJ. "Short-term temporary position" means a type of position in which a  
300 temporary employee works less than nine hundred ten hours in a calendar year in a work  
301 unit in which a thirty-five-hour work week is standard or less than one thousand forty  
302 hours in a calendar year in a work unit in which a forty-hour work week is standard.  
303 Where the standard work week falls between thirty-five and forty hours, the manager, in  
304 consultation with the department, is responsible for determining what hour threshold will  
305 apply.

306 ~~((HHH-))~~ KKK. "Temporary employee" means an employee employed in a  
307 temporary position and in addition, includes an employee serving a probationary period  
308 or ~~((is))~~ under provisional appointment. Under Section 550 of the charter, temporary  
309 employees shall not be members of the career service.

310 ~~((HH-))~~ LLL. "Temporary position" means a position that is not a regular position  
311 as defined in this chapter and excludes administrative intern. Temporary positions  
312 include both term-limited temporary and short-term temporary positions as defined in this  
313 chapter ~~((and short-term (normally less than six months) temporary positions in which a~~  
314 ~~temporary employee works less than nine hundred ten hours in a calendar year in a work~~  
315 ~~unit in which a thirty five hour work week is standard or less than one thousand forty~~  
316 ~~hours in a calendar year in a work unit in which a forty hour work week is standard,~~  
317 ~~except as provided elsewhere in this chapter. Where the standard work week falls~~  
318 ~~between thirty five and forty hours, the manager, in consultation with the department, is~~

319 responsible for determining what hour threshold will apply)).

320           (~~(JJJ.)~~) MMM. "Term-limited temporary employee" means a temporary  
321 employee who is employed in a term-limited temporary position. Term-limited  
322 temporary employees are not members of the career service. Term-limited temporary  
323 employees may not be employed in term-limited temporary positions longer than three  
324 years beyond the date of hire, except that for grant-funded projects capital improvement  
325 projects and information systems technology projects the maximum period may be  
326 extended up to five years upon approval of the manager. The manager shall maintain a  
327 current list of all term-limited temporary employees by department.

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

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

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

340           3. Capital improvement projects: These positions will involve the management  
341 of major capital improvement projects. Term-limited temporary positions may not be

342 used for ongoing management of buildings or facilities once they have been built;

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

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

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

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

361 ~~((LLL))~~ OOO. "Volunteer for the county" means an individual who performs  
362 service for the county for civic, charitable or humanitarian reasons, without promise,  
363 expectation or receipt of compensation from the county for services rendered and who is  
364 accepted as a volunteer by the county, except emergency service worker volunteers as

365 described by chapter 38.52 RCW. A "volunteer for the county" may receive reasonable  
366 reimbursement of expenses or an allowance for expenses actually incurred without losing  
367 ~~((his or her))~~ the individual's status as a volunteer. "Volunteer for the county" includes,  
368 but is not limited to, a volunteer serving as a board member, officer, commission  
369 member, volunteer intern or direct service volunteer.

370 ~~((MMM.))~~ PPP. "Volunteer intern" means volunteers who are either:

371 1. Enrolled during the regular school year in a program of education, internship  
372 or apprenticeship and receiving scholastic credit or scholastic recognition for  
373 participating in the internship; or

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

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

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

383 A. Full-time regular, part-time regular, provisional, probationary and term-  
384 limited temporary employees shall receive the comprehensive leave benefits provided in  
385 this chapter. Short-term temporary employees and administrative interns do not receive  
386 comprehensive leave benefits and are only eligible for the sick leave benefits outlined in  
387 K.C.C. 3.12.220.

388           B. Full-time regular, part-time regular, provisional, probationary, term-limited  
389 temporary employees and those employees who meet the definition of full time employee  
390 under the Patient Protection and Affordable Care Act of 2010, as amended, and including  
391 applicable regulations promulgated under the Patient Protection and Affordable Care act  
392 of 2010, as amended, and their spouse or domestic partner, each of their dependent  
393 children and each of the dependent children of their spouse or domestic partner shall be  
394 eligible for medical, dental, life, disability and vision benefits, except in those instances  
395 where contrary provisions have been agreed to in the collective bargaining process and to  
396 the extent such benefits are available through insurers selected by the county. The  
397 director shall establish specific provisions governing eligibility for these benefits as part  
398 of the personnel guidelines and consistent with budget requirements. The provisions may  
399 include waiting periods for employees newly-hired to the county.

400           C. Part-time and temporary employees, other than probationary, provisional and  
401 term-limited temporary employees, who exceed the calendar year working hours  
402 threshold defined in this chapter shall receive compensation in lieu of leave benefits at  
403 the rate of fifteen percent of gross pay for all hours worked less the value of any sick  
404 leave benefits provided under K.C.C. 3.12.220.A.2., paid retroactive to the first hour of  
405 employment and for each hour worked thereafter. If an employee has not previously  
406 received insured benefits provided under K.C.C. 3.12.040.B., ((F))the employee shall  
407 also receive a one-time only payment in an amount equal to the direct cost of three  
408 months of insured benefits, as determined by the director, and, in lieu of insured benefits,  
409 in an amount equal to the direct cost to the county for each employee for whom insured  
410 benefits are provided, prorated to reflect the affected employee's normal work week, for

411 each hour worked thereafter. The additional compensation shall continue until  
412 termination of employment or hire into a full-time regular, part-time regular or term-  
413 limited position. Further, employees receiving pay in lieu of insured benefits may elect  
414 to receive the medical component of the insured benefit plan, with the cost to be deducted  
415 from their gross pay, but an employee who so elects shall remain in the selected plan  
416 until: termination of employment; hire into a full-time regular, part-time regular or term-  
417 limited position; or service of an appropriate notice of change or cancellation during the  
418 employee benefits annual open enrollment.

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

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

429 A. Notwithstanding any other provision of this chapter, in the event the number  
430 of hours in the standard work week of a position occupied by a full-time regular  
431 employee, part-time regular employee or, term-limited temporary employee is increased,  
432 the sick leave and vacation leave accruals of such employee at the time of the increase  
433 shall be adjusted upward so as to insure that the equivalent number of sick leave and

434 vacation leave days accrued does not change. For example, if the standard work week of  
435 such a position is increased from thirty-five to forty hours, and if at the time of such  
436 change the employee occupying the position had accrued seven hours of sick leave, the  
437 sick leave accrual of that employee would be adjusted upward to eight hours. This  
438 section shall apply to all employees eligible for comprehensive leave benefits occupying  
439 positions where the standard work week of the position was increased on or after July 1,  
440 1991. After such an increase, such employees shall accrue vacation and sick leave in  
441 accordance with the otherwise applicable provisions of K.C.C. chapter 3.12.

442         B. Separate accounts shall be maintained for any vacation or sick leave accrued  
443 before an increase in the number of work-week hours. The "adjusted leave account" shall  
444 be used for leave accrued before an increase in the number of work-week hours. The  
445 "unadjusted leave account" shall be used for leave accrued subsequent to an increase in  
446 the number of work-week hours. Leave in the adjusted leave account shall be used first.

447         C. In the event the number of work-week hours is reduced for any employee  
448 whose vacation and sick leave accruals have been adjusted upward under the terms of this  
449 section, the remaining hours in the adjusted leave account shall be reduced in the same  
450 proportion as the work-week hours are reduced. Under no circumstances shall the  
451 adjusted leave account be reduced by a greater proportion than the proportion of the  
452 previous upward adjustment. Any leave accrued in the unadjusted leave account shall not  
453 be affected by this reduction.

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

456         SECTION 4. Ordinance 12014, Section 36, as amended, and K.C.C. 3.12.188 are

457 each hereby amended to read as follows:

458           A. Employees eligible for comprehensive leave (~~(and insured)~~) benefits under  
459 this chapter, administrative interns, volunteer interns, work study students and eligible  
460 department of transportation retirees as defined in this section shall be issued a transit bus  
461 pass entitling the holder to ride without payment of fare on public transportation services  
462 operated by or under the authority of the county. In addition, such employees shall be  
463 entitled to use the transit bus pass to ride without payment of fare on public transportation  
464 services operated by or under the authority of Pierce Transit, Kitsap Transit, the King  
465 County Ferry District, Sound Transit, Everett Transit, and Community Transit, subject to  
466 agreements with such agencies as may be entered into by the executive. Use of transit  
467 bus passes shall be restricted to such employees, administrative interns, volunteer interns,  
468 work study students and department of transportation retirees and any unauthorized use  
469 shall, at a minimum, result in forfeiture of the passes. With the exception of  
470 administrative interns, volunteer interns and work study students, employees not eligible  
471 for comprehensive leave (~~(and insured)~~) benefits under this chapter shall not receive  
472 transit bus passes or any transit bus pass subsidy.

473           B. The executive shall cause an appropriate survey to be conducted biennially of  
474 the use of public transportation services by county employees and volunteer interns.  
475 Based on the results of the survey, the projected usage of public transportation services  
476 by county employees, the county's commute trip reduction objectives and other factors  
477 determined appropriate by the executive, the executive shall recommend in the annual  
478 budget an amount to be paid to the public transportation operating account for transit bus  
479 passes. The amount recommended by the executive shall not include any payment for

480 transit bus passes for commissioned police officers, eligible department of transportation  
481 retirees and employees whose positions are determined by the director of the department  
482 of transportation to be dedicated exclusively to the public transportation function. The  
483 final amount to be transferred to the public transportation operating account for transit  
484 bus passes shall be determined by the council as part of the annual budget and  
485 appropriation process consistent with the requirements of the King County Charter and  
486 applicable state law.

487 C. For purposes of this section, "eligible department of transportation retiree"  
488 means an employee eligible for comprehensive leave (~~(and insured benefits)~~) under this  
489 chapter who:

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

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

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

497 A. Beginning January 1, 1996, employees eligible for comprehensive leave  
498 benefits shall accrue vacation leave benefits as described in and further qualified by this  
499 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 in subsection A. of this section,  
501 employees eligible for comprehensive 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))~~ the employee's work unit shall be prorated to reflect  
514 ~~((his or her))~~ the employee's normally scheduled work week. No adjustment to vacation  
515 accrual rates for a furloughed employee shall be made as a result of a budgetary furlough.

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

518           E. Employees eligible for vacation leave may accrue up to sixty days of vacation  
519 leave, prorated to reflect their normally scheduled work day. Those employees shall use  
520 vacation leave beyond the maximum accrual amount before December 31 of each year.  
521 Failure to use vacation leave beyond the maximum accrual amount will result in  
522 forfeiture of the vacation leave beyond the maximum amount unless the appointing  
523 authority has approved a carryover of the vacation leave because of cyclical workloads,  
524 work assignments or other reasons as may be in the best interests of the county.

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

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

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

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

540 I. An employee who is eligible for comprehensive leave benefits shall be paid for  
541 accrued vacation leave to the employee's date of separation up to the maximum accrual  
542 amount if the employee has successfully completed (~~his or her~~) the employee's first six  
543 months of county service and is in good standing. Except with the written approval of  
544 the executive, the position, if vacated by a nonrepresented employee, shall not be filled  
545 until salary savings for the position are accumulated in an amount sufficient to pay the  
546 cost of the cash out. Payment shall be the accrued vacation leave multiplied by the  
547 employee's rate of pay in effect upon the date of leaving county employment less  
548 mandatory withholdings.

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

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

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

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

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

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

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

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

576 A. Employees eligible for comprehensive leave benefits shall be entitled to three  
577 working days of bereavement leave a year due to death of members of their immediate  
578 family. A furloughed employee shall not be eligible to take or be paid for bereavement

579 leave in lieu of taking a budgetary furlough day.

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

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

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

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

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

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

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

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

608           B. Time off from work for the purposes set out above in excess of five working  
609 days shall be subject to existing leave policies in this chapter or in any applicable  
610 collective bargaining agreement.

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

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

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

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

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

622           2. Participation in the program shall be limited to employees eligible for  
623 comprehensive leave benefits who have been employed with the county for at least six  
624 months of continuous service at the time of the qualifying event and are either

625 nonrepresented or represented by a union that has signed a paid parental leave  
626 memorandum of agreement in subsection B. of this section;

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

629           4. An employee electing to participate in the program must reserve one week of  
630 accrued vacation and one week of accrued sick leave, or whatever smaller amount of  
631 each the employee has accrued. An employee with twelve weeks or more of unreserved,  
632 accrued paid leave at the time of the qualifying event may use up to twelve weeks of  
633 accrued paid leave as paid parental leave during the twelve months after the qualifying  
634 event. An employee who has less than twelve weeks of unreserved, accrued paid leave at  
635 the time of the qualifying event shall be granted supplemental paid leave in an amount  
636 sufficient, when combined with the employee's unreserved accrued paid leave, to equal a  
637 total of twelve weeks of paid parental leave. For example, if an employee has two weeks  
638 of accrued vacation and three weeks of accrued sick leave at the time of the qualifying  
639 event, the employee shall be granted nine weeks of supplemental paid leave, bringing the  
640 total available paid parental leave to twelve weeks.

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

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

645           7. An employee should provide notice to the designated representative of the  
646 employee's department that the employee intends to participate in the program. The  
647 notice should meet the notice requirements for taking family and medical leave under

648 federal law.

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

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

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

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

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

670           13. Employees shall not be compensated in any manner for not using the

671 supplemental paid leave that is available under Ordinance 18408.

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

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

677           A.1. Except for employees covered by subsection ~~((G))~~A.3. of this section,  
678 employees eligible for comprehensive leave benefits shall accrue sick leave ~~((benefits))~~ at  
679 the rate of 0.04616 hours for each hour in pay status exclusive of overtime up to a  
680 maximum of eight hours per month; except that ~~((sick leave shall not begin to accrue~~  
681 ~~until the first of the month following the month in which the employee commenced~~  
682 ~~employment))~~ if an hourly employee works in excess of seventy-four hours in one week,  
683 the employee shall accrue sick leave at the rate of 0.025 hours for each hour worked in  
684 excess of seventy-four. No adjustment to reduce sick leave accruals for furloughed  
685 employee shall be made as a result of a budgetary furlough. ~~((The employee is not~~  
686 ~~entitled to use sick leave if not previously earned.~~

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

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

693           3. Employees who are members of the Law Enforcement Officers and

694 Firefighters (LEOFF) 1 retirement system and short-term temporary employees who are  
695 employed in social service programs designed to help youth gain basic work training  
696 skills, such as Work Experience (WEX) participants and Division of Youth Services  
697 (DYS) youth employment workers, shall not accrue sick leave.

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

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

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

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

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

714 3. Should (~~(the)~~) an employee (~~(resign in good standing, be separated for~~  
715 ~~medical reasons or be laid off, and)~~) return to county employment within two years,  
716 accrued sick leave shall be restored(~~(, but the restoration shall not apply where the former~~

717 ~~employment was in a term-limited temporary position~~)).

718 F.1. Except for ~~((employees covered by subsection G. of this section))~~ short-term  
719 temporary employees, administrative interns, and employees covered by the Law  
720 Enforcement Officers and Firefighters (LEOFF) 1 retirement system, employees eligible  
721 to accrue sick leave ~~((and))~~ who have successfully completed at least five years of county  
722 service and who retire as a result of length of service or who terminate by reason of death  
723 shall be paid, or their estates paid or as provided for by Title 11 RCW, as applicable, an  
724 amount equal to thirty-five percent of their unused, accumulated sick leave multiplied by  
725 the employee's rate of pay in effect upon the date of leaving county employment less  
726 mandatory withholdings. This provision is predicated on the requirement that, except  
727 with the written approval of the executive, the position, if vacated by a nonrepresented  
728 employee, shall not be filled until salary savings for the position are accumulated in an  
729 amount sufficient to pay the cost of the cash out. For the purposes of this subsection F.1.,  
730 "retire as a result of length of service" means an employee is eligible, applies for and  
731 begins drawing a pension from the Law Enforcement Officers and Firefighters (LEOFF),  
732 Public Employees' Retirement System (PERS), Public Safety Employees' Retirement  
733 System (PSERS) or the city of Seattle Retirement Plan immediately upon terminating  
734 county employment.

735 2.a. In lieu of the remuneration for unused sick leave at retirement, the manager  
736 of the human resources division, or the manager's designee, may, with equivalent funds,  
737 provide eligible employees with a voluntary employee beneficiary association plan that  
738 provides for reimbursement of retiree and other qualifying medical expenses. Under  
739 K.C.C. 3.12.190.H., in lieu of the remuneration for fifty percent of unused vacation leave

740 at retirement, the manager may also fund the voluntary employee beneficiary association  
741 plan.

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

745 (1) each group of employees hold an election to decide whether to implement  
746 a voluntary employee beneficiary association plan for a defined group of employees. The  
747 determination of the majority of voting employees in a group shall bind the remainder.  
748 Elections for represented employees shall be conducted by the appropriate bargaining  
749 representative. Elections for nonrepresented employees shall be conducted in accordance  
750 with procedures established by the manager;

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

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

759 (4) employees shall forfeit remuneration under subsections F.1. and 2. of this  
760 section if the employee belongs to a group that has voted to implement a voluntary  
761 employee beneficiary association plan and the employee fails to execute forms that are  
762 necessary to the proper administration of the plan within twelve months of retirement by

763 reason of length of service, as defined in subsection F.1. of this section.

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

766 H.)1. An employee must use all of ~~((his or her))~~ the employee's accrued sick  
767 leave and any donated sick leave before taking unpaid leave for ~~((his or her))~~ the  
768 employee's own health reasons. If the employee has an injury or illness that is  
769 compensable under the county's workers compensation program, then the employee has  
770 the option to augment or not augment wage replacement pay with the use of accrued sick  
771 leave. A furloughed employee shall not be eligible to take or be paid for sick leave in  
772 lieu of taking a budgetary furlough day.

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

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

784 ~~((F.))~~ H. Sick leave may be used ~~((only))~~ for the following reasons:

785 1. ~~((The employee's bona fide illness, but an employee who suffers an~~

786 ~~occupational illness may not simultaneously collect sick leave and worker's~~  
787 ~~compensation payments in a total amount greater than the net regular pay of the~~  
788 ~~employee;~~

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

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

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

794 c. for the employee's need for preventive medical care;

795 2. To allow the employee to provide care:

796 a. for a family member with a mental or physical illness, injury, or health  
797 condition;

798 b. for a family member who needs medical diagnosis, care or treatment of a  
799 mental or physical illness, injury or health condition; or

800 c. for a family member who needs preventive medical care;

801 3. When King County is closed by order of public official for any health-related  
802 reason, or when an employee's child's school or place of care is closed by order of a  
803 public official for a health-related reason;

804 4. For absences that qualify for leave under the domestic violence leave act,  
805 chapter 49.76 RCW; and

806 5. For family and medical leave available under federal law, state law or King  
807 County ordinance.

808 I. For purposes of sick leave, "family member" means any of the following:

809           1. A child, including a biological, adopted or foster child, a stepchild or a child  
810 to whom the employee stands in loco parentis, is a legal guardian or is a de facto parent,  
811 regardless of age or dependency status, or the child of the employee's domestic partner;

812           2. The parent of an employee, employee's spouse or employee's domestic  
813 partner. Parent includes:

814           a. a biological parent;

815           b. an adoptive parent;

816           c. a de facto parent;

817           d. a foster parent;

818           e. a stepparent;

819           f. a legal guardian; or

820           g. a person who stood or stands in loco parentis to the employee, employee's  
821 spouse or employee's domestic partner.

822           3. A spouse;

823           4. A domestic partner;

824           5. A grandparent;

825           6. A grandchild; or

826           7. A sibling.

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

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

835           ~~((e.))~~ 3. ~~((a))~~An employee may not collect sick leave and workers' compensation  
836 wage replacement pay for physical incapacity due to any injury or occupational illness  
837 that is directly traceable to employment other than with the county;

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

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

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

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

845           ~~7. For family and medical leave available under federal law, state law or King~~  
846 ~~County ordinance.))~~

847           ~~((J.))~~ K. Department management is responsible for the proper administration of  
848 ~~((the))~~ sick leave benefits. ~~((Verification from a health care provider may be required to~~  
849 ~~substantiate the health condition of the employee or family member for leave requests.))~~

850 Department management may require an employee to provide reasonable notice of an  
851 absence from work, so long as the notice does not interfere with an employee's lawful use  
852 of sick leave.

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

855 Verification that an employee's use of sick leave is for an authorized purpose may be  
856 required for absences exceeding three days. Verification may not result in an  
857 unreasonable burden or expense on the employee and may not exceed privacy or  
858 verification requirements otherwise established by law.

859 SECTION 11. Ordinance 12014, Section 22, as amended, and K.C.C. 3.12.223  
860 are each hereby amended to read as follows:

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

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

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

874 4. Donated vacation leave hours must be used within ninety calendar days  
875 following the date of donation. Donated hours not used within ninety days or due to the  
876 death of the receiving employee shall revert to the donor. Donated vacation leave hours  
877 shall be excluded from vacation leave payoff provisions in this chapter. For purposes of

878 this section, the first hours used by an employee shall be accrued vacation leave hours.

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

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

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

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

896           D. All vacation and sick leave hours donated shall be converted to a dollar value  
897 based on the donor's straight time hourly rate at the time of donation. Such dollar value  
898 will then be divided by the receiving employee's hourly rate to determine the actual  
899 number of hours received. Vacation leave donated to a furloughed employee, who is  
900 designated by a department director and confirmed by the chief administrative officer as

901 eligible to use donated leave on a furlough day, is donated on an hour-for-hour basis,  
902 without an hourly rate conversion. Unused donated vacation and sick leave shall be  
903 reconverted based on the donor's straight time hourly rate at the time of reconversion.  
904 Vacation leave donated to a furloughed employee who is designated by the department  
905 director and confirmed by the chief administrative officer as eligible to use donated leave  
906 on a furlough day shall not revert back to the donor.

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

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

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

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

924 employee;

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

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

938           1. Are established in the names of the children or their legal guardian for the  
939 benefit of the children;

940           2. Are held by a governmental agency, nonprofit organization, bank, trust or  
941 lawful entity other than an individual;

942           3. Contain adequate safeguards against theft, diversion, loss or wasting of the  
943 funds paid under this section; and

944           4. Restrict the permissible use of funds paid under this section to paying for  
945 minimal, if any, administrative expenses and providing for the children's reasonable food,  
946 shelter and educational expenses;

947 E. The cash resulting from converted accrued vacation or compensatory time  
948 hours, or both, net of all mandatory deductions, including, but not limited to, deductions  
949 for retirement plans and federal income tax and the Federal Insurance Contributions Act,  
950 must be transmitted to the Washington state college tuition prepaid program-guaranteed  
951 education tuition (GET) account established by the executive, or such other accounts or  
952 programs as may be determined by the executive, under subsection D<sub>2</sub> of this section; and

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

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

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

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

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

969 1. January 1, New Year's Day;

- 970           2. Third Monday in January, Martin Luther King, Jr. Birthday;
- 971           3. Third Monday in February, President's Day;
- 972           4. Last Monday in May, Memorial Day;
- 973           5. July 4, Independence Day;
- 974           6. First Monday in September, Labor Day;
- 975           7. November 11, Veteran's Day;
- 976           8. Thanksgiving Day and the day immediately following;
- 977           9. December 25, Christmas Day;
- 978           10. Special or limited holidays as declared by the president or governor, and as
- 979 approved by the council;
- 980           11. Such other days in lieu of holidays as the council may determine;
- 981           12. An employee who is eligible for comprehensive leave benefits shall be
- 982 granted two personal holidays to be administered through the vacation plan, though the
- 983 hours granted to an employee working less than a full-time schedule shall be prorated to
- 984 reflect (~~his or her~~) the employee's normally scheduled work day. One day shall be
- 985 credited to the employee's leave balance on the first of October and one day on the first of
- 986 November.
- 987           B. For holidays falling on a Saturday, the Friday before shall be a paid holiday.
- 988 For holidays falling on a Sunday, the Monday following shall be a paid holiday.
- 989           C. An employee must be eligible for comprehensive leave benefits and in a pay
- 990 status on the day before and the day following a holiday to be eligible for holiday pay.
- 991 However, an employee who has successfully completed at least five years of county
- 992 service and who retires at the end of a month in which the last regularly scheduled

993 working day is observed as a holiday, shall be eligible for holiday pay if the employee is  
994 in a pay status the day before the day observed as a holiday. An employee otherwise  
995 eligible for holiday pay shall not be ineligible as a result of not being in a pay status on  
996 the day before or after the holiday due to budgetary furlough.

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

999 Any employee eligible for comprehensive leave benefits who is ordered on a jury  
1000 shall be entitled to ((his or her)) the employee's regular county pay but only if any fees  
1001 received for jury duty are deposited, exclusive of mileage, with the department of  
1002 finance. A furloughed employee shall not be eligible to take or be paid for jury duty  
1003 leave in lieu of taking a furlough day. Employees shall report to their work supervisor  
1004 when dismissed from jury service.

1005 SECTION 16. Ordinance 12014, Section 25, as amended, and K.C.C. 3.12.250  
1006 are each hereby amended to read as follows:

1007 A. An employee eligible for comprehensive leave benefits may take a leave of  
1008 absence without pay for thirty calendar days or less if authorized in writing by the  
1009 employee's appointing authority.

1010 B. An employee eligible for comprehensive leave benefits may take a leave of  
1011 absence without pay for more than thirty calendar days if authorized in writing by the  
1012 employee's appointing authority and the director.

1013 C. Leaves of absence without pay shall be for periods not to exceed one year  
1014 except that the director may, in special circumstances, grant an extension beyond one  
1015 year.

1016 D. Other employee benefits as provided in this chapter shall not be provided to or  
1017 accrue to the employee while on leave of absence without pay, except as provided in  
1018 K.C.C. 3.12.220.

1019 E. If a leave of absence without pay was granted for purposes of recovering  
1020 health, the employee shall be required by the director to submit a physician's statement  
1021 concerning the employee's ability to resume duties prior to return to work.

1022 F. An employee on leave of absence without pay may return from the leave  
1023 before its expiration date if the employee provides the appointing authority with a written  
1024 request to that effect at least fifteen days prior to resuming duties.

1025 G. Failure to return to work by the expiration date of a leave of absence without  
1026 pay shall be cause for removal and shall result in automatic termination of the employee  
1027 from county service.

1028 H. A leave of absence without pay may be revoked by the director upon evidence  
1029 submitted to the director by the appointing authority of the employee indicating that such  
1030 leave was requested and granted under false pretenses, or that the need for such leave has  
1031 ceased to exist.

1032 SECTION 17. Ordinance 12014, Section 26, as amended, and K.C.C. 3.12.260  
1033 are each hereby amended to read as follows:

1034 A.1. A leave of absence shall be granted, in accordance with applicable  
1035 provisions of state or federal law, to any employee who voluntarily or upon demand by  
1036 the Washington state or the United States government leaves ~~((his or her))~~ the employee's  
1037 position with the county, either to determine ~~((his or her))~~ the employee's physical fitness  
1038 to enter or to actually enter active duty or training in the United States Uniformed

1039 Services, which includes, but is not limited to, the Armed Services, the Washington  
1040 National Guard and the United States Public Health Service Commissioned Corps and its  
1041 reserve. Under the Uniform Services Employment and Reemployment Rights Act of  
1042 1994, 38 U.S.C. Secs. 4301 through 4335, Uniformed Services may also include an  
1043 appointee when the National Disaster Medical System is activated.

1044           2. The leave of absence shall continue until the employee has exhausted (~~his or~~  
1045 ~~her~~) the employee's employment and reemployment rights under the Uniform Services  
1046 Employment and Reemployment Rights Act of 1994, 38 U.S.C. Secs. 4301 through 4335,  
1047 which is generally up to five years, subject to certain exceptions provided under federal  
1048 law.

1049           B. Employees are required to give their employing county agency advance notice  
1050 of the need for military leave, preferably in writing, though oral notification is sufficient.  
1051 Notice should be provided as soon as is reasonable under the circumstances, and, if  
1052 feasible to do so, service members should provide thirty days advance notice; however,  
1053 advance notice is not required if prevented by military necessity or otherwise impossible  
1054 or unreasonable under the circumstances, to the extent provided in federal law and  
1055 regulations. Written notice should be accompanied by a validated copy of the military  
1056 orders. Oral notice should be supplemented as soon as is reasonable with a validated  
1057 copy of the military orders.

1058           C. An employee who is eligible for comprehensive leave benefits under K.C.C.  
1059 3.12.040 and volunteers or is ordered to serve in the United States Uniformed Services,  
1060 as described in subsection A.1. of this section, or to receive associated training that  
1061 requires a leave of absence from the employee's county position, and has exhausted

1062 annual military leave provided pursuant to state and federal law or a collective bargaining  
1063 agreement, shall be granted a paid leave of absence from the employee's county position  
1064 at the employee's regular base rate of county pay less the amount of the employee's  
1065 regular base rate of military pay to which the employee is entitled. The paid leave of  
1066 absence shall continue until the lesser of the conclusion of the employee's service in the  
1067 United States Uniformed Services, or until the employee has exhausted (~~his or her~~) the  
1068 employee's employment and reemployment rights under the Uniform Services  
1069 Employment and Reemployment Rights Act of 1994, 38 U.S.C. Secs. 4301 through 4335,  
1070 which is generally up to five years, subject to certain exceptions provided under federal  
1071 law.

1072 D. Receipt of the pay provided for in the preceding section is contingent upon the  
1073 employee providing the employing county agency with supporting documentation  
1074 verifying:

- 1075 1. The employee's rank;
- 1076 2. That the employee is on active duty; and
- 1077 3. The employee's military pay grade statement and military pay grade change  
1078 statement.

1079 SECTION 18. Ordinance 9967, Section 2, as amended, and K.C.C. 3.12.262 are  
1080 each hereby amended to read as follows:

1081 A. An employee who is eligible for comprehensive leave benefits under K.C.C.  
1082 3.12.040 and who volunteers or is ordered to serve in the United States Uniformed  
1083 Services, as described in K.C.C. 3.12.260.A.1, or to receive associated training that  
1084 requires a leave of absence from the employee's county position, shall continue to receive

1085 medical, dental, vision and life insurance benefits, and shall continue to accrue vacation  
1086 and sick leave. Receipt of medical, dental, vision and life insurance benefits and vacation  
1087 and sick leave accruals shall continue until the lesser of the conclusion of the employee's  
1088 service in the United States Uniformed Services, or until the employee has exhausted  
1089 ~~((his or her))~~ the employee's employment and reemployment rights under the Uniform  
1090 Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. Secs. 4301  
1091 through 4335, which is generally up to five years, subject to certain exceptions provided  
1092 under federal law.

1093 B. Receipt of medical, dental, vision and life insurance benefits and leave  
1094 accruals is contingent upon the employee providing ~~((his or her))~~ the employee's  
1095 employing county agency with supporting documentation verifying that the employee is  
1096 in service. The documentation shall be provided by the employee upon commencing  
1097 military leave, annually in September and upon leaving military service.

1098 SECTION 19. Severability. If any provision of this ordinance or its application

1099 to any person or circumstance is held invalid, the remainder of the ordinance or the  
1100 application of the provision to other persons or circumstances is not affected.  
1101

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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J. Joseph McDermott, Chair

ATTEST:

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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** None