



King County

Dow Constantine

King County Executive

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April 22, 2020

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

Dear Councilmember Balducci:

This letter transmits a proposed ordinance that would, if enacted, ratify a settlement agreement with the King County Corrections Guild (KCCG) to resolve a grievance filed over the method the Department of Adult and Juvenile Detention (DAJD) uses to calculate contractual overtime. Adoption of this proposed ordinance will resolve the dispute, and enable King County and DAJD to make changes to the Collective Bargaining Agreement (CBA) to continue to pay contractual overtime in a method that can be supported by our payroll systems.

This settlement agreement covers approximately 540 uniformed Corrections Officers and Sergeants in DAJD who supervise the jail populations at the County's two adult corrections facilities. It resolves a dispute that has been open since 2015, which stemmed from the interpretation of a stipulated agreement on how contractual overtime would be paid following the elimination of an overtime calculation method known as the "enriched rate." KCCG asserted that the agreement was to instead use the FLSA calculation for contractual overtime or other multipliers of pay, even when the hours worked would not qualify for an FLSA calculation. The County payroll systems are not capable of this type of programming, and therefore the grievance could not be resolved without an alternative settlement agreement.

To resolve the grievance in a way that maintained consistency with County payroll systems and practices, the settlement agreement has the following key provisions. First, the County shall agree to a total retroactive payment equivalent to \$8,000 per month, back to December 2016, to represent the approximate amount of lost overtime wages that employees would have received if the payroll systems had been programmed as stipulated. The County will acknowledge that it failed to pay overtime as agreed to, and grant the Guild's grievance, with

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mutual agreement that the County's payroll systems are not capable of paying overtime using that method.

Second, the Guild agrees to continue to be paid for contractual overtime and other multipliers of pay using their base rate without premium pays. This is consistent with current payroll programming and practice in DAJD. In exchange, the County agreed to increase the top-step longevity premium from 5% to 5.25%, and increase the firearms-qualified premium from 3% to 3.33%. The Guild agreed that the settlement agreement would resolve the remedy sought in their grievance and to withdraw its current proposal in contract bargaining to increase firearms premiums to 5%. The Guild has no current proposal in contract bargaining to increase the longevity premium.

Adoption of this proposed ordinance, which will ratify this settlement agreement, advances the King County Strategic Plan's guiding principles and goals of providing financially sustainable and efficient government services by maintaining consistency in payroll programming and practices.

Although supplemental budget authority will be required to implement this ordinance, that request is not included in this transmittal package. Instead, it will be requested separately in the third omnibus supplemental. A complete breakdown of the costs associated with this agreement can be found in the accompanying fiscal note, which has been reviewed by the Office of Performance, Strategy, and Budget.

Thank you for your consideration of this proposed ordinance, and settlement agreement, which is the product of a great deal of effort by King County and KCCG to achieve a workable solution.

If you have questions, please contact Megan Pedersen, Director, Office of Labor Relations, at 206-263-2898.

Sincerely,

A handwritten signature in black ink, appearing to read "Dow Constantine". The signature is fluid and cursive, with a small "FC" or similar mark at the end.

Dow Constantine
King County Executive

Enclosure

cc: King County Councilmembers
ATTN: Carolyn Busch, Chief of Staff
Melani Pedroza, Clerk of the Council
Shannon Braddock, Deputy Chief of Staff, Office of the Executive

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Karan Gill, Director, Council Relations, Office of the Executive
Dwight Dively, Director, Office of Performance, Strategy and Budget
Megan Pedersen, Director, Office of Labor Relations