



Legislation Details (With Text)

File #: 2024-0143 **Version:** 1

Type: Ordinance **Status:** In Committee

File created: 5/14/2024 **In control:** Government Accountability and Oversight Committee

On agenda: **Final action:**

Enactment date: **Enactment #:**

Title: AN ORDINANCE relating to the personnel system; amending Ordinance 9088, Section 1, and K.C.C. 3.12.005, Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010, Ordinance 12014, Section 6, and K.C.C. 3.12.020, Ordinance 12014, Section 7, as amended, and K.C.C. 3.12.040, Ordinance 12014, Section 8, as amended, and K.C.C. 3.12.042, Ordinance 12014, Section 9, as amended, and K.C.C. 3.12.044, Ordinance 12014, Section 10, and K.C.C. 3.12.050, Ordinance 12014, Section 11, as amended, and K.C.C. 3.12.060, Ordinance 4324, Section 14, and K.C.C. 3.12.080, Ordinance 12014, Section 12, and K.C.C. 3.12.090, Ordinance 12014, Section 13, as amended, and K.C.C. 3.12.100, Ordinance 12014, Section 14, as amended, and K.C.C. 3.12.110, Ordinance 12014, Section 15, as amended, and K.C.C. 3.12.120, Ordinance 12014, Section 34, as amended, and K.C.C. 3.12.123, Ordinance 12077, Section 3, as amended, and K.C.C. 3.12.125, Ordinance 4324, Section 38, and K.C.C. 3.12.140, Ordinance 12014, Section 18, as amended, and K.C.C. 3.12.180, Ordinance 18572, Section 1, as amended, and K.C.C. 3.12.184, Ordinance 12014, Section 36, as amended, and K.C.C. 3.12.188, Ordinance 12014, Section 19, as amended, and K.C.C. 3.12.190, Ordinance 12052, Section 1, as amended, and K.C.C. 3.12.210, Ordinance 12014, Section 20, as amended, and K.C.C. 3.12.215, Ordinance 18408, Section 2, as amended, and K.C.C. 3.12.219, Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220, Ordinance 18191, Section 4, and K.C.C. 3.12.221, Ordinance 15558, Section 2, as amended, and K.C.C. 3.12.222, Ordinance 12014, Section 22, as amended, and K.C.C. 3.12.223, Ordinance 13743, Section 1, as amended, and K.C.C. 3.12.224, Ordinance 7956, Section 6, as amended, and K.C.C. 3.12.225, Ordinance 19563, Section 7, as amended, and K.C.C. 3.12.227, Ordinance 12014, Section 23, as amended, and K.C.C. 3.12.230, Ordinance 12077, Section 5, as amended, and K.C.C. 3.12.240, Ordinance 12014, Section 25, as amended, and K.C.C. 3.12.250, Ordinance 12014, Section 26, as amended, and K.C.C. 3.12.260, Ordinance 9967, Section 2, as amended, and K.C.C. 3.12.262, Ordinance 12014, Section 27, as amended, and K.C.C. 3.12.270, Ordinance 12014, Section 28, and K.C.C. 3.12.280, Ordinance 12014, Section 29, as amended, and K.C.C. 3.12.290, Ordinance 12014, Section 30, as amended, and K.C.C. 3.12.300, Ordinance 4324, Section 9, and K.C.C. 3.12.310, Ordinance 12014, Section 31, as amended, and K.C.C. 3.12.330, Ordinance 12498, Sections 1, 4-7, and K.C.C. 3.12.335, Ordinance 12014, Section 32, as amended, and K.C.C. 3.12.350, Ordinance 12014, Section 33, and K.C.C. 3.12.360, Ordinance 16640, Section 3, as amended, and K.C.C. 3.12.400, Ordinance 12943, Section 13, and K.C.C. 3.12A.010, Ordinance 12943, Section 14, as amended, and K.C.C. 3.12A.020, Ordinance 12943, Section 15, and K.C.C. 3.12A.030, Ordinance 12943, Section 16, and K.C.C. 3.12A.040, Ordinance 12943, Section 17, as amended, and K.C.C. 3.12A.050, Ordinance 12943, Section 18, and K.C.C. 3.12A.060, Ordinance 18696, Section 2, and K.C.C. 3.12S.010, Ordinance 12014, Section 46, as amended, and K.C.C. 3.14.010, Ordinance 8179, Section 2, and K.C.C. 3.14.020, Ordinance 12014, Section 47, as amended, and K.C.C. 3.14.030, Ordinance 12014, Section 48, as amended, and K.C.C. 3.14.040, Ordinance 1282, Section 6, as amended, and K.C.C. 3.15.060, Ordinance 12014, Section 50, as amended, and K.C.C. 3.15.020, Ordinance 12014, Section 54, and K.C.C. 3.15.110, Ordinance 12014, Section 51, as amended, and K.C.C. 3.15.025, Ordinance 14233, Section 5, as amended, and K.C.C. 3.15.120, Ordinance 12014, Section 52, as amended, and K.C.C. 3.15.030, Ordinance 14233, Section 6, as amended, and K.C.C. 3.15.130, Ordinance 14233, Section 7, as amended, and K.C.C. 3.15.140, Ordinance 1780, Section 3, as amended, and K.C.C. 3.15.050, Ordinance 197, Section 1, as amended, and K.C.C. 3.16.010, Ordinance 11480, Section 5, and K.C.C. 3.16.012, Ordinance 10631, Section 2, as amended, and K.C.C. 3.16.015, Ordinance 197, Section 2, as amended, and K.C.C. 3.16.020, Ordinance 11480, Section 7, as amended, and K.C.C. 3.16.025, Ordinance 8658, Section 1, as amended, and K.C.C. 3.16.040, Ordinance 12014, Section

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Sponsors: Pete von Reichbauer

Indexes: Personnel

Code sections:

Attachments: 1. 2024-0143 transmittal letter, 2. Title 3 Code Changes - Summary of Proposed Changes, 3. 2024-0143 Fiscal Note, 4. 2024-0143 Legislative Review Form

Date	Ver.	Action By	Action	Result
5/14/2024	1	Metropolitan King County Council	Introduced and Referred	

Clerk 04/30/2024

AN ORDINANCE relating to the personnel system; amending Ordinance 9088, Section 1, and K.C.C. 3.12.005, Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010, Ordinance 12014, Section 6, and K.C.C. 3.12.020, Ordinance 12014, Section 7, as amended, and K.C.C. 3.12.040, Ordinance 12014, Section 8, as amended, and K.C.C. 3.12.042, Ordinance 12014, Section 9, as amended, and K.C.C. 3.12.044, Ordinance 12014, Section 10, and K.C.C. 3.12.050, Ordinance 12014, Section 11, as amended, and K.C.C. 3.12.060, Ordinance 4324, Section 14, and K.C.C. 3.12.080, Ordinance 12014, Section 12, and K.C.C. 3.12.090,

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BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 9088, Section 1, and K.C.C. 3.12.005 are hereby amended to read as follows:

King County (~~recognizes that, in the past, employment and contracting practices did not afford equal opportunities for women, minorities and persons with disabilities, and that such practices have resulted in the underrepresentation of such persons in county employment, in employment by county contractors, and in the utilization of minority-owned and women-owned businesses in county contracts. King County also recognizes that many of the causes of this underrepresentation are societal in nature, and beyond the scope and power of the county to remedy on its own. Nevertheless, King County is determined to be a leader in the implementation of civil rights and compliance policies and programs which will remedy the effects of past discrimination and set the county on an affirmative action path~~) is an equal opportunity employer committed to establishing and nurturing a workforce that prioritizes equitable treatment for all employees and residents. King County is determined to be a leader in the implementation of equitable, and racially and socially just employment programs and policies. K.C.C. chapter 3.12 provides a framework for building such a workforce.

SECTION 2. Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010 are each hereby amended to read as follows:

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

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

- a. enrolled during the regular school year in a program of education, internship, or apprenticeship;
- b. legal interns who have graduated from law school but have not yet been admitted to the

Washington State Bar Association; ~~((or))~~

- c. veterans temporarily working to gain practical workforce experience; or
- d. participants in the Lift Every Youth program.

2. All administrative internships in executive departments shall be approved by the director.

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

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

C. "Appointing authority" means ~~((the county council, the county auditor,))~~ the executive, chief officers of executive departments and administrative offices, or division managers having authority to appoint or to remove persons from positions in the ~~((county service))~~ executive branch.

D. "Base rate of pay" means an employee's hourly rate of pay, which includes longevity and merit pay, but does not include other premiums, special duty, or overtime pay.

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

~~((E.))~~ F. "Board" means the county personnel board established by Section 540 of the charter.

~~((F.))~~ G. "Budgetary furlough" means a circumstance in which projected county revenues are determined to be insufficient to fully fund county agency operations and, in order either to achieve budget

savings or to meet unallocated budget reductions, which are commonly known as contras, or both, cost savings may be achieved through reduction in days or hours of service, resulting in placing an employee for one or more days in a temporary furlough status without duties and without pay.

~~((G.))~~ H. "Career service employee" means an ~~((county))~~ employee in the executive branch who is appointed to a career service position as a result of the selection procedure provided for in this chapter, and who has completed the probationary period in the employee's current position.

I. "Career service exempt employee" means an employee employed in the executive's office or in an executive department in a position that is not a career service position under Section 550 of the charter. Career service exempt employees serve at the pleasure of the appointing authority.

J. "Career service exempt position" means any position excluded as a career service position by Section 550 of the charter. Career service exempt positions are positions to which appointments may be made directly without a competitive hiring process.

~~((H.))~~ K. "Career service position" means all positions in the ~~((county service except for))~~ executive branch except those that are designated as exempt from career service by Section 550 of the charter as follows: all elected officers; the county auditor, the clerk, and all other employees of the county council; the county administrative officer; the chief officer of each executive department and administrative office; the members of all boards and commissions; the chief economist and other employees of the office of economic and financial analysis; ~~((the chief economist and other employees of the office of economic and financial analysis;))~~ administrative assistants for the executive and one administrative assistant each for the county administrative officer, the county auditor, the county assessor, the chief officer of each executive department and administrative office, and for each board and commission; a chief deputy for the county assessor; one confidential secretary each for the executive, the chief officer of each executive department and administrative office, and for each administrative assistant specified in this section; all employees of those officers who are exempted from the provisions of this chapter by the state constitution; persons employed in a professional or

scientific capacity to conduct a special inquiry, investigation, or examination; ~~((part-time and))~~ temporary employees; administrative interns; election precinct officials; all persons serving the county without compensation; physicians; surgeons; dentists; medical interns; and student nurses and inmates employed by county hospitals, tuberculosis sanitariums and health departments of the county. All part-time employees shall be exempted from career service membership except, all part-time employees employed at least half time or more, as defined by ordinance, shall be members of the career service.

For purposes of interpreting Section 550 of charter, ((D)) divisions in executive departments and administrative offices as determined by the county council shall be considered to be executive departments ~~((for the purpose of determining the applicability of Section 550 of the charter.~~

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

~~((F))~~ L. "Charter" means the King County Charter, as amended.

~~((J))~~ M. "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child ~~((of an~~)) to whom the employee ((standing)) stands in loco parentis ((to the child, who is:

~~1. Under eighteen years of age; or~~

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

, is a legal guardian or is a de facto parent, regardless of age or dependency status, unless otherwise specified herein.

~~((K))~~ N. "Class" or "classification" means a position or group of positions, established under authority of this chapter and chapter 3.15, sufficiently similar in respect to the duties, responsibilities, and authority thereof, that the same descriptive title may be used to designate each position allocated to the class.

~~((L))~~ O. "Classification plan" means the arrangement of positions into classifications together with specifications describing each classification.

~~((M.))~~ P. "Compensatory time" means time off granted with pay in lieu of pay for work performed ~~((either))~~ on an authorized overtime basis ~~((or work performed on a holiday that is normally scheduled as a day off. Such e))~~ Compensatory time shall be granted on the basis of time and one-half.

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

~~Θ.))~~ Q. "Comprehensive leave benefits" means ~~((those))~~ all the leave benefits described in and subject to this chapter, including leaves for vacations, promotional or qualifying examinations, bereavement, life-giving or life-saving procedures, sickness, volunteer service, parental leave, donated leave, and leaves of absence without pay.

~~((P.))~~ R. "Council" means the county council as established by Article 2 of the charter.

~~((Q.))~~ S. "County" means King County and any other organization that is legally governed by the county with respect to personnel matters.

~~((R.))~~ T. "Demotion" means the voluntary or involuntary movement of an employee from a position having a higher maximum pay step to a position having a lower maximum pay step.

U. "Department" means the department of human resources or its successor agency.

~~((S.))~~ V. "Developmental disability" means a ~~((developmental))~~ disability, as defined in RCW 71A.10.020~~((2))~~(6), as amended, attributable to ~~((mental retardation))~~ intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary of the Washington state Department of Social and Health Services or the secretary's designee to be closely related to ~~((mental retardation))~~ an intellectual disability or to require treatment similar to that required for individuals with ~~((mental retardation))~~ intellectual disabilities, which disability originates before the individual attains age eighteen, that has continued or can be expected to continue indefinitely and that constitutes a substantial ~~((handicap))~~ limitation for the individual.

~~((T.))~~ W. "Direct cost" means the cost aggregate of the actual weighted average cost of insured

benefits, less any administrative cost therefor. Any payments to (~~(part-time and)~~) short-term temporary employees under this chapter shall not include any administrative overhead charges applicable to administrative offices and executive departments.

~~((U.))~~ X. "Director" means the (~~(manager)~~) director of the department human resources or its successor agency.

~~((V.))~~ Y. "Domestic partners" are two people in a domestic partnership, one of whom is a county employee.

~~((W.))~~ Z. "Domestic partnership" is a relationship whereby two people:

1. Have a close personal relationship;
2. Are each other's sole domestic partner and are responsible for each other's common welfare;
3. Share the same regular and permanent residence;
4. Are jointly responsible for basic living expenses which means the cost of basic food, shelter, and any other expenses of a domestic partner that are paid at least in part by a program or benefit for which the partner qualified because of the domestic partnership. The individuals need not contribute equally or jointly to the cost of these expenses as long as they agree that both are responsible for the cost;

5. Are not married to anyone;
6. Are each eighteen years of age or older;
7. Are not related by blood closer than would bar marriage in the state of Washington;
8. Were mentally competent to consent to contract when the domestic partnership began.

~~((X.))~~ AA. "Employed at least half time or more" means employed in a regular position that has an established work schedule of not less than one-half the number of hours of the full-time positions in the work unit in which the employee is assigned, or when viewed on a (~~(calendar year)~~) rolling twelve-month basis, nine hundred ten hours or more in a work unit in which a work week of more than thirty-five but less than forty hours is standard or one thousand forty hours or more in a work unit in which a forty hour work week is

standard. If the standard work week hours within a work unit varies (employees working both thirty-five and forty hours) the director, in consultation with the department, is responsible for determining what hour threshold applies.

~~((Y.))~~ BB. "Employee" means any person who is employed in an executive-branch career service position or career service exempt position.

~~((Z.))~~ CC. "Employees eligible for comprehensive leave benefits" means full-time regular, part-time regular, provisional, probationary, and term-limited temporary employees.

~~((AA.))~~ DD. "Executive" means the county executive, as established by Article 3 of the charter.

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

~~CC.~~ "Exempt position" means any position excluded as a career service position by Section 550 of the charter. Exempt positions are positions to which appointments may be made directly without a competitive hiring process.

~~DD.))~~ EE. "Full-time regular employee" means an employee employed in a full-time regular position and, for full-time career service positions, is not serving a probationary period.

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

~~((FF.))~~ GG. "Furlough day" means a day for which an employee shall perform no work and shall receive no pay due to an emergency budget crisis necessitating emergency budget furloughs.

~~((GG.))~~ HH. "Furloughed employee" means an employee who is placed in a temporary status without duties and without pay due to a financial emergency necessitating budget reductions.

~~((HH.))~~ II. "Grievance" means an issue raised by an employee relating to the interpretation of rights, benefits, or condition of employment as contained in either the administrative rules or procedures, or both, for

the career service.

~~((H. "Immediate family" means spouse, child, parent, son-in-law, daughter-in-law, grandparent, grandchild, sibling, domestic partner and the child, parent, sibling, grandparent or grandchild of the spouse or domestic partner.~~

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

~~KK.))~~ JJ. "Insured benefits" means those insurance benefits described in and subject to this chapter, including medical, dental, life, disability, and vision benefits.

~~((LL.))~~ KK. "Integrated work setting" means a work setting in which the majority of people employed are individuals without disabilities and wages are paid at minimum wage or better.

~~((MM.))~~ LL. "King County family and medical leave" means a leave of absence taken under K.C.C. 3.12.221.

~~((NN.))~~ MM. "Life-giving and life-saving procedures" means a medically-supervised procedure involving the testing, sampling, or donation of blood, organs, fluids, tissues and other human body components for the purposes of donation without compensation to a person for a medically necessary treatment.

~~((OO.))~~ NN. "Marital status" means the presence or absence of a marital relationship and includes the status of being married, separated, divorced, ~~((engaged,))~~ widowed, or single ~~((or cohabiting))~~.

OO. "Merit increase" means an increase to an employee's base salary supported by demonstrated performance.

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

QQ. "Part-time position" means ~~((an))~~ a position other than a regular position in which the part-time employee is employed less than half time, that is less than nine hundred ten hours in a ~~((calendar year))~~ rolling twelve-month period in a work unit in which a thirty-five hour work week is standard or less than one thousand

forty hours in a ~~((calendar year))~~ rolling twelve-month period in a work unit in which a forty-hour work week is standard, except as provided elsewhere in this chapter. Where the standard work week falls between thirty-five and forty hours, the director, in consultation with the department, is responsible for determining what hour threshold will apply. Part-time position excludes administrative intern.

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

SS. "Part-time regular position" means a regular position in which the part-time regular employee is employed for at least nine hundred ten hours but less than a full-time basis in a ~~((calendar year))~~ rolling twelve-month period in a work unit in which a thirty-five hour work week is standard or for at least one thousand forty hours but less than a full-time basis in a ~~((calendar year))~~ rolling twelve-month period in a work unit in which a forty-hour work week is standard. Where the standard work week falls between thirty-five and forty hours, the director, in consultation with the department, is responsible for determining what hour threshold will apply.

TT. "Pay grade" means the numeric value assigned to each pay range in the pay plan.

UU. "Pay plan" means a systematic schedule of ~~((numbered))~~ pay ranges ~~((with minimum, maximum and intermediate steps for each pay range, a schedule of assignment of each classification to a numbered pay range))~~ assigned to pay grades and rules for administration.

~~((UU.))~~ VV. "Pay range" means ~~((one or more pay rates representing the minimum, maximum and intermediate steps assigned to a classification))~~ the range of pay rates consisting of minimum, maximum, and intermediate steps, established for each pay grade.

~~((VV.))~~ WW. "Pay range adjustment" means the adjustment ~~((of the numbered pay range of a classification to another numbered pay range in the schedule based on a classification change, competitive pay data or other significant factors))~~ to the pay range of a classification to a higher or lower pay range, typically to appropriately reflect changes in classification content, internal equity considerations, or competitive market pay

data, or any combination thereof.

~~((WW.))~~ XX. "Pay rate" means an individual dollar amount that is one of the steps in a pay range paid to an employee based on the classification of the position occupied.

YY. "Personnel guidelines" means ~~((only those))~~ operational procedures promulgated by the director ~~((necessary))~~ to implement personnel policies ~~((or requirements previously stipulated by ordinance or the charter))~~. ~~((Such))~~ The personnel guidelines shall be applicable only to employees assigned to executive departments and administrative agencies.

~~((XX.))~~ ZZ. "Position" means a group of current duties and responsibilities assigned by competent authority requiring the employment of one person.

~~((YY.))~~ AAA. "Probationary employee" means an employee serving a probationary period in a regular career service position. Probationary employees are temporary employees and excluded from career service under Section 550 of the charter.

~~((ZZ.))~~ BBB. "Probationary period" means a period of time, as determined by the director, for assessing whether an individual is qualified for a career service position to which the employee has been newly appointed or has moved from another position, whether through promotion, demotion or transfer, except as provided in K.C.C. 3.12.100 and 3.15.140.

~~((AAA.))~~ CCC. "Probationary period salary increase" means a within-range salary increase from one step to the next ~~((highest))~~ higher step upon satisfactory completion of the probationary period.

~~((BBB.))~~ DDD. "Promotion" means the movement of an employee to a position in a classification having a pay range with a higher maximum salary.

~~((CCC.))~~ EEE. "Provisional appointment" means an appointment made in the absence of a list of candidates certified as qualified by the director. Only the director may authorize a provisional appointment. An appointment to this status is limited to six months.

~~((DDD.))~~ FFF. "Provisional employee" means an employee serving by provisional appointment in a

regular career service position. Provisional employees are temporary employees and excluded from career service under Section 550 of the charter.

~~((EEE.))~~ GGG. "Qualifying event" means the birth of the employee's child, the employee's adoption of a minor child, or the foster-to-adopt placement of a minor child with the employee.

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

HHH. "Reclassification" means a change in the classification of a position resulting from a review by the department of human resources where it is found that the duties and responsibilities of the position have been changed permanently and significantly over time or have changed due to a reorganization or council action. A reclassification may result in the position being placed in a higher, lower, or the same pay range.

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

~~((HHH.))~~ JJJ. "Salary ~~((or pay rate))~~" means an individual dollar amount that is one of the steps in a pay range paid to an employee based on the classification of the employee's position ~~((occupied))~~.

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

~~((JJ.))~~ LLL. "Serious health condition" ~~((means an illness or injury, impairment or physical or mental condition that involves one or more of the following:~~

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

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

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

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

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

~~6. Any period of incapacity due to pregnancy or prenatal care.)) has the same meaning as under the federal Family and Medical Leave Act, 29 C.F.R. Sec. 825.113.~~

~~((KKK.))~~ MMM. "Short-term temporary employee" means a temporary employee who is employed in a short-term temporary position.

~~((LLL.))~~ NNN. "Short-term temporary position" means a type of position in which a temporary employee works less than nine hundred ten hours in a ~~((calendar year))~~ rolling twelve-month period in a work unit in which a thirty-five-hour work week is standard or less than one thousand forty hours in a ~~((calendar year))~~ rolling twelve-month period in a work unit in which a forty-hour work week is standard. Where the standard work week falls between thirty-five and forty hours, the director, in consultation with the department, is responsible for determining what hour threshold will apply. The relevant measurement period shall begin anew for a short-term temporary employee after twenty-six consecutive weeks in an unpaid status.

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

~~((NNN.))~~ PPP. "Temporary position" means a position that is not a regular position as defined in this

chapter and excludes administrative intern. Temporary positions include both term-limited temporary and short-term temporary positions.

~~((000.))~~ QQQ. "Term-limited temporary employee" means a temporary employee who is employed in a term-limited temporary position. Term-limited temporary employees are not members of the career service. Term-limited temporary employees may not be employed in term-limited temporary positions longer than three years beyond the date of hire, except that for grant-funded projects capital improvement projects and information systems technology projects the maximum period may be extended up to five years upon approval of the director. The director shall maintain a current list of all term-limited temporary employees by department.

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

1. Grant-funded projects: These positions will involve projects or activities that are funded by special grants for a specific time or activity. These grants are not regularly available to or their receipt predictable by the county;
2. Information systems technology projects: These positions will be needed to plan and implement new information systems projects for the county. Term-limited temporary positions may not be used for ongoing maintenance of systems that have been implemented;
3. Capital improvement projects: These positions will involve the management of major capital improvement projects. Term-limited temporary positions may not be used for ongoing management of buildings or facilities once they have been built;
4. Miscellaneous projects: Other significant and substantial bodies of work may be appropriate for term-limited temporary positions. These bodies of work must be either nonroutine projects for the department

or related to the initiation or cessation of a county function, project, or department;

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

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

~~((All appointments to term-limited temporary positions will be made by the appointing authority in consultation with the director before the appointment of term-limited temporary employees.~~

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

~~((RRR.))~~ TTT. "Volunteer intern" means volunteers who are either:

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

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

~~((SSS.))~~ UUU. "Washington state registered domestic partner" means persons who have met the requirements for a valid state-registered domestic partnership as established by RCW 26.60.030 and who have been issued a certificate of state-registered domestic partnership by the Secretary of State's office.

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

SECTION 3. Ordinance 12014, Section 6, and K.C.C. 3.12.020 are each hereby amended to read as follows:

A. All employees shall hold their positions subject to the conditions stated in the charter, this chapter, department of human resources policies, other applicable ordinances, and the personnel guidelines.

B. No employee may engage in any occupation or outside activity which is incompatible with the proper discharge of official county duties, or which would impair independence of judgment or action in the performance of ~~((such))~~ official duties. All employees are specifically referred to the conflict of interest provisions contained in K.C.C. 3.04.

C. ~~((The employment of members of the same family or other close relatives of employees shall not be limited except where required by business or job-related necessity. For purposes of this section, "business or job-related necessity" includes those circumstances where the county's actions are based upon a compelling and essential need to avoid business or job-related conflicts of interest, or to avoid the reality or appearance of improper influence or favor.))~~ An employee may not supervise a family member or other close relative or make or influence employment-related decisions about a family member or other close relative, including a hiring decision. For purposes of this section, "~~((same))~~ family member or other close relative~~((s))~~" means the mother, father, child, sister, brother, wife, husband, aunt, uncle, niece, nephew, grandparent, grandchild, in-laws, domestic partner, ~~((children))~~ child of a domestic partner, and relatives of a domestic partner to the same extent

such relatives would be included in this paragraph if the employee and the domestic partner were married. ((Nothing in this subsection shall be construed to prevent or impede the advancement or promotion of any person employed by the county prior to January 1, 1996.))

SECTION 4. Ordinance 4324, Section 7, as amended, and K.C.C. 3.12.030 are hereby repealed.

SECTION 5. Ordinance 12014, Section 7, as amended, and K.C.C. 3.12.040 are each hereby amended to read as follows:

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

B. Full-time regular, part-time regular, provisional, probationary, term-limited temporary employees, and those employees who meet the definition of full time employee under the Patient Protection and Affordable Care Act of 2010, as amended, and including applicable regulations promulgated under the Patient Protection and Affordable Care Act of 2010, as amended, and their spouses or Washington state registered domestic partners, each of their dependent children under age twenty-six and each of the dependent children under age twenty-six of their spouses or Washington state registered domestic partners shall be eligible for medical, dental, life, disability, and vision benefits, except in those instances where contrary provisions have been agreed to in the collective bargaining process and to the extent such benefits are available through insurers selected by the county. The director shall establish specific provisions governing eligibility for these benefits as part of the personnel guidelines and consistent with budget requirements. The provisions may include waiting periods for employees newly ((-)) hired to the county.

C. ((Part-time and)) Short-term temporary employees ((, other than probationary, provisional and term-limited temporary employees,)) who in a rolling twelve-month period exceed the ((calendar year)) working hours threshold ((defined in this chapter)) shall receive compensation in lieu of leave benefits at the rate of ((

~~fifteen))~~ twelve and one-half percent of gross pay for all hours worked less the value of any sick leave benefits provided under K.C.C. 3.12.220.A.2, paid retroactive ((to the first hour of employment and for each hour worked thereafter)) back three years. If during that three-year period there has been at least a twenty-six consecutive week period in unpaid status, the payment is made retroactive to the most recent hire date after that break in service. If an employee has not previously received insured benefits provided under K.C.C. 3.12.040.B, the employee shall also receive a one-time only payment in an amount equal to the direct cost of three months of insured benefits, as determined by the director, and, in lieu of insured benefits, in an amount equal to the direct cost to the county for each employee for whom insured benefits are provided, prorated to reflect the affected employee's normal work week, for each hour worked thereafter. The additional compensation shall continue until termination of employment or hire into a full-time regular, part-time regular, or term-limited position. ~~((Further, employees receiving pay in lieu of insured benefits may elect to receive the medical component of the insured benefit plan, with the cost to be deducted from their gross pay, but an employee who so elects shall remain in the selected plan until: termination of employment; hire into a full-time regular, part-time regular or term-limited position; or service of an appropriate notice of change or cancellation during the employee benefits annual open enrollment.~~

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

SECTION 6. Ordinance 12014, Section 8, as amended, and K.C.C. 3.12.042 are each hereby amended to read as follows:

A. The county shall offer to those employees who are qualified to receive medical benefits the

opportunity to participate in ((a)) qualifying Internal Revenue Code Sections 125 and 129 dependent care assistance programs. The department of human resources shall incorporate the dependent care assistance program in its employee flexible benefit program.

B. The costs of administering the dependent care assistance program shall be fully borne by the county and existing and future employee benefits shall not be reduced as a result of the cost of administering the program. Savings in county paid payroll taxes, if any, resulting from this program shall accrue to the county.

C. Non-represented employees who are qualified to receive medical benefits shall be offered the dependent care assistance program whether or not represented employee groups choose to participate in the program.

SECTION 7. Ordinance 12014, Section 9, as amended, and K.C.C. 3.12.044 are each hereby amended to read as follows:

A. ~~((Employees))~~ An employee who receives medical, dental, life and disability insurance, and vision benefits shall ~~((designate their))~~ show proof of the employee's spouse, ((their)) the employee's Washington state registered domestic partner, ((their)) the employee's dependent children under age twenty-six, and the dependent children under age twenty-six of ((their)) the employee's spouse or Washington state registered domestic partner ((in an Affidavit of Marriage/Domestic Partnership)) with a copy of a marriage certificate or a certification of state-registered domestic partnership by the Washington Secretary of State's Office in order for ((such)) the spouse, Washington state registered domestic partner, ((and/)) or children to receive ((such)) the benefits, to the extent ((such)) the benefits are available to ((them)) the spouse, Washington state registered domestic partner, or children. ((The director shall prescribe the form of the affidavit. In the affidavit, the employee shall:

1. Attest to the following:

a. if married, that the employee is currently married to the individual identified by name on the affidavit, or

~~b. if participating in a domestic partnership, that:~~

~~(1) the employee is currently in a domestic partnership with the individual identified by name on the affidavit;~~

~~(2) the employee meets all the qualifications of a domestic partnership, as defined by this chapter; and~~

~~(3) any prior domestic partnership in which the employee or the employee's domestic partner participated with a third party was terminated at least ninety days prior to the date of said affidavit or by the death of that third party, and if such prior domestic partnership had been acknowledged pursuant to this chapter, that notice of the termination of the prior domestic partnership, whether by death of the domestic partner or otherwise, was provided to the county at least ninety days prior to the date of said affidavit;~~

~~2. Agree to notify the county if there is a change of the circumstances attested to in the affidavit; and~~

~~3. Affirm, under penalty of law, that the assertions in the affidavit are true.))~~

B. The employee shall provide the county with a notice of termination of marriage or Washington state registered domestic partnership, on a form prescribed by the director, upon dissolution of a marriage or termination of a Washington state registered domestic partnership, within thirty days of termination of the marriage or domestic partnership. A marriage or Washington state registered domestic partnership shall be deemed terminated as provided under state law. ~~((A domestic partnership shall be deemed terminated:~~

~~1. When the domestic partners no longer meet one or more of the qualifications of a domestic partnership, as defined by this chapter; or~~

~~2. Upon the death of a domestic partner.))~~

C. ~~((All affidavits of marriage/domestic partnership,))~~ All marriage certificates, certifications of Washington state registered domestic partnerships, and notices of termination of marriage ((/)) or state-registered domestic partnership ((, and any information contained in said affidavits)) submitted to the county shall be confidential and subject to disclosure only upon express written authorization by the persons identified

in the forms or if otherwise required by law.

SECTION 8. Ordinance 12014, Section 10, and K.C.C. 3.12.050 are each hereby amended to read as follows:

All career service employees shall be members of the county career service mandated by Section 510 of the charter. The recruitment, selection, and promotion of ~~((such))~~ career service employees shall be competitive and shall be based on merit. Career service employees shall have ~~((such))~~ the rights, working conditions, and benefits as are specified by this chapter.

SECTION 9. Ordinance 12014, Section 11, as amended, and K.C.C. 3.12.060 are each hereby amended to read as follows:

If the functions of another governmental entity are assumed by the county, and if former employees of that entity become county employees, then the director shall determine whether ~~((such))~~ the employees will be members of or exempt from the career service. In making this determination, the director shall apply the standards contained in Section 550 of the charter. The career service status of each employee shall be equivalent to that which the employee would have had, had the employee been a county employee during the term of the former employment. Nothing in this section shall derogate from the county's power to eliminate positions and lay off employees because of lack of work, lack of funds, or considerations of operational efficiency.

SECTION 10. Ordinance 4324, Section 14, and K.C.C. 3.12.080 are each hereby amended to read as follows:

Appointment of ~~((county))~~ executive-branch employees ~~((within the executive branch))~~ shall be accomplished by the executive, department directors, and division managers. In all cases, the appointing authority shall have the power to remove employees. The appointing authority shall be responsible for the merit evaluation of all employees under ~~((that))~~ their authority.

SECTION 11. Ordinance 12014, Section 12, and K.C.C. 3.12.090 are each hereby amended to read as

follows:

A. The director shall establish ~~((examination))~~ selection procedures for filling existing and anticipated vacant career service positions ~~((in the career service))~~. ~~((Examinations))~~ Selection procedures may be open or promotional, depending upon which will best serve the interests of the county.

B. All ~~((examinations))~~ selection procedures for career service positions shall be competitive.

SECTION 12. Ordinance 12014, Section 13, as amended, and K.C.C. 3.12.100 are each hereby amended to read as follows:

A. ~~((There))~~ All employees in career service positions shall ~~((be))~~ serve a probationary period, during which time ~~((a))~~ the appointing authority shall evaluate the probationary employees ~~((shall be evaluated by the appointing authority))~~ to determine qualification for entry into the career service. Except as otherwise provided in this section, an individual's appointment, promotion, demotion, or transfer by competitive process to a career service position is not final unless the employee successfully completes the probationary period. The probationary period shall be determined by the director, but shall be not less than six months or more than one year of actual service, and shall be served by those employees who have been newly hired or reemployed or have moved from another ~~((career service))~~ position, whether through promotion, demotion, or transfer except:

1. There shall not be a probationary period following a reclassification;

2. If an employee is hired into a career service position and served in a special duty capacity in the same position or doing substantially similar work within one year of that hire, the employee shall receive credit towards the employee's probationary period for the time served in the special duty role;

3. An appointing authority who hires a temporary employee into a career service position, may count all prior continuous employment in the same position or time performing the same work toward satisfying the probationary period requirement;

4. A furloughed employee's probationary period shall not be extended as a result of a budgetary furlough; and

~~((2-))~~ 5. A career service employee who transfers to a position within the employee's same classification, pay range, and department or agency shall not be required to serve a probationary period unless the director of the department of human resources or its successor or the director's designee makes a written finding, in advance of the transfer, that the essential functions of the new position are substantially different from those of the employee's previous position, taking into consideration: the specific duties of the position; the work setting; the skills, training, and experience needed; the level of available support and supervision; and any other factors the director or designee deems relevant.

B. A probationary employee may be separated from county service at any time during the probationary period without right of appeal to the personnel board. Notwithstanding any other provisions of this section, an employee who does not successfully complete the probationary period in a position to which the employee had been promoted or transferred may be restored to the employee's former position. Such restoration is not mandatory, but is optional at the discretion of the former appointing authority within the limits of available authorized positions. Such restoration shall include restoration of the employee's former salary and all other benefits to which the employee would have been entitled if the promotion or transfer had not occurred.

SECTION 13. Ordinance 12014, Section 14, as amended, and K.C.C. 3.12.110 are each hereby amended to read as follows:

A. It shall be the policy of the county to provide, within budgeted appropriations, training opportunities for employees. The objective of the training policy shall be guided by, but not limited to, the overall objectives of encouraging and motivating employees to improve their personal capabilities in performance of their assigned job duties.

B. ~~((The director shall be responsible for planning and executing an adequate training program for employees.~~

~~€.))~~ The county shall pay for any training, certification, or license, except for a driver's license, that is required by the county for the employee's position. ~~((This includes))~~ The county shall also provide necessary

release time for training that is preapproved by the employee's supervisor.

~~((D.))~~ C. The county shall reimburse an employee for the cost of maintaining their commercial driver's license endorsement or endorsements if they are required by the county for the employee's position.

~~((E.))~~ D. The county shall not reimburse employees for unauthorized training.

~~((F.))~~ E. Employees wishing to complete educational programs may request a leave of absence without pay for ~~((this))~~ that purpose.

SECTION 14. Ordinance 12014, Section 15, as amended, and K.C.C. 3.12.120 are each hereby amended to read as follows:

A. ~~((Nothing contained in this chapter shall prevent, relieve or otherwise excuse any county officer or employee from the performance of any duty imposed upon the officer or employee by any other law of this county, or from the rendering of service at such times and places as are necessary in order to properly perform the functions of the officer or employee's office or employment.~~

~~B. Except as otherwise provided by ordinance, t))~~ The official workday shall consist of eight hours of work for all full-time ((regular and full-time probationary)) employees. The ((lunch hour)) meal period shall not be considered ((as)) part of the workday. ((The official workday for other employees shall be determined)) Alternative workdays may be approved by the director. In the case of service reductions resulting in a budgetary furlough, departments may reduce work hours or county offices may be closed.

~~((C.))~~ B. ~~((Except as otherwise provided by ordinance, t))~~ The official ((workweek)) work week shall consist of five working days for all full-time ((regular and full-time probationary)) employees. ((The official workweek)) Alternative work weeks for ((other)) employees ((shall)) may be determined by the director. In the case of service reductions resulting from a budgetary furlough, county offices may be closed, resulting in the reduction of the ((workweek)) work week.

~~((D. The county recognizes that there is an occasional need for an employee to return to work outside of the employee's normal workday. The personnel guidelines shall contain procedures relating to call duty.~~

~~E. The county recognizes a responsibility for action regarding on the job injuries. The personnel guidelines shall contain procedures relating to on the job injury.~~

~~F. A career service employee who accepts an appointment to an exempt position effective on or after January 1, 1996, and which position and appointment resulted from the reorganization of the executive branch as reflected in the creation of certain new positions contained in Attachment A to Ordinance 12013 shall retain the employee's career service status and rights while holding such exempt position and have the restoration rights set forth in this section. This provision is not intended to provide the career service employee with a right to the exempt position. But, such employee, if selected for the exempt position, could be terminated from the position only for just cause.~~

~~G. A career service employee who accepts a transfer or promotion to an exempt position before December 1, 1979, shall, upon separation from the exempt position, be allowed to re-enter career service at a position comparable in terms of responsibilities and salary or wage (including normal cost-of-living increases) to the career service position formerly held by the employee.)~~ C. A career service employee accepting ((such)) a transfer or promotion ((on or after December 1, 1979)) to a career service exempt position, shall have ((such)) a right to ((restoration)) reenter career service, but only if:

1. The ((right to restoration)) reentry is exercised within four calendar years from the effective date of the transfer or promotion to a((n exempt)) position exempt from career service; and

2.a. ((t))The former appointing authority, at the appointing authority's discretion, approves the restoration within the limits of available authorized positions; or

b. a different appointing authority, having jurisdiction over comparable authorized positions, and at the different appointing authority's discretion, approves the restoration within the limits of available authorized positions.

~~((H. Matters involving wages and hours, including but not limited to minimum wage and overtime compensation, shall be determined in accordance with applicable state and federal laws and regulations.~~

I.) D. A career service employee who resigns in good standing or accepts another career service position may be rehired in the same classification or in a lower classification in the same classification series without a competitive hiring process, if the employee is rehired within two years after resignation and the employee meets the current education, experience, and physical qualifications for the position. The employee must serve a probationary period. Employees eligible for comprehensive leave benefits who are rehired within two years may be eligible for restoration of their vacation accrual rate and previous sick leave balances in accordance with K.C.C. 3.12.190 and 3.12.220.

E. Overtime work may be authorized by the ~~((department director))~~ appointing authority where necessary to maintain or perform ~~((vital))~~ county services. ~~((and shall be paid in accordance with appropriate state and federal law.~~

J.) F. If ~~((a))~~ the county ~~((agency or the benefits, payroll and retirement operations section of the central employee services division))~~ has determined that an overpayment of wages to a nonrepresented employee has occurred, the ~~((agency or the benefits, payroll and retirement operations section of the central employee services division))~~ county shall provide written notice to the nonrepresented employee consistent with ~~((state law))~~ RCW 49.48.210.

~~((K.))~~ G. The following adjudicative process is available~~((, subject to subsection K. 1. through 12. of this section,))~~ after a decision regarding a nonrepresented employee's challenge to an initial determination of an overpayment of wages:

1. A nonrepresented county employee who is dissatisfied with the decision regarding the employee's challenge to the overpayment determination must submit to the manager ~~((of the benefits, payroll and retirement operations section))~~ of the central employee services division a written request for an adjudicative proceeding consistent with RCW 49.48.210;
2. The request must comply with RCW 49.48.210;
3. A county agency's determination concerning an overpayment to a nonrepresented employee shall be

final if the nonrepresented employee fails to request an adjudicative proceeding in the manner prescribed by RCW 49.48.210;

4. The manager of benefits, payroll and retirement operations section of the central employee services division shall log the date and time of the request and forward the request to the agency and to the manager of the central employee services division, who shall be responsible for the adjudicative proceeding;

5. Within forty-five business days of receipt of the nonrepresented employee's written request for an adjudicative hearing, the manager of the central employee services division shall conduct an adjudicative hearing to review the decision regarding the challenge to the overpayment determination and to determine the final amount of the overpayment, if any, received by the nonrepresented employee. However, the manager of the central employee services division may, under extenuating circumstances, schedule the adjudicative hearing at a time that is more than forty-five days after the receipt of the request for a hearing. The manager of the central employee services division shall set the time and place of the hearing and give not less than fifteen business days advance written notice to all parties; notice to the nonrepresented employee shall be by certified mail, return receipt requested;

6. At the hearing, evidence may be presented by the nonrepresented employee, the agency, and the benefits, payroll and retirement operations section of the central employee services division, but any documents must be provided to the other parties at least five business days before the hearing;

7. If the nonrepresented employee fails to attend or participate in the hearing, upon a showing of valid service, the manager of the central employee services division may enter an administrative order declaring the amount claimed, in the notice sent to the employee after the employer's review of the employee's challenge to the overpayment determination, to be assessed against the employee and subject to collection action by the employer as provided in RCW 49.48.200;

8. Within thirty business days after the hearing, the manager of the central employee services division shall issue an administrative order that determines the final amount of the overpayment, if any, received by the

nonrepresented employee. The manager of the central employee services division shall send a copy of the administrative order, by certified mail, return receipt requested, to the nonrepresented employee at the employee's last known address, to the agency, and to the manager of benefits, payroll and retirement operations section of the central employee services division; however, the manager of the central employee services division may, under extenuating circumstances, issue an administrative order more than thirty days after the hearing;

9. The administrative order issued by the manager of the central employee services division shall be final;

10. Once a final administrative order determining the final overpayment amount owed by the nonrepresented employee has been entered, a payroll deduction to recover the overpayment may begin as authorized by state law;

11. Nothing in this section precludes an agency or the benefits, payroll and retirement operations section of the central employee services division from entering into a voluntary agreement with a nonrepresented employee to repay any overpayment of wages, consistent with state law; and

12. The manager of the central employee services division may be recused from conducting an adjudicative hearing, at the manager's discretion, to avoid any real conflict of interest. If this occurs, the director of the department of human resources or designee shall assume responsibility for the hearing.

SECTION 15. Ordinance 12014, Section 34, as amended, and K.C.C. 3.12.123 are each hereby amended to read as follows:

~~((The council desires to continue the weapons policy established by the Municipality of Metropolitan Seattle prior to assumption of metropolitan functions on January 1, 1994, by the county and continued by the council during the 1994–1995 transition period.))~~ The council recognizes that employees in the Metro transit department interact daily with the public in providing public transportation services, are expected to avoid any potentially volatile situation or confrontation, and are required to contact the appropriate authority for

assistance when necessary. In conjunction with the behavior expected of such employees, it is also the policy that the use, threatened use, or possession of a weapon concealed, licensed or otherwise, by such an employee while in the performance of the employee's official duties or while on county property is strictly prohibited and ~~((will))~~ shall result in termination. This policy does not apply to commissioned police officers under contract with or employed by the county for investigatory, undercover or enforcement reasons.

SECTION 16. Ordinance 12077, Section 3, as amended, and K.C.C. 3.12.125 are each hereby amended to read as follows:

A. Notwithstanding any other provision of this chapter, in the event the number of hours in the standard work week of a position occupied by a full-time regular employee, part-time regular employee, ~~or~~ term-limited temporary employee is increased, the sick leave and vacation leave accruals of such employee at the time of the increase shall be adjusted upward so as to insure that the equivalent number of sick leave and vacation leave days accrued does not change. For example, if the standard work week of such a position is increased from thirty-five to forty hours, and if at the time of such change the employee occupying the position had accrued seven hours of sick leave, the sick leave accrual of that employee would be adjusted upward to eight hours. ~~((This section shall apply to all employees eligible for comprehensive leave benefits occupying positions where the standard work week of the position was increased on or after July 1, 1991.))~~ After such an increase, such employees shall accrue vacation and sick leave in accordance with the otherwise applicable provisions ~~((of K.C.C.))~~ this chapter ~~((3.12))~~.

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

C. In the event the number of work-week hours is reduced for any employee whose vacation and sick

leave accruals have been adjusted upward under the terms of this section, the remaining hours in the adjusted leave account shall be reduced in the same proportion as the work-week hours are reduced. Under no circumstances shall the adjusted leave account be reduced by a greater proportion than the proportion of the previous upward adjustment. Any leave accrued in the unadjusted leave account shall not be affected by this reduction.

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

SECTION 17. Ordinance 12014, Section 16, and K.C.C. 3.12.130 are hereby repealed.

SECTION 18. Ordinance 4324, Section 38, and K.C.C. 3.12.140 are each hereby amended to read as follows:

~~((Cost of living))~~ General wage increases as passed by the council annually for county employees shall include elected officials whose salaries are not set by the state.

SECTION 19. The following are hereby repealed:

- A. Ordinance 4324, Section 37, and K.C.C. 3.12.150;
- B. Ordinance 4324, Section 34, and K.C.C. 3.12.160; and
- C. Ordinance 12014, Section 17, as amended, and K.C.C. 3.12.170.

SECTION 20. Ordinance 12014, Section 18, as amended, and K.C.C. 3.12.180 are each hereby amended to read as follows:

A. For purposes of this section:

- 1. "County work force" means persons employed by King County executive departments;
- 2. "Job group" means a grouping of jobs as defined by the United States Department of Labor;
- 3. "Labor force availability rate" means the percentage of persons of color or women with requisite job skills in King County as reported by the United States Census Bureau;
- 4. "Persons of color" means persons in each of the following groups: Blacks; Hispanics; Asian/Pacific

Islanders; and Native Americans; and

5. "Placement goal" shall equal the labor force availability rate.

B. The county is an equal opportunity employer and shall carry out federal, state and local laws and regulations prohibiting discrimination in employment on the basis of race, color, religion, religious affiliation, creed, national origin, ancestry, sex, sexual orientation, gender identity or expression, age (except by minimum age and retirement provisions), marital status, honorably discharged veteran or military status, or the presence of a sensory, mental or physical disability. Further, it is the intent of the county to ensure that employment is based on the principle of equal opportunity and that such a principle shall be implemented in all county personnel-related actions including, but not limited to, recruitment, hiring, testing, training, promotion, compensation, transfer and all other terms and conditions of employment in all job classifications.

C. In order to comply with federal contracting requirements and to ensure equal opportunity for all persons, all county departments shall establish and maintain an effective equal employment opportunity affirmative action plan, as adopted by the council by ordinance. Such an equal employment opportunity affirmative action plan shall promote the objectives of public policy set forth in applicable federal and state laws relating to nondiscrimination, equal employment opportunity, affirmative action and civil rights. Specifically, the plan shall promote the objectives of the State Law Against Discrimination, chapter 49.60 RCW (applicable parts), and provisions of the Washington Administrative Code adopted thereunder. As part of the county's equal employment opportunity affirmative action plan, the executive shall submit by June 1 of every fourth year, commencing with 2018, a proposed ordinance for the approval of an equal employment opportunity affirmative action plan pertaining to executive county departments and agencies to be approved, or modified, by the council by ordinance, or rejected by the council, by January 1 following the plan's submittal to council. The equal employment opportunity affirmative action plan shall include:

1. Information related to county work force statistics, which shall include:

a. a comparison of labor force availability for women and persons of color to the county's actual labor

force for women and persons of color as a summary across all departments. The plan shall also compare labor force availability for women and persons of color to the county's actual labor force for women and persons of color by departments and job group. The plan shall also summarize the percentage of total goal setting areas which meet or exceed the labor force availability rate;

b. a summary of the county work force by job group and by race and gender;

c. a discussion of the methodology by which the labor force availability and county work force data is developed and a listing of the county job classifications that are included in each job group;

d. the total number of persons with disabilities in each job group within the county work force and the total number of persons with disabilities by department voluntarily reported by individuals for equal employment opportunity affirmative action purposes. The plan shall include the number of positions for which an accommodation is currently in effect;

e. the total number and percentage of employees by salary range and by race and gender. Salary ranges shall be reported in a manner consistent with the equal employment opportunity data reported by the United States Census Bureau. The plan shall include data reported by the United States Census Bureau on the total number and percentage of the labor force working in King County by salary range and by race and gender;

f. an analysis by race and gender of the positions filled by promotion during the prior plan period.

For the purposes of this subsection, "promotions" means those instances in which an individual advances in salary level because the individual changed to a position with a higher pay range assignment either through a competitive process or through a reclassification;

g. a summary by year for the prior plan period on executive_branch discrimination complaints by basis of complaint and complaint status. The summary shall also include data by department on the number of complaints filed by complaint type and the number of people filing complaints; and

h. historical data on the county work force by race and gender. Historical data before 2014 is required only to the extent it is readily available;

2. Placement goals for the plan period. For those job groups within departments where the actual number of women and persons of color employed is less than projected by labor force availability, a placement goal by race and gender shall be established for the entire plan period. A placement goal shall equal the labor force availability rate. Placement goals are used to measure progress toward achieving equal employment opportunity. Placement goals may not be quotas, which must be met, nor do they create set-asides for specific groups. Placement goals may not be used to supersede merit selection principles. Further, existence of a placement goal does not constitute evidence of discrimination. If a placement goal has been established, the plan shall identify the labor force availability rate;

3. Implementation plans for departments. Each implementation plan shall:

a. identify the activities proposed each year during the plan period to meet the department's placement goals. The plan shall discuss how the proposed activities will help the department achieve its placement goals;

b. identify the activities proposed during the plan period by year to recruit, retain and promote women and persons of color in the work force; and

c. identify the specific activities during the plan period, by year, that each department will undertake to increase its hiring, retention, and promotion of persons with disabilities; and

4. A summary of the results of the prior equal employment opportunity affirmative action plan, which shall include:

a. a description of the progress of each department in completing the activities listed in subsection C.3. a. through c. of this section proposed in the previous implementation plan. The outcomes of each activity shall be reported. The department of human resources shall provide an evaluation of the effectiveness of each department's implementation activities during the plan period;

b. the status of each placement goal established in the prior equal employment opportunity affirmative action plan. For each identified placement goal, the status report shall report the:

(1) labor force availability rate;

(2) total number of positions filled for the corresponding job group within a department;

(3) of the total number reported under subsection C.4.b.(2) of this section, the number of positions that were filled by each race and gender category; and

(4) an actual hiring rate for each race and gender category calculated by dividing the number of positions filled by the number of positions filled by each race and gender category; and

c. a separate listing of those placement goals for the plan period that were not achieved. Placement goals are considered not achieved when the actual hiring rate is less than the availability rate for the overall plan period. For each placement goal not achieved, the plan shall provide an analysis of why the goals were not met including whether the planned implementation activities were completed. Placement goals shall only be considered not achieved in those instances in which the total number of hires is large enough such that it is statistically reasonable to expect under conditions of equal employment opportunity that the number of hires by race and gender will reflect work force availability.

D. The executive shall submit a proposed ordinance approving a new four-year equal employment opportunity affirmative action plan to the council within twelve months of the publication of the appropriate data from the ten-year United States Census.

SECTION 21. Ordinance 18572, Section 1, as amended, and K.C.C. 3.12.184 are each hereby amended to read as follows:

A. The Ruth Woo emerging leaders fellowship is hereby created. The fellowship shall be a paid, full-time, term-limited temporary position and shall be awarded to a person who has demonstrated a commitment to public service. Priority in selection will be given to economically disadvantaged college graduates from backgrounds that have historically lacked equitable access to education, employment, and professional development opportunities. There shall be at least five fellows at a time in county employment, who shall serve for a term of one year.

B. The fellow ~~((shall))~~ may be an employee of the department of human resources. The fellow ~~((shall))~~ may be assigned to work in various county agencies ~~((for periods of three to four months at a time))~~ during the one-year term with the written approval of the presiding elected official or designee of such agency. The assignments ~~((shall))~~ may include periods with the council and with executive-branch agencies. While assigned to an agency the fellow shall be subject to the administrative supervision of that agency.

C. The Ruth Woo fellow ~~((shall))~~ may have the following responsibilities:

1. Assignments may include following a piece of legislation through the legislative process, preparing briefings, correspondence, or other documents, communicating with constituents and other county departments, assisting in outreach, and executive-branch policy administration;

2. The work in the branches and departments ~~((shall))~~ may include:

a. ~~((working))~~ work on projects related to each branch or department and seeing them to completion;

b. ~~((experiencing by directly))~~ experience working on how policies are developed and implemented and how they relate to the communities served by the county;

c. ~~((participating))~~ participation in internship orientations, workshops, and policy exercises; and

d. ~~((maintaining))~~ professional, nonpartisan conduct.

D. Each agency shall ~~((reimburse the department of human resources))~~ be responsible for the cost of the fellow for the period assigned to the agency.

E. Annually, a committee to review applicants for the fellowship shall be formed, composed of members appointed by the executive and the chair of the council. The committee shall recommend to the department of human resources criteria for the selection of applicants, shall screen, interview, and score the applicants and shall recommend to the department of human resources appointment of the fellow.

SECTION 22. Ordinance 11149, Sections 1-4, as amended, and K.C.C. 3.12.187 are hereby repealed.

SECTION 23. Ordinance 12014, Section 36, as amended, and K.C.C. 3.12.188 are each hereby amended to read as follows:

A. Employees eligible for comprehensive leave benefits under this chapter, administrative interns, volunteer interns, work study students, AmeriCorps members, and eligible department of transportation or Metro transit department retirees shall be issued a ~~((transit))~~ transportation pass entitling the holder to ride without payment of fare on public transportation services operated by or under the authority of the county. In addition, those ~~((employees))~~ persons shall be entitled to use the ~~((transit))~~ transportation pass to ride without payment of fare on public transportation services operated by or under the authority of Pierce Transit, Kitsap Transit, Sound Transit, Everett Transit, and Community Transit, subject to agreements with such agencies as may be entered into by the executive. Use of ~~((transit))~~ transportation passes shall be restricted to such employees, administrative interns, volunteer interns, work study students, AmeriCorps members, and department of transportation or Metro transit department retirees and any unauthorized use shall, at a minimum, result in forfeiture of the passes. With the exception of administrative interns, volunteer interns, work study students, and AmeriCorps members, employees not eligible for comprehensive leave benefits under this chapter shall not receive ~~((transit))~~ transportation passes or any ~~((transit))~~ transportation pass subsidy.

B. The executive shall cause an appropriate survey to be conducted biennially of the use of public transportation services by county employees and volunteer interns. Based on the results of the survey, the projected usage of public transportation services by county employees, the county's commute trip reduction objectives and other factors determined appropriate by the executive, the executive shall recommend in the annual budget an amount to be paid to the public transportation operating account for ~~((transit))~~ transportation passes. The amount recommended by the executive shall not include any payment for ~~((transit))~~ transportation passes for commissioned police officers, eligible department of transportation or Metro transit department retirees and employees whose positions are determined by the director of the Metro transit department to be dedicated exclusively to the public transportation function. The final amount to be transferred to the public transportation operating account for ~~((transit))~~ transportation passes shall be determined by the council as part of the annual budget and appropriation process consistent with the requirements of the King County Charter

and applicable state law.

C. For purposes of this section, "eligible department of transportation or Metro transit department retiree" means an employee eligible for comprehensive leave under this chapter who:

1. Separates from employment with the county before January 1, 2019, while holding a position in the department of transportation determined by the director of the department of transportation to be dedicated exclusively to the public transportation function or separates from employment with the county on or after January 1, 2019, while holding a position in the Metro transit department determined by the director of the Metro transit department to be dedicated exclusively to the public transportation function; and
2. On the date of the separation is eligible to receive benefits from a retirement system established pursuant to state law.

SECTION 24. Ordinance 12014, Section 19, as amended, and K.C.C. 3.12.190 are each hereby amended to read as follows:

A. Employees eligible for comprehensive leave benefits shall accrue vacation leave benefits as described in and further qualified by this section. Elected officials are not employees and are therefore not entitled to vacation leave benefits.

Months of Service	Hourly Accrual Rate	Approximate Days/Year
0	0.04620	12.01200
60	0.05770	15.00200
96	0.06160	16.01600
120	0.07700	20.02000
192	0.08080	21.00800
204	0.08470	22.02200
216	0.08850	23.01000
228	0.09240	24.02400
240	0.09620	25.01200
252	0.10010	26.02600
264	0.10390	27.01400
276	0.10780	28.02800
288	0.11160	29.01600
300	0.11540	30.00400

B. Vacation accrual rates for an employee who works other than the full-time schedule standard to the employee's work unit shall be prorated to reflect the employee's normally scheduled work week. No adjustment to vacation accrual rates for a furloughed employee shall be made as a result of a budgetary furlough.

C. Employees eligible for ~~((vacation))~~ comprehensive leave benefits shall accrue vacation leave from their date of hire into a comprehensive leave benefit eligible position.

D.1. Employees hired before December 31, 2017, who are eligible for vacation leave may accrue up to four hundred eighty hours of vacation leave, prorated to reflect their normally scheduled work ~~((schedule))~~ week.

2. Employees hired January 1, 2018, or thereafter, who are eligible for vacation leave may accrue up to three hundred twenty hours of vacation leave, prorated to reflect their normally scheduled work ~~((schedule))~~ week.

3. All employees shall use vacation leave beyond the employee's maximum accrual amount before the end of the pay period that includes December 31 ~~((of each))~~ every year. Failure to use vacation leave beyond the employee's maximum accrual amount before the end of the pay period that includes December 31 shall result in forfeiture of the accrued vacation leave beyond the employee's maximum accrual amount unless the appointing authority has approved a carryover of the vacation leave because of cyclical workloads, work assignments, or other reasons ~~((as may be))~~ in the best interests of the county.

E. Employees eligible for comprehensive leave benefits may use vacation leave hours in the pay period after they are accrued. Employees who leave county employment before successfully completing their first six months of county service shall forfeit their vacation leave hours and are excluded from the payout provisions in this section.

~~((F. A furloughed employee shall not be eligible to take or be paid for vacation in lieu of taking a budgetary furlough day.~~

~~G. In lieu of the remuneration for fifty percent of unused accrued vacation leave at retirement, the director may, with equivalent funds and in accordance with the procedures in K.C.C. 3.12.220.G.2.b, provide eligible employees with a voluntary employee beneficiary association plan that provides for reimbursement of retiree and other qualifying medical expenses.~~

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

~~((F.))~~ G. In lieu of payment for fifty percent of unused accrued vacation leave at retirement, the director may, with equivalent funds and in accordance with the procedures in K.C.C. 3.12.220.E.2.b., provide eligible employees with a voluntary employee beneficiary association plan that provides for reimbursement of retiree and other qualifying medical expenses. The remaining fifty percent of eligible unused accrued vacation leave at retirement shall be paid as outlined in subsection F. of this section.

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

~~((J. For employees covered by the overtime requirements of the Fair Labor Standards Act, vacation leave may be used in fifteen-minute increments, at the discretion of the appointing authority.~~

~~K. In cases of separation from county employment by death of an))~~ I. When a current employee dies with accrued vacation leave and ~~((who))~~ the employee has successfully completed the employee's first six months of county service, payment of the unused vacation leave up to the employee's maximum accrual amount shall be made to the employee's estate, or, in applicable cases, as provided for by state law, Title 11 RCW. ((

~~Except with the written approval of the executive, the position, if vacated by a nonrepresented employee, shall not be filled until salary savings for the position are accumulated in an amount sufficient to pay the cost of the cashout.~~

~~L.)~~ J. If an employee resigns, is laid off, or is separated for nondisciplinary reasons from a ~~((full-time))~~ regular or ~~((part-time regular))~~ term-limited temporary position with the county in good standing ~~((or is laid off))~~ and subsequently returns to county employment within two years from the resignation, ~~((or))~~ layoff, ~~((as applicable))~~ or nondisciplinary separation, the employee's prior county service shall be counted in determining the vacation leave accrual rate under subsection A. of this section.

SECTION 25. Ordinance 12052, Section 1, as amended, and K.C.C. 3.12.210 are each hereby amended to read as follows:

A. Employees eligible for comprehensive leave benefits shall be entitled take to up to five working days of bereavement leave, with a maximum of forty hours, for each qualifying death of the employee's immediate family members. Part-time employees' bereavement leave benefits shall be prorated to reflect the employee's work week. Bereavement leave shall be used within eighteen months of the death. For purposes of this subsection, "immediate family members" are any of the following:

1. The employee's spouse or domestic partner;
2. The employee's ward, or any person whom the employee has legal guardianship or custody of; and
3. The following family members of the employee, the employee's spouse, or the employee's domestic

partner:

- a. a parent, be the person a biological parent, adoptive parent, foster parent, stepparent, legal guardian, or a person who stood or stands in loco parentis;
- b. a, grandparent;
- c. a child, including an unborn child lost due to a stillbirth or miscarriage;
- d. a child's spouse;

e. a grandchild; or

f. a sibling.

B. ~~((A furloughed employee shall not be eligible to take or be paid for bereavement leave in lieu of taking a budgetary furlough day.~~

~~C.))~~ Employees who are not eligible for comprehensive leave benefits may be granted leave without pay or be allowed to use compensatory time, if available, for bereavement leave.

~~((D.))~~ C. ~~((In the application of subsections A. or B. of this section, h))~~ Holidays or regular days off falling within the prescribed period of absence shall not be charged against the bereavement leave entitlement.

~~((E.))~~ D. ~~((Any a))~~ Additional accrued paid leave to be used as bereavement leave may be approved by mutual agreement between the county and the employee.

SECTION 26. Ordinance 12014, Section 20, as amended, and K.C.C. 3.12.215 are each hereby amended to read as follows:

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

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

~~((b.))~~ B. ~~((p))~~ Provides written proof from an accredited medical institution, organization, or individual as to the need for the employee to donate bone marrow, a kidney, or other organs or tissue, or to participate in any other medical procedure where the participation of the donor is unique or critical to a successful outcome.

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

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

SECTION 27. Ordinance 14591, Section 2, as amended, and K.C.C. 3.12.218 are hereby repealed.

SECTION 28. Ordinance 18408, Section 2, as amended, and K.C.C. 3.12.219 are each hereby amended to read as follows:

A. Employees eligible for comprehensive leave benefits who have been employed with the county for at least six months of continuous service at the time of a birth, adoption, or foster-to-adopt placement of a minor child, and are either nonrepresented or represented by a union that has signed a paid parental leave memorandum of agreement with the county, are eligible for up to twelve weeks of paid parental leave.

B. If both parents work for King County, then each employee is entitled to up to twelve weeks of paid parental leave.

C. An employee's supplemental paid parental leave benefit shall be calculated based on the employee's accrued paid leave balances at the time of the qualifying event. The employee shall receive the equivalent of the employee's full salary for up to a total of twelve weeks, when combined with the employee's accrued leaves, except for one week of sick leave and one week of vacation leave, or the equivalent for benefit time off. For example, if an employee has two weeks of accrued vacation and three weeks of accrued sick leave at the time of the qualifying event, the employee shall be granted nine weeks of supplemental paid leave, bringing the total available paid parental leave to twelve weeks.

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

E. An employee on paid parental leave shall be compensated at the employee's base rate of pay.

F. An employee should provide notice to the designated representative of the employee's department

that the employee intends to participate in the program. The notice should meet the notice requirements for taking family and medical leave under federal law.

G. Paid parental leave must begin and end within twelve months after the qualifying event. In the case of adoption or foster-to-adopt placement, leave must be taken within one year of the child's birth or placement in the employee's home. The department of human resources shall have the discretion to administer paid parental leave in a way that supports the employee and child, including allowing use of leave after more than one year of the child's birth or placement in the employee's home to address special circumstances in the case of adoption or foster-to-adopt placement.

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

I. Paid parental leave shall run concurrently with King County family and medical leave, as well as federal and state family and medical leave, to the extent permitted by law.

J. During the time that an employee is on leave in the program, the employee's job shall be protected to the same extent that an employee's job is protected while the employee is on family or medical leave under federal or state law. No retaliatory action may be taken against an employee for participating or planning to participate in the program or for exercising the employee's rights under Ordinance 18408. In particular, permission to use accrued paid leave shall not be denied or delayed on the basis that the employee intends to participate in the program. This is a general statement of county policy that cannot form the basis of a private right of action.

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

L. Employees shall not be compensated in any manner for not using the supplemental paid parental

leave.

M. An employee who does not return to work for at least six months of continuous service following the paid parental leave, shall be required to reimburse King County for the supplemental paid parental leave funds received. This does not apply to an employee whose employment ends involuntarily, such as if the employee is laid off or medically separated.

If an employee is taking paid parental leave intermittently, the six months begins after the last day the employee used paid parental leave. An employee whose position is scheduled to end in a timeframe that would not enable the employee to return to work for six months following the leave, is not entitled to take paid parental leave.

SECTION 29. Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220 are each hereby amended to read as follows:

A.1. Except for employees covered by subsection A.3. of this section, employees eligible for comprehensive leave benefits and district court judges shall accrue sick leave (~~((benefits))~~) at the rate of 0.04616 hours for each hour in pay status exclusive of overtime up to a maximum of eight hours per month(~~((; except that if an hourly employee works in excess of seventy-four hours in one week, the employee shall accrue sick leave at the rate of 0.025 hours for each hour worked in excess of seventy-four))~~). The monthly maximum for employees whose work schedule is less than a forty-hour work week shall be prorated. For example, the maximum for an employee with a thirty-five-hour work week would be seven hours per month. In limited circumstances, an employee may receive additional sick leave accruals at the rate of 0.025 hours for each hour in pay status to ensure compliance with Washington state's paid sick leave law. Except for district court judges, elected officials do not accrue sick leave. No adjustment to reduce sick leave accruals for furloughed employee shall be made as a result of a budgetary furlough.

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

3. Employees who are members of the Law Enforcement Officers and Firefighters (LEOFF) 1 retirement system, judges pro-tem, commissioners, and short-term temporary employees who are employed in social service programs designed to help youth gain basic work training skills, such as Work Experience (WEX) participants and Division of Youth Services (DYS) youth employment workers, shall not accrue sick leave.

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

C. ~~((For employees covered by the overtime requirements of the Fair Labor Standards Act, sick leave may be used in fifteen minute increments.~~

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

~~((E. For employees covered by the overtime requirements of the Fair Labor Standards Act, sick leave may be used in fifteen minute increments.~~

~~F.))~~ D.1. Separation from or termination of county employment except ~~((by reason of retirement or layoff due to lack of work, funds, efficiency reasons or separation for medical reasons))~~ for circumstances outlined in subsection E.1. of this section, shall cancel all sick leave accrued to employees ~~((eligible for comprehensive leave benefits))~~ as of the date of separation or termination.

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

~~-3.))~~ 2. Should an employee, other than an employee who cashed out sick leave under subsection E.1. of this section, return to county employment within two years, accrued sick leave shall be restored. If a retiree cashed out sick leave under subsection E.1. of this section and is rehired within one year, that employee is ~~((not~~

)) entitled to have ~~((any))~~ the remaining sixty-five percent of their sick leave restored. If a retiree cashed out sick leave under subsection E.1. of this section and is rehired after one year, no sick leave is restored.

~~((G.))~~ E.1. Except for short-term temporary employees, administrative interns, and employees covered by the Law Enforcement Officers and Firefighters (LEOFF) 1 retirement system, employees eligible to accrue sick leave who have successfully completed at least five years of county service and who retire as a result of length of service or who ~~((terminate by reason of death))~~ die while employed shall be paid, or their estates paid or as provided for by Title 11 RCW, as applicable, an amount equal to thirty-five percent of their unused, accumulated sick leave multiplied by the employee's base rate of pay in effect upon the date of leaving county employment less mandatory withholdings. ~~((This provision is predicated on the requirement that, except with the written approval of the executive, the position, if vacated by a nonrepresented employee, shall not be filled until salary savings for the position are accumulated in an amount sufficient to pay the cost of the cash out.))~~

For the purposes of this subsection ~~((G.))~~ E.1., "retire as a result of length of service" means an employee is eligible, applies for and begins drawing a pension from the Law Enforcement Officers and Firefighters (LEOFF), Public Employees' Retirement System (PERS), Public Safety Employees' Retirement System (PSERS), or the city of Seattle Retirement Plan immediately upon terminating county employment. An employee is only eligible to cash out thirty-five percent of the employee's sick leave balance one time, even if the employee subsequently returns to county employment.

2.a. In lieu of ~~((the remuneration for unused sick leave at retirement))~~ payment for thirty-five percent of unused sick leave, the director may ~~((, with equivalent funds,))~~ also provide eligible employees with a voluntary employee beneficiary association plan that provides for reimbursement of retiree and other qualifying medical expenses. Under K.C.C. 3.12.190.G., in lieu of ~~((the remuneration))~~ payment for fifty percent of unused vacation leave at retirement, the director may also fund the voluntary employee beneficiary association plan.

b. The director shall adopt procedures for the implementation of all voluntary employee beneficiary

association plans. At a minimum, the procedures shall provide that:

(1) each group of employees hold an election to decide whether to implement a voluntary employee beneficiary association plan for a defined group of employees. The determination of the majority of voting employees in a group shall bind the remainder consistent with regulatory requirements. Elections for represented employees shall be conducted by the appropriate bargaining representative. Elections for nonrepresented employees shall be conducted in accordance with procedures established by the director or designee;

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

(3) any voluntary employee beneficiary association plan implemented in accordance with this subsection ~~((G.))~~ E.2. complies with federal tax law. Disbursements in accordance with this subsection ~~((G.))~~ E.2. shall be exempt from withholdings~~((s))~~ to the extent permitted by law~~((; and~~

~~(4) employees shall forfeit remuneration under subsection G.1. and 2. of this section if the employee belongs to a group that has voted to implement a voluntary employee beneficiary association plan and the employee fails to execute forms that are necessary to the proper administration of the plan within twelve months of retirement by reason of length of service, as defined in subsection G.1. of this section.~~

~~H.1. An employee must use all of the employee's accrued sick leave and any donated sick leave before taking unpaid leave for the employee's own health reasons)).~~

3. If the employee has an injury or illness that is compensable under the county's workers compensation program, then the employee has the option to augment or not augment wage replacement pay with the use of accrued sick leave. ~~((A furloughed employee shall not be eligible to take or be paid for sick leave in lieu of taking a budgetary furlough day.~~

~~2. For a leave for family reasons, the employee shall choose at the start of the leave whether the~~

~~particular leave would be paid or unpaid, but when an employee chooses to take paid leave for family reasons the employee may set aside a reserve of up to eighty hours of accrued sick leave.))~~

4. A furloughed employee who is on county family medical leave as provided for in this section shall retain county benefits during furlough days.

~~((3.))~~ 5. An employee who has exhausted all of the employee's accrued sick leave may use accrued vacation leave before going on leave of absence without pay, if approved by the employee's appointing authority. ~~((A furloughed employee shall not be eligible to take or be paid for vacation leave in lieu of sick leave in lieu of taking a furlough day.))~~ If caring for a family member, use is at the employee's discretion and is not subject to approval by the appointing authority.

~~((F.))~~ F. Paid ~~((S.))~~ sick leave may be used for the following reasons:

1. ~~((An absence))~~ For self-care or to care for a family member:

a. ~~((resulting from the employee's))~~ due to a mental or physical illness, injury, or health condition;

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

c. ~~((for the employee's need for))~~ to receive preventive medical care;

2. ~~((To allow the employee to provide care:~~

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

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

e. ~~for a family member who needs preventive medical care;~~

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

~~((4.))~~ 3. For absences that qualify for leave under the domestic violence leave act, chapter 49.76

RCW;

~~((5-))~~ 4. For absences to increase the safety of the employee or a family member when the employee or a family member has been a victim of trafficking under RCW 9A.40.100;

~~((6-))~~ 5. For family and medical leave available under federal law, state law, or King County ordinance. Sick leave may not be used to supplement partial day wage replacement available under Washington state paid family and medical leave; and

~~((7-))~~ 6. When an employee has been exposed to a contagious disease and must quarantine.

~~((F-))~~ G. For purposes of sick leave, "family member" means any of the following:

1. A child ~~((, including a biological, adopted or foster child, a stepchild or a child to whom the employee stands in loco parentis, is a legal guardian or is a de facto parent, regardless of age or dependency status, or the child))~~ of the employee or of the employee's domestic partner;
2. The parent of an employee, employee's spouse, or employee's domestic partner. Parent includes:
 - a. a biological parent;
 - b. an adoptive parent;
 - c. a de facto parent;
 - d. a foster parent;
 - e. a stepparent;
 - f. a legal guardian; or
 - g. a person who stood or stands in loco parentis to the employee, employee's spouse, or employee's domestic partner;
3. A spouse;
4. A domestic partner;
5. A grandparent;
6. A grandchild; or

7. A sibling.

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

2. An employee who chooses to augment workers' compensation payments with the use of accrued sick leave shall notify the safety and workers' compensation program office in writing at the beginning of the leave.

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

~~((L-))~~ I. Management of the employee's department is responsible for the proper administration of sick leave benefits. Management of the employee's department may require an employee to provide reasonable notice of an absence from work, so long as the notice does not interfere with an employee's lawful use of sick leave.

~~((M-))~~ J. Verification that an hourly employee's use of sick leave is for an authorized purpose may be required for absences exceeding three days. Verification may not result in an unreasonable burden or expense on the hourly employee and may not exceed privacy or verification requirements otherwise established by law. A salaried employee may be asked to provide verification of the need for paid sick leave at the discretion of the employee's supervisor or department.

SECTION 30. Ordinance 18191, Section 4, and K.C.C. 3.12.221 are each hereby amended to read as follows:

A. An employee who has been employed by the county for twelve months or more and has worked a minimum of nine hundred ten hours for a thirty-five-hour employee and one thousand forty hours for a forty-

hour employee in the preceding twelve-month period, may take a total of up to eighteen weeks of King County family and medical leave within a twelve-month period for ~~((either))~~:

1. ~~((1))~~ The employee's own serious health condition ~~((or))~~;

2. ~~((2))~~ To care for a family member with a serious health condition ~~((, if the employee has been employed by the county for twelve months or more and has worked a minimum of nine hundred ten hours for a thirty-five-hour employee and one thousand forty hours for a forty-hour employee, and:))~~;

3. To bond with a new minor child within the first twelve months following the child's birth or placement with the employee for adoption or foster care;

4. For certain qualifying exigencies related to military service covered by the federal Family and Medical Leave Act, 29 U.S.C. Sec. 2601 et seq.; or

5. Any qualifying reason under the federal Family and Medical Leave Act, 29 U.S.C. Sec. 2601 et seq.

~~((1-))~~ B. ((The)) Qualifying family members ~~((is))~~ include the employee's spouse or domestic partner, the employee's child, a child of the employee's spouse or domestic partner, the parent of the employee or the employee's spouse or domestic partner, or an individual who stood in loco parentis to the employee or the employee's spouse or domestic partner. ~~((; and~~

~~2. The reason for the leave is one of the following:~~

a. ~~the birth of a son or daughter and care of the newborn child, or placement with the employee of a son or daughter for adoption or foster care, if the leave is taken within twelve months of the birth, adoption or placement;~~

b. ~~the care of the employee's child or child of the employee's spouse or domestic partner whose illness or health condition requires treatment or supervision by the employee;~~

c. ~~the care of a family member with a serious health condition; or~~

d. ~~any qualifying reason under federal family and medical leave law, 29 U.S.C. Sec. 2601 et seq., or state family and medical leave law, chapter 49.78 RCW.~~

~~B.))~~ C. King County family and medical leave may be taken intermittently to the same extent permitted under federal ~~((and state))~~ family and medical leave laws.

~~((C.1.))~~ D. King County family and medical leave shall run concurrently with leave ~~((under 29 U.S.C. Sec. 2601 et seq., and chapter 49.78 RCW,))~~ taken in conjunction with an occupational injury or illness for which the employee is receiving workers' compensation wage replacement payments, and any other leaves ((that are)) available under federal or state law to the extent permissible by law.

~~((2. When leave is taken for the serious health condition of the employee in conjunction with an occupational injury or illness for which the employee is receiving workers' compensation wage replacement payments, the leave shall run concurrently with leave under the federal and state family and medical leave and King County family and medical leave.~~

~~D. The department is responsible for the proper administration of the King County family and medical leave benefit.))~~ E. Verification from a health care provider may be required to certify the health condition of the employee or family member for King County family and medical leave or federal Family and Medical Leave Act, 29 U.S.C. Sec. 2601 et seq. requests.

~~((E.))~~ F. The county shall continue its contribution toward health care benefits when an employee is on King County family and medical leave, regardless of whether the employee is in a paid or unpaid status during the leave.

~~((F.))~~ G. An employee who returns from King County family and medical leave within the time provided in this section is entitled to the same job protection as an employee returning from leave under the federal Family and Medical Leave Act, 29 U.S.C. Sec. 2601 et seq., subject to reductions-in-force provisions as specified in K.C.C. 3.12.300.

~~((G.))~~ H. Failure of an employee to return to work by the expiration date of a leave of absence may be cause for termination of the employee from county service.

SECTION 31. Ordinance 15558, Section 2, as amended, and K.C.C. 3.12.222 are each hereby amended

to read as follows:

A. ~~((Annually, from the first business day in October through the last business day in November))~~
During the annual giving drive, an employee eligible for comprehensive leave benefits may sign a written authorization subject to approval by the employee's department director to convert accrued vacation, benefit time off, or accumulated compensatory hours, or ~~((both))~~ any combination thereof, into cash to benefit up to three nonprofit organizations participating in the King County employee annual drive in accordance with K.C.C. chapter 3.36, of the employee's choice.

B. Notwithstanding K.C.C. 3.12.190, an employee eligible for comprehensive leave benefits may convert accrued vacation, benefit time off, or accumulated compensatory hours, or ~~((both))~~ any combination thereof, into cash to benefit emergency or disaster relief efforts. Upon the occurrence of an emergency or disaster, such as fire, flood, explosion, storm, earthquake, or epidemic, that results in the loss of either life or property, or both, and with the exception of the employee annual drive-related period designated under subsection A. of this section, the executive may authorize a period of up to forty-five days ~~((opportunity))~~ for employees eligible for comprehensive leave benefits to sign a written authorization to convert accrued vacation, benefit time off, or accumulated compensatory hours, or ~~((both))~~ any combination thereof, into cash to benefit up to three nonprofit organizations designated by the executive. The employee's written authorization is subject to approval by the employee's department director. The designated nonprofit organization must be a King County employee annual drive participant in accordance with K.C.C. chapter 3.36. This section shall be administered in accordance with K.C.C. chapter 3.36.

C. The hours converted under subsection A. or B. of this section must be in full-hour increments. The employee's donation must be a minimum of four hours and no more than forty hours per calendar year with the exception of the conditions described in subsection D. of this section.

D. An employee eligible for comprehensive leave benefits who earned excess vacation leave, benefit time off, or compensatory hours, or ~~((both))~~ any combination thereof, beyond the amount that may be carried

over into the next fiscal year may donate greater than forty hours under subsection A. or B. of this section with approval from the employee's department director.

E. All King County employees eligible for comprehensive leave benefits may donate voluntarily in accordance with this section (~~(voluntarily)~~).

F. The department of human resources shall value the hours donated under this section based on the employee's base rate of pay in effect at the time the approved conversion authorization is processed. The department of human resources shall process leave donations authorized under subsection A. of this section within the first two full weeks in December. The department of human resources shall process leave donations authorized under subsection B. of this section within the first two full weeks after the (~~(forty-five-day)~~) period designated in accordance with subsection B. of this section.

G. The net cash value of the accrued vacation, benefit time off, or accumulated compensatory hours, or (~~(both)~~) any combination thereof, after all mandatory withholdings, including, but not limited to, withholding in accordance with retirement plans, federal income tax, and the Federal Insurance Contributions Act(~~(s)~~) have been deducted must be distributed by the department of human resources to the designated nonprofit organization or organizations.

SECTION 32. Ordinance 12014, Section 22, as amended, and K.C.C. 3.12.223 are each hereby amended to read as follows:

A.1. An employee eligible for comprehensive leave benefits may donate a portion of the employee's accrued vacation leave to another employee eligible for comprehensive leave benefits to be used for any qualifying reason in accordance with King County family and medical leave under K.C.C. 3.12.221, or under the federal (~~(f)~~)Family and (~~(m)~~)Medical (~~(l)~~)Leave (~~(law)~~) Act, 29 U.S.C. Sec. 2601 et seq. Such a donation may only occur upon written request to and approval of the donating and receiving employees' department director or directors.

2. The number of hours donated shall not exceed the donor's accrued vacation leave as of the date of

the request. No donation of vacation hours shall be permitted where it would cause the employee receiving the transfer to exceed that employee's maximum vacation accrual.

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

4.) Donated vacation leave hours shall be converted to donated sick leave hours and remain with the recipient. Donated ~~((vacation))~~ sick leave hours shall be excluded from the ~~((vacation))~~ sick leave payoff provisions and sick leave restoration provisions contained in this chapter. Employees do not accrue additional leave hours while utilizing donated ~~((vacation))~~ sick leave hours.

B.1. An employee eligible for comprehensive leave benefits may donate a portion of the employee's accrued sick leave to another employee eligible for comprehensive leave benefits to be used for any qualifying reason in accordance with King County family and medical leave under K.C.C. 3.12.221, or under the federal ~~((f~~))Family and ~~((m))~~Medical ~~((f))~~Leave ~~((law))~~ Act, 29 U.S.C. Sec. 2601 et seq. Such a donation may only occur upon written request to and approval of the donating and receiving employees' department director or directors.

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

3. Donated sick leave hours remain with the recipient. Donated sick leave hours shall be excluded from the sick leave payoff provisions contained in this chapter, and sick leave restoration provisions contained in this chapter. Employees do not accrue additional leave hours while utilizing donated sick leave hours.

C.1. Employees receiving donated leave must have exhausted all paid leave accruals before using donated leave.

2. The leave for which the employee is requesting donations must be for a prolonged absence. A prolonged absence is three or more consecutive days. An employee may use donated leave intermittently after the employee's prolonged absence.

D. All donations of vacation and sick leave made under this chapter are strictly voluntary. Employees shall not ask for anything of value, or offer or receive anything of value, in exchange for donation of vacation or sick leave hours.

E. All vacation and sick leave hours donated shall be converted to a dollar value based on the donor's base rate of pay at the time of donation. ~~((Such))~~ The dollar value shall then be divided by the receiving employee's hourly rate to determine the actual number of hours received and placed in the receiving employee's donated leave bank. Vacation leave donated to a furloughed employee, who is designated by a department director and confirmed by the director of human resources as eligible to use donated leave on a furlough day, is donated on an hour-for-hour basis, without an hourly rate conversion.

SECTION 33. Ordinance 13743, Section 1, as amended, and K.C.C. 3.12.224 are each hereby amended to read as follows:

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

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

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

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

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

1. Are established in the names of the children or their legal guardian for the benefit of the children;
2. Are held by a governmental agency, nonprofit organization, bank, trust or lawful entity other than an individual;
3. Contain adequate safeguards against theft, diversion, loss or wasting of the funds paid under this section; and
4. Restrict the permissible use of funds paid under this section to paying for minimal, if any, administrative expenses and providing for the children's reasonable food, shelter, and educational expenses; and

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

SECTION 34. Ordinance 7956, Section 6, as amended, and K.C.C. 3.12.225 are each hereby amended to read as follows:

A. Division managers shall allow the division's employees who are eligible for comprehensive leave benefits the use of up to three days of accrued sick leave, not to include donated sick leave, each calendar year to perform volunteer services at a local school or at a nonprofit organization on the approved list for the employee giving program. During a calendar year, an employee may use accrued sick leave for volunteer service for both school and nonprofit organization participation. The aggregate number of sick leave days used for those purposes shall not exceed three ~~((days))~~ occasions in a calendar year.

B. ~~((A furloughed employee shall not be eligible to take or be paid for volunteer sick leave in lieu of taking a furlough day.~~

C.)) Employees requesting to use accrued sick leave for this purpose shall submit ~~((such))~~ a request in writing specifying the name of the school or organization and the nature of the volunteer services to be performed. The employee's supervisor may request in advance that the employee obtain written proof of the service from the school or organization.

SECTION 35. Ordinance 19563, Section 7, as amended, and K.C.C. 3.12.227 are each hereby amended to read as follows:

A. There is hereby created a King County emergency medical leave donation program, which shall be activated or deactivated at the director's discretion based on the county's current need for such a program.

B. Emergency medical leave donations may only occur upon the employee's request to the department of human resources with written approval of the donating and receiving employees' department director or directors.

C.1. An employee eligible for comprehensive leave benefits may donate a portion of the employee's accrued vacation or sick leave hours to the emergency medical leave program.

2. An employee is limited to donating no more than eighty hours of vacation leave to the program per calendar year unless the employee's department director approves a greater amount. The number of donated hours shall not exceed the donor's accrued vacation leave as of the date of the request.

3. An employee is limited to donating no more than twenty-five hours of sick leave to the program per calendar year. A donation of sick leave hours shall not be permitted unless the donating employee's sick leave accrual balance immediately subsequent to the donation is one hundred hours or more.

4. All vacation and sick leave hours donated shall be converted to a dollar value based on the donor's base rate of pay at the time of donation and transferred to the emergency medical leave program.

D.1. Donated hours shall be distributed by the department of human resources on a first come first serve basis and shall only be awarded prospectively.

2. The maximum donation that an employee eligible for comprehensive leave benefits may receive is eighty hours per calendar year, prorated to reflect the employee's normally scheduled work week.

3. The number of donated hours distributed to the receiving employee and the receiving employee's base rate of pay shall determine the dollar value to withdraw from the emergency medical leave program.

4. The receiving employee may only use emergency medical leave for a qualifying reason in accordance with King County family and medical leave under K.C.C. 3.12.221, or under the federal ~~((f))~~Family and ~~((m))~~Medical ~~((l))~~Leave ~~((law))~~ Act, 29 U.S.C. Sec. 2601 et seq.

5. The leave for which the employee is requesting donations must be for a prolonged absence. "A prolonged absence" means three or more consecutive days. An employee may use donated leave intermittently after the employee's prolonged absence.

6. The receiving employee must have exhausted all of the employee's paid leave accruals prior to utilizing emergency medical leave hours.

7. Donated leave hours shall be excluded from the vacation and sick leave payoff provisions in this chapter.

8. Employees do not accrue additional leave hours while utilizing emergency medical leave donated hours.

9. If donated hours are not utilized by the donee within sixty calendar days of being awarded, the

hours shall be returned to the emergency medical leave program and do not revert to the donor.

SECTION 36. Ordinance 12014, Section 23, as amended, and K.C.C. 3.12.230 are each hereby amended to read as follows:

A. All employees eligible for comprehensive leave benefits shall be granted the following designated holidays with pay:

1. January 1, New Year's Day;
2. Third Monday in January, Martin Luther King, Jr. Day;
3. Third Monday in February, President's Day;
4. Last Monday in May, Memorial Day;
5. June 19, Juneteenth;
6. July 4, Independence Day;
7. First Monday in September, Labor Day;
8. Second Monday in October, Indigenous Peoples' Day;
9. November 11, Veterans Day;
10. Fourth Thursday in November, Thanksgiving Day;
11. Friday after Thanksgiving, Day after Thanksgiving;
12. December 25, Christmas Day; and

13. Two personal holidays, for employees who are employed on February 1, which shall be added to the employee's vacation bank on the paycheck that includes February 1. New employees eligible for comprehensive leave benefits hired between February 2 and November 15 shall be awarded two personal holidays upon hire. New employees eligible for comprehensive leave benefits hired after November 15 shall not receive two personal holidays for that calendar year.

B. For holidays falling on a Saturday, the Friday before shall be a paid holiday. For holidays falling on a Sunday, the Monday following shall be a paid holiday.

C. An employee must be eligible for comprehensive leave benefits and in a pay status on the day before and the day following a holiday to be eligible for holiday pay. However, an employee who has successfully completed at least five years of county service and who retires at the end of a month in which the last regularly scheduled working day is observed as a holiday, shall be eligible for holiday pay if the employee is in a pay status the day before the day observed as a holiday. An employee otherwise eligible for holiday pay shall not be ineligible as a result of not being in a pay status on the day before or after the holiday due to budgetary furlough or for taking an unpaid holiday for religious purposes.

D. When a holiday falls on the scheduled day off of a full time employee entitled to comprehensive leave benefits who works other than a five-day, eight-hour schedule, the employee shall be given a deferred holiday. The employee and the employee's supervisor shall jointly select another day, preferably within the same pay period, for the employee to take as holiday. Deferred holidays for a part-time hourly employee eligible for comprehensive leave benefits shall be prorated to the employee's schedule.

SECTION 37. Ordinance 12077, Section 5, as amended, and K.C.C. 3.12.240 are each hereby amended to read as follows:

A. An employee eligible for comprehensive leave benefits who is ordered on a jury shall be entitled to the employee's regular county pay but only if any fees received for jury duty are rejected by the employee when the employee is called to jury service or deposited, exclusive of mileage, with the finance and business operations division of the department of executive services.

B. An employee who is not eligible for comprehensive leave benefits shall be released, unpaid, from work duties for the duration of the employee's jury duty, and may retain any fees paid for jury service.

C. ~~((A furloughed employee shall not be eligible to take or be paid for jury duty leave in lieu of taking a furlough day.~~

~~D.))~~ Employees shall report to their work supervisor when dismissed from jury service.

SECTION 38. Ordinance 12014, Section 24, as amended, and K.C.C. 3.12.247 are hereby repealed.

SECTION 39. Ordinance 12014, Section 25, as amended, and K.C.C. 3.12.250 are each hereby amended to read as follows:

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

B. An employee eligible for comprehensive leave benefits may take a leave of absence without pay for more than thirty calendar days for nonmedical reasons if authorized in writing by the employee's division manager.

C. An employee eligible for comprehensive leave benefits may take a leave of absence without pay for more than thirty days for medical reasons if authorized in writing by the director.

D. An employee lawfully using Washington paid family and medical leave, including providing King County appropriate notice, does not need to request approval for the employee's unpaid leave of absence from King County.

E. Leaves of absence without pay shall ~~((be for periods))~~ not ~~((to))~~ exceed one year except that the director may, in special circumstances, grant an extension beyond one year.

~~((E-))~~ F. Other employee benefits as provided in this chapter shall not be provided to or accrue to the employee while on leave of absence without pay, except as provided in K.C.C. 3.12.220 or K.C.C. 3.12.040.

~~((F-))~~ G. If a leave of absence without pay was granted for purposes of recovering health, the employee shall be required to submit a physician's statement concerning the employee's ability to resume duties prior to return to work.

~~((G-))~~ H. An employee on leave of absence without pay may return from the leave before its expiration date if the employee provides the division manager with a written request to that effect at least fifteen days prior to resuming duties.

~~((H-))~~ I. Failure to return to work by the expiration date of a leave of absence without pay shall be cause for removal and shall result in ~~((automatic))~~ termination of the employee from county service.

~~((F))~~ J. A leave of absence without pay may be revoked by the employee's division manager or the director upon evidence submitted to the director by the division manager of the employee indicating that such leave was requested and granted under false pretenses, or that the need for such leave has ceased to exist.

SECTION 40. Ordinance 12014, Section 26, as amended, and K.C.C. 3.12.260 are each hereby amended to read as follows:

A.1. A leave of absence shall be granted, in accordance with applicable provisions of state or federal law, to any employee who voluntarily or upon demand by ~~((the))~~ Washington state or the United States government leaves the employee's position with the county, either to determine the employee's physical fitness to enter or to actually enter active duty or training in the United States Uniformed Services, which includes, but is not limited to, the Armed Services and their reserve components, the Washington National Guard and the United States Public Health Service Commissioned Corps and its reserve. Under the Uniform Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. Secs. 4301 through 4335, Uniformed Services may also include an appointee when the National Disaster Medical System is activated.

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

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

C. An employee who is eligible for comprehensive leave benefits under K.C.C. 3.12.040 and volunteers or is ordered to serve in the United States Uniformed Services, as described in subsection A.1. of this section, or to receive associated training that requires a leave of absence from the employee's county position, and has exhausted annual military leave provided pursuant to state and federal law or a collective bargaining agreement, shall be granted a paid leave of absence from the employee's county position at the employee's ((regular)) county base rate of ((county)) pay less the amount of the employee's regular base rate of military pay to which the employee is entitled. The paid leave of absence shall continue until the lesser of the conclusion of the employee's service in the United States Uniformed Services, or until the employee has exhausted the employee's employment and reemployment rights under the Uniform Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. Secs. 4301 through 4335, which is generally up to five years, subject to certain exceptions provided under federal law.

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

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

E. The employee is required to notify the employee's employing county department whenever there is a change to the employee's military rank or pay grade.

SECTION 41. Ordinance 9967, Section 2, as amended, and K.C.C. 3.12.262 are each hereby amended to read as follows:

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

and sick leave. Receipt of medical, dental, vision₂ and life insurance benefits₂ and vacation and sick leave accruals shall continue until the lesser of the conclusion of the employee's service in the United States Uniformed Services, or until the employee has exhausted the employee's employment and reemployment rights under the Uniform Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. Secs. 4301 through 4335, which is generally up to five years, subject to certain exceptions provided under federal law.

B. Receipt of medical, dental, vision₂ and life insurance benefits₂ and leave accruals is contingent upon the employee providing the employing county agency with supporting documentation verifying that the employee is in service. The documentation shall be provided by the employee upon commencing military leave, annually in September and upon leaving military service.

SECTION 42. Ordinance 12014, Section 27, as amended, and K.C.C. 3.12.270 are each hereby amended to read as follows:

A. A career service employee may be disciplined by the appointing authority for any of the following ((~~causes~~)) reasons, or for any other ((~~justifiable~~)) just cause:

1. Dishonesty, including but not limited to dishonesty in securing appointment;
2. Harassment, discrimination, inappropriate conduct, or retaliation in violation of federal, state, or local laws, or county policy;
3. Failing to be respectful of coworkers or the public;
4. Incompetency;
- ((3-)) 5. Inefficiency;
- ((4-)) 6. Unauthorized absence, including patterns of continual tardiness;
7. Inaccurate or fraudulent timekeeping;
- ((5-)) 8. Neglect of duty;
- ((6-)) 9. Insubordination;
- ((7- Consumption of alcoholic beverages or use of illegal drugs while on duty during the workday))

10. Drug or alcohol use or possession in violation of county policy;

11. Use of county time, equipment, or facilities for private gain or other noncounty purpose;

12. Committing an act of workplace violence, including but not limited to verbal assault, threatening behavior, or physical assault;

13. Wearing, transporting or storing firearms or other dangerous weapons within county buildings or facilities, in a county vehicle, or on their person while on county business, except as authorized by county policy;

~~((8-))~~ 14. Conviction of a crime;

~~((9-))~~ 15. Disorderly conduct while on duty;

~~((10-))~~ 16. Negligent, reckless, or knowing damage to or waste of public property;

17. Theft of county property;

~~((11-))~~ 18. Violation of any of the provisions of applicable federal or state law relating to political activities;

~~((12-))~~ 19. Negligent, reckless, or knowing violation of any of the provisions of the personnel guidelines; or

~~((13-))~~ 20. Violation of any lawful order, directive, or policy, ((of a superior, including but not limited to the executive, department directors, and division managers,)) or a violation of the employee code of ethics, K.C.C. chapter 3.04.

B. Prior to the disposition of any suspension or discharge, a career service employee shall be advised of the employee's right to seek assistance through the county's employee assistance program as described in the personnel guidelines.

C. Disciplinary action shall be the primary responsibility of the appointing authority and may include, but is not limited to, reduction in rank or pay, suspension without pay, ~~((and/))~~ or discharge of the employee from county employment, or a combination thereof. The appointing authority shall consult with the director

prior to the discharge of any career service or exempt employee.

D. In any disciplinary action against a career service employee, pertinent information shall be reduced to written form by the appointing authority and a copy provided to the employee (~~and to the director~~). Such written notice shall state the following:

1. The reason for discipline;
2. The facts supporting the discipline;
3. The form of discipline to be imposed;
4. The effective date of the discipline;
5. (~~Unless otherwise provided in an applicable collective bargaining agreement, t~~)The right of the

employee to appeal the following disciplinary action to the personnel board:

- a. Suspension of more than sixty days;
- b. Reduction in rank or pay; or
- c. Discharge;

6. (~~Unless otherwise provided in an applicable collective bargaining agreement, t~~)The right of the employee to appeal any disciplinary action to appropriate authorities through the initiation of grievance procedures, as authorized by or approved under this chapter.

E. Written notice of the discipline shall be delivered to the career service employee, emailed to the employee's work or home address, mailed to the employee, or mailed to the employee's last known address by certified mail, return receipt requested. An employee shall be deemed notified of the disciplinary action on the date the notice was (~~delivered~~) sent to the employee (~~or the date on the return receipt, as applicable~~).

SECTION 43. Ordinance 12014, Section 28, and K.C.C. 3.12.280 are each hereby amended to read as follows:

A. The county recognizes the importance and desirability of settling grievances of career service employees promptly and fairly in the interest of continued good employee relations and morale. To accomplish

this, every effort (~~will~~) shall be made to settle grievances at the lowest possible level of supervision.

B. Employees shall be unimpeded and free from restraint, interference, coercion, discrimination, or reprisal in seeking adjudication of their grievances.

C. Appropriate grievance procedures designed to accomplish the intent of this section shall be developed and incorporated by the director into the personnel guidelines authorized by this chapter. Such grievance procedures shall apply to career service employees only.

SECTION 44. Ordinance 12014, Section 29, as amended, and K.C.C. 3.12.290 are each hereby amended to read as follows:

A. In the case of an appeal by a career service employee to the board following completion of the grievance appeal process outlined in the personnel guidelines, written notice of appeal shall be filed by the employee with the chair of the board and the director (~~within thirty calendar days of the employee having been notified of the disciplinary action as provided for by this chapter or~~) within ~~((ten))~~ thirty calendar days of completion of the grievance or appeal process (~~(contained in this chapter or any applicable collective bargaining agreement. For appeals not involving disciplinary action, the applicable period shall be fourteen calendar days from the action from which the appeal is taken, or fourteen calendar days from the time the employee should reasonably have known of the action, whichever is longer)~~). The written notice of appeal shall contain a statement of the following:

1. The action or alleged action from which the appeal is taken;
2. The grounds for appeal; and
3. The relief requested.

The board may only hear appeals which are within its jurisdiction, as set forth by Section 540 of the charter.

B. All decisions of the personnel board shall be final unless appealed to a court of competent jurisdiction within fourteen calendar days of the board's decision.

C. ~~((The personnel board or the court shall award a career service employee reasonable attorney's fees incurred in any appeal in which the employee is the prevailing party, provided, that the employee shall be considered the prevailing party only where the county has a written settlement offer in effect thirty calendar days prior to the hearing of the personnel board or court and the award obtained by the employee exceeds the terms of that settlement offer; provided further, that such reasonable attorney's fees shall not exceed the actual fees paid by the employee.~~

D.)) Upon request, the director shall provide the council with a status report of appeals filed with the personnel board.

SECTION 45. Ordinance 12014, Section 30, as amended, and K.C.C. 3.12.300 are each hereby amended to read as follows:

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

SECTION 46. Ordinance 4324, Section 9, and K.C.C. 3.12.310 are each hereby amended to read as follows:

The tenure of each employee shall be subject to the rendering of efficient service. Career service employees may be removed ~~((only))~~ for just cause, as specified by this chapter~~((; provided, that such))~~, although the just cause need not be demonstrated where an employee is retired or is laid off in accordance with ~~((the provisions of))~~ this chapter. Career service ~~((E))~~ exempt employees serve at the pleasure of the appointing

authority. Nothing in this section shall derogate from the county's power to abolish positions and lay off employees because of lack of work, lack of funds, or considerations of efficiency.

SECTION 47. Ordinance 4324, Section 33, as amended, and K.C.C. 3.12.320 are hereby repealed.

SECTION 48. Ordinance 12014, Section 31, as amended, and K.C.C. 3.12.330 are each hereby amended to read as follows:

The executive shall be responsible for the administration of the county personnel system in accordance with the policies and standards established by this chapter, which shall constitute the personnel rules of the county. The director as the executive's designee shall be responsible to administer the personnel system (~~and directly related affairs of the county to include collective bargaining; provided, that such a role will not infringe on the authority of the county administrative officer to exercise supervisory authority on those matters not directly relating to the formal administration of the county's personnel system; provided further, that the equal employment officer and program, to include the affirmative action program, shall be directly responsible to the county administrative officer in all applicable affairs in which there has not been a formally defined relationship, by virtue of council action or personnel guideline, between said office and the director~~)).

SECTION 49. Ordinance 12498, Sections 1, 4-7, and K.C.C. 3.12.335 are each hereby amended to read as follows:

A. It is the policy of King County to provide paid opportunities (~~for paid, competitive employment~~) for individuals with developmental disabilities, as defined in this chapter, in integrated work settings. The executive shall seek the cooperation, assistance, and participation of all county departments in the successful implementation of this policy.

B. Persons with developmental disabilities as defined in RCW 71A.10.020(~~(5)~~)(6), as amended, shall be eligible for supported employment pursuant to this section.

C. The department of human resources, or its successor agency, is designated as the lead agency responsible for the management of the supported employment program, with technical support provided by the

developmental disabilities and early childhood supports division of the department of community and human services, or its successor agency.

~~((D. The executive is authorized to adopt administrative rules to implement this section pursuant to K.C.C. 3.12.350.))~~

SECTION 50. Ordinance 4324, Section 4, and K.C.C. 3.12.340 are hereby repealed.

SECTION 51. Ordinance 12014, Section 32, as amended, and K.C.C. 3.12.350 are each hereby amended to read as follows:

A. The director ~~((shall))~~ may adopt personnel guidelines for the purpose of implementing the directives, policies, and standards contained in this chapter and in Article 5 of the charter.

~~((Such personnel guidelines shall be subject to approval by the executive. Before adoption, amendment or repeal of any guideline, the department shall give at least forty five days' notice of its intended action by filing notice with the clerk of the council and mailing notice of the intended action to each member of the council, each department director and agency head, each collective bargaining unit that has a collective bargaining agreement with the county, the chief of staff of the council and the council policy staff director, or their successors.))~~ After adoption, amendment, or repeal of ~~((the))~~ any guideline, the department shall post ~~((all~~)) the updated guidelines to the Internet, and the department will notify each department and the office of labor relations may notify the collective bargaining units.

B. The personnel guidelines ~~((shall))~~ may include, but not be limited to, the following subjects:

1. Purpose, objectives and intent;
2. Definitions;
3. Preemployment administration:
 - a. role of the director and the department;
 - b. recruitment procedures;
 - c. application procedures;

- d. examinations;
- e. employment lists;
- f. ~~((certification;~~
- ~~g.))~~ appointment; and
- ~~((h.))~~ g. process requirements of equal employment opportunity;

4. Postemployment administration:

- a. role of the department of human resources;
- b. probationary periods;
- c. classification system;
- d. employee performance evaluation;
- e. disciplinary procedures;
- f. separation, including reductions in force;
- g. employee relations; and
- h. process requirements of equal employment opportunity;

5. Special duty;

6. Grievance and appeals procedures:

a. role of the department of human resources and other departments, including relationship and processes of the equal employment program;

- b. role of the director;
- c. grievance procedures;
- d. appeals procedures; and
- e. role of the personnel board;

7. Conditions of employment;

8. Employee benefits;

9. Procedures for leaves of absence; and
10. Procedures for salary and administration.

SECTION 52. Ordinance 12014, Section 33, and K.C.C. 3.12.360 are each hereby amended to read as follows:

A. When a collective bargaining agreement establishes a condition of employment, benefit, or procedure (~~(which conflicts)~~) that differs with a condition, benefit, or procedure established by this chapter (~~(or otherwise by ordinance)~~), the collective bargaining agreement shall take precedence with respect to those employees covered by the agreement, so long as the following conditions are met:

- ~~((A-))~~ 1. The condition of employment, benefit, or procedure created by the agreement is lawful; and
- ~~((B-))~~ 2. The agreement has been adopted by the council by ordinance.

B. Adoption of the agreement by ordinance shall be deemed an amendment of this chapter only with respect to the affected employees and subject condition, benefit, or procedure.

SECTION 53. Ordinance 9498, Section 14, and K.C.C. 3.12.365 are hereby repealed.

SECTION 54. Ordinance 16640, Section 3, as amended, and K.C.C. 3.12.400 are each hereby amended to read as follows:

A. It is the policy of the county to support the endeavors of volunteers for the county in a manner that benefits the community (~~(and)~~), is in the best interest of the county, and provides scope of work direction to its volunteers.

B. Volunteers for the county are expected to act within the scope of assigned volunteer work responsibilities. Volunteers for the county are authorized agents of the county only when acting within the scope of their assigned volunteer work responsibilities. Volunteers for the county are entitled to defense and indemnification as provided in K.C.C. chapter 2.21.

C. Volunteers for the county shall be administered as follows:

1. A county employee may be a volunteer for the county only if the service as a volunteer for the

county is not the same type of services that the employee is employed to perform for the county;

2. A volunteer for the county may be asked by an agency to enter into a volunteer agreement, waiver, or other type of liability mitigation protection agreement;

3. The county retains the sole right to accept, decline, or terminate the services of a volunteer for the county for any reason. A volunteer for the county is expected to comply with all federal, state, and local laws and to adhere to all county policies and procedures related to workplace conduct and use of county resources, including all those applicable to the specific department, division, section, and ~~((work place))~~ workplace that oversees their volunteer work. If the volunteer for the county violates any law, county policy or procedure, or any workplace expectation, including those related to workplace conduct or the use of county resources, the county, at its sole discretion, may impose corrective measures upon the volunteer for the county. Such corrective measures may include, but not be limited to, verbal counseling in an effort to achieve acceptable compliance, up to and including, dismissal of the volunteer for the county. Progressive measures are not required and there shall be no formal right of appeal for any corrective action taken by the county. The services of a volunteer for the county may be terminated at any time by either the volunteer for the county or by the county for any reason without cause or notice;

4. The use of county resources and property by a volunteer for the county is limited to the conduct appropriately required to deliver the volunteer services within the scope of work identified for the volunteer and uses that are available to the general public as provided in K.C.C. 3.04.020;

5. ~~((For each program that uses volunteers for the county, departments shall develop a code of conduct. The department shall provide volunteers for the county with a copy of the relevant code of conduct or post the code of conduct in an area where volunteers report for work. Codes of conduct shall include the principles of behaving with respect toward other volunteers for the county, behaving with respect toward members of the public, behaving with respect toward county employees and behaving with respect for individuals, animals or property that are the focus of the program using volunteers for the county. Individuals~~

~~who violate the code of conduct shall be subject to the corrective measures in subsection C.3. of this section;~~
and

–6.)) The departments, in consultation with the director of the department of human resources, shall be responsible for the administration of volunteer programs and the management of volunteers for the county in accordance with the policies and standards established by this chapter.

SECTION 55. Ordinance 12943, Section 13, and K.C.C. 3.12A.010 are each hereby amended to read as follows:

The council finds that both operational efficiency and fair and equitable employment practices are advanced by the use of regular, career service employees where appropriate. Therefore, it is the policy of King County to have ongoing, relatively stable, and predictable bodies of work necessary to the provision of services to the public performed by career service employees, and to minimize its use of part-time and temporary employees. This is not meant to limit the number of employees employed in part-time regular positions or to contract out work in appropriate situations. To achieve that goal, the council hereby adopts the procedures set forth in this chapter.

SECTION 56. Ordinance 12943, Section 14, as amended, and K.C.C. 3.12A.020 are each hereby amended to read as follows:

The definitions set forth in K.C.C. chapter 3.12 are hereby incorporated in this chapter. Words not defined in K.C.C. chapter 3.12 or in this chapter shall have their ordinary and usual meanings. In the event of conflict, the specific definitions set forth in this chapter shall presumptively, but not conclusively, prevail.

A. "Committee" means the career service review committee, which shall consist of:

1. The following three permanent members:

a. the county executive or designee;

b. the chief officer of the office of performance, strategy, and budget or successor organizational unit

or designee; and

c. the director of the department of human resources or successor organizational unit or designee;
and

2. One member representing the department whose body of work or employees are then under review.

SECTION 57. Ordinance 12943, Section 15, and K.C.C. 3.12A.030 are each hereby amended to read as follows:

The executive shall conduct an annual review as described herein. By March 1 of each year, ((beginning March 1, 1999,)) each executive department and administrative office shall prepare and submit to the committee a comprehensive report documenting its use of part-time and temporary employees, other than probationary and provisional employees, in the preceding calendar year.

Within ((60)) sixty days of submission of the ((above)) reports required under this section, the committee shall make a factual determination as to whether an ongoing, relatively stable, and predictable body of work on an annualized basis has been identified. If the committee determines that such a body of work exists, the committee may recommend: (1) the creation of any new part-time or full-time regular career service position(s); or (2) the filling of an existing vacant career service position in which the work is being performed by a temporary or part-time employee(s); or (3) the creation of a term-limited temporary employee position; or (4) the cessation of the work. If the committee identifies such a body of work, but the committee does not make any of the recommendations described ((above)) in this section, the department must discontinue the use of part-time or temporary employees to perform that work. If the committee recommends creation of a regular career service position, but the executive does not recommend or the council does not create such a position, the department shall discontinue performance of the pertinent body of work by temporary or part-time employees.

Any regular career service position created as a result of this process ((will)) shall be filled by a competitive hiring process.

The reports of each department and of the committee and the records of ((their)) the committee's

proceedings shall be considered disclosable public records and shall also be made available to the council upon request.

SECTION 58. Ordinance 12943, Section 16, and K.C.C. 3.12A.040 are each hereby amended to read as follows:

Part-time and temporary employees, other than probationary, provisional, and term-limited temporary employees, who exceed the calendar year working hour thresholds set forth in the definitions contained in K.C.C. chapter 3.12 shall receive pay in lieu of benefits as provided in K.C.C. chapter 3.12. ~~((Provided, that))~~ However, exceeding the threshold hours does not confer career service status on any employee.

SECTION 59. Ordinance 12943, Section 17, as amended, and K.C.C. 3.12A.050 are each hereby amended to read as follows:

A.1. Part-time and temporary employees, other than probationary and provisional employees, who exceed the ~~((calendar-year))~~ working-hour thresholds set forth in the definitions contained in K.C.C. chapter 3.12 may seek conversion of a body of work ~~((in which))~~ they perform into a part-time or full-time regular career service position by appeal to the committee. Conversion decisions shall be based on whether the work performed by the employee is an ongoing, relatively stable, and predictable body of work that is half time or more, even though the work was not perceived as such previously, and whether it should be performed by a regular part-time or full-time career service employee. The committee shall also decide, if the body of work does not warrant a career service position, whether the position should be converted to a term-limited temporary employee position. The committee shall determine whether the work performed by the employee shall:

- ~~((1-))~~ a. ~~((R))~~ remain outside career service as part-time or temporary;
- ~~((2-))~~ b. ~~((B))~~ be converted to a term-limited temporary employee position that receives benefits; or
- ~~((3-))~~ c. ~~((B))~~ be converted to a part-time or full-time regular career service position.

B. The committee shall make its determination within forty-five days of the employee's request. In the

event of a tie vote by the committee, where half the committee finds that the body of work should be converted, the appeal shall be deemed to have prevailed. The committee shall make a recommendation to the executive for recommendation to the council. The executive's recommendation shall be submitted to the council if the executive decides the body of work should be performed by a career service employee and that further position authority is required. If the council does not approve the additional position, the work shall promptly be discontinued and not performed by temporary or part-time employees.

If the committee finds that the work performed by the employee should remain part-time or temporary, the employee may appeal within ten days from the date of receipt of the committee's finding by filing a notice of appeal with the committee. The committee shall direct the appeal to be considered by a hearing examiner of the county or, at its option, the committee may direct the appeal be considered by an independent, neutral arbitrator who ~~((will))~~ shall make a final determination. The arbitrator shall be chosen by the director and the appellant, and shall be paid by the employing department or administrative office.

The hearing examiner's or arbitrator's decision shall be limited to either upholding the committee's finding or overturning the committee's finding. The decision shall be based on whether the work performed by the employee is an ongoing, relatively stable, and predictable body of work and is half-time or more, under the same standards applicable to the committee, or on whether the work meets the definition of term-limited temporary position. Employees covered by a grievance procedure contained in a collective bargaining agreement may elect either to use the grievance procedure, if the applicable collective bargaining agreement permits it, or to use the appeal procedure described above, but not both procedures.

If the hearing examiner or arbitrator overturns the committee's findings, any new career service or term-limited temporary position must be absorbed by the department within its authorized position level, or within funds available for term-limited temporary position work, provided that the department may request additional position or budget authority. The appealing employee ~~((will))~~ shall be placed in the career service position as a provisional appointee, with insured benefits and comprehensive leave benefits, until a competitive hiring

process, which substantially takes into account and weighs the experience of the employee performing the tasks of the position, is completed. If the appealing employee is selected for the position, the employee's start date (~~will~~) shall be the date of the provisional appointment for all purposes, including seniority and/or a probationary period, except that those employees covered by a collective bargaining agreement the date of the appointment shall be determined in accordance with the collective bargaining agreement or by the collective bargaining process. If the employee is placed in a term-limited temporary position, the employee's start date (~~will~~) shall be the date of the employee's appointment to the term-limited temporary position for all purposes, except for those employees covered by collective bargaining agreements, whose start date (~~will~~) shall be determined by the collective bargaining agreement or by the collective bargaining agreement process.

~~(B-)~~ C. Appeal Procedure ~~(F)~~ for Term-Limited Temporary Employees. A term-limited temporary employee who exceeds the employee's term may appeal to the committee to have the body of work converted to a career service position. The committee shall decide whether the body of work still warrants a term-limited temporary position designation or should be converted to a career service position. If a majority of the committee finds that the body of work should continue as a term-limited temporary position, the employee may appeal within ten days from the date of receipt of the committee's finding by filing a notice of appeal with the committee. In the event of a tie vote, the appeal shall be deemed to prevail. The appeal process shall be the same as for part-time and temporary employees ~~(F)~~, other than probationary and provisional employees ~~(G, provided,)~~; however, if the employee prevails in the appeal, the employee shall be placed in a career service position, not a provisional appointment, and the employee shall not be required to serve a probationary period.

SECTION 60. Ordinance 12943, Section 18, and K.C.C. 3.12A.060 are each hereby amended to read as follows:

Nothing in this chapter shall restrict King County's ability to terminate part-time and temporary employees who exceed the calendar year working hour thresholds or term-limited temporary employees who exceed the calendar years threshold set forth in the definitions contained in K.C.C. chapter 3.12; ~~(provided,)~~

however, ~~((that))~~ if an employee seeks conversion of ~~((their))~~ the employee's position by appeal to the committee, termination of that employee for reasons related to the appeal shall be deferred until the conclusion of the appeal process described ~~((herein))~~ in this chapter. If the employee's appeal is successful, the employee shall not be terminated but rather be assigned to a position as required by the appeal process described herein.

SECTION 61. Ordinance 18696, Section 2, and K.C.C. 3.12S.010 are each hereby amended to read as follows:

A. The executive is hereby authorized to establish a program in agencies identified by the executive that incentivizes retirement-eligible employees to voluntarily leave county employment, but only if:

1. The voluntary separation program will enable the agency to avoid a budget shortfall that would result in program cuts or reductions in force, or the voluntary separation program will result in labor cost savings; and

2. The agency will not fill the separating employee's position or will fill the position at a lower wage rate that is expected to result in a net twenty percent annual salary cost savings.

B. The executive is further authorized to enter into or extend agreements with labor organizations to provide the same incentive program as provided for nonrepresented employees under this chapter. If such an agreement addresses no other subject or additional terms, it shall have the force of law upon execution by the parties, without enactment by ordinance.

C.1. ~~((In order to))~~ To be eligible for the program, the employee must:

a. have at least five years of current continuous regular county service~~((, must))~~;

b. not be a temporary employee ~~((and must))~~;

c. be eligible to apply for a pension from the Law Enforcement Officers and Firefighters Retirement System, Public Employees Retirement System, Public Safety Employees Retirement System, or the ~~((city of Seattle Retirement Plan))~~ Seattle City Employees' Retirement System, before December 31 of the calendar year in which the employee applies for the program; and

d. have not previously retired from King County government.

2. While the employee must be retirement-eligible and must separate from the county, the employee need not actually begin drawing a pension to be considered eligible for the program. An employee who has resigned, retired, or submitted written notification of the employee's intent to do so before the employee's employing agency has announced its intention to participate in the program, is ineligible to participate in the program.

D. Participation in the program by employees is entirely voluntary.

E. As a financial incentive, the county shall pay to currently employed, retirement-eligible employees who request, and are authorized by the executive, to voluntarily separate from county service, a one-time payment equal to twenty-six-weeks of the Washington state employment security department's maximum weekly unemployment benefit amount in effect as of January 1 of each calendar year. This one-time payment amount issued to the eligible participant (~~will~~) shall be in the amount effective for the year the participant was approved for the program and separates from the county. For part-time employees, this one-time payment (~~will~~) shall be prorated based on the percentage that employee works as measured against a full-time employee.

F. The program shall require that participating employees enter into a written agreement with King County that sets forth the terms and conditions of their voluntary separation, including but not limited to:

1. Any employee approved to participate in the program must leave county employment by written resignation or retirement no later than December 31 of the year in which the employee applies for the program. Agencies may establish deadlines and procedures, which may vary by agency for employee participation in the program;

2. The employee (~~will~~) shall not seek reemployment with the county in any county position;

3. The employee agrees that the employee is not eligible for, and (~~will~~) shall not apply for, unemployment compensation and signs a waiver of any claim for unemployment compensation; and

4. The employee must sign a waiver or release of any claim under the Age Discrimination in

Employment Act and the Older Worker Benefit Protection Act.

G. The executive's approval of any employee request to participate in the program is discretionary, and consideration will be given to the impact to service delivery, retention of a skilled employee or employees, cost of refilling a position or positions, short-term and long-term budget savings, and the employee's length of service with the county.

H. All decisions to approve or deny the requests of individual employees to participate in the program shall be in writing and shall report the savings impacts, either short-term or long-term, or both, if the request is approved or denied. Decisions to approve or deny a request shall not be the subject of a grievance.

I. The executive shall include, as part of the program, a clear designation of who is authorized in each agency to approve or deny employee requests to participate in the program. Employees of agencies headed by elected officials, other than the executive, are ineligible to participate in the program unless their request is approved by both the executive and the head of the applicable agency.

SECTION 62. Ordinance 12014, Section 46, as amended, and K.C.C. 3.14.010 are each hereby amended to read as follows:

The powers and duties of the ((~~sheriffs~~)) civil service commission under chapter 41.14 RCW are hereby assigned to the department of human resources except those powers and duties set forth in RCW 41.14.120 and outlined in K.C.C. 3.14.020.

SECTION 63. Ordinance 8179, Section 2, and K.C.C. 3.14.020 are each hereby amended to read as follows:

The ((~~sheriffs~~)) civil service commission shall ((~~continue to~~)) hear and decide cases regarding removals, suspensions, and demotions as provided in RCW 41.14.120.

SECTION 64. Ordinance 12014, Section 47, as amended, and K.C.C. 3.14.030 are each hereby amended to read as follows:

The ((~~position of secretary/~~chief examiner of the sheriff's civil service commission is hereby abolished

as of January 1, 1996. ~~Any functions that have heretofore been performed by~~) functions of the secretary/chief examiner are ((hereby assigned to)) performed by the director of the department of human resources.

SECTION 65. Ordinance 12014, Section 48, as amended, and K.C.C. 3.14.040 are each hereby amended to read as follows:

~~((A.)) Rules and regulations for the administration of the ((sheriffs)) civil service personnel system shall be ((adopted)) drafted and amended by the ((county council by ordinance. The director of the department of human resources is directed to promulgate administrative guidelines for the purpose of implementing such rules and regulations and the requirements of chapter 41.14 RCW.~~

~~B. Except to the extent they are inconsistent with the provisions of this chapter, the current rules and regulations of the sheriff's civil service commission, which are on file with the clerk of the council, are hereby incorporated by this reference and made a part hereof and adopted for the administration of the sheriff's personnel system. The executive shall review such rules and regulations and report periodically to the council proposing such amendments thereto as may be appropriate to bring such rules into substantial conformance with general county personnel rules insofar as permitted by chapter 41.14 RCW)) director.~~

SECTION 66. K.C.C. 3.15.060, as amended by this ordinance, is hereby recodified to follow K.C.C. 3.15.005.

SECTION 67. Ordinance 1282, Section 6, as amended, and K.C.C. 3.15.060 are each hereby amended to read as follows:

The administration of the pay provisions set forth herein ~~((will))~~ shall be the responsibility of the county executive and shall apply to all employees and positions in the executive branch.

NEW SECTION. SECTION 68. There is hereby added to K.C.C. chapter 3.15 a new section to read as follows:

Unless another branch of county government is specifically referenced, this chapter shall only apply to employees and positions in the executive branch.

SECTION 69. Ordinance 12014, Section 50, as amended, and K.C.C. 3.15.020 are each hereby amended to read as follows:

~~((This section applies to all positions in the executive branch, noncommissioned positions in the office of the sheriff and the department of assessments allocated to a classification approved by the council.~~

A.1.)) Except as otherwise provided by ordinance, the ~~((schedule of pay ranges))~~ salary table shall consist of ninety-nine pay ranges, each containing ten steps as approved by ordinance annually.

~~((2. On a continuing three-year cycle, the executive shall assess market conditions and determine whether to make adjustments, if any, to pay ranges assigned to existing classifications.~~

B.1. The director may reassign pay ranges to existing classifications.

2. When the director adjusts the pay range of a classification, the incumbent employee shall be placed at the same step in the new pay range as the employee was in the previous pay range.

3. Implementation of any pay range adjustment shall be prospective and shall take effect at the start of the pay period following the approval by the director or, if required by K.C.C. 3.15.040, by the appropriate council committee.

C. Consistent with K.C.C. 3.12.350, the director shall establish guidelines for pay increases in accordance with the following:

1. Employees may receive within-range increases from one step to the next higher step upon satisfactory completion of the probationary period. All probationary period pay increases must be supported by documented performance appraisal. Probationary period pay increases exceeding Step 5 must have prior written approvals by the department director and the director. When a division of human resources employee completes the employee's probationary period, the county administrative officer must provide prior written approval for probationary period pay increases exceeding Step 5;

2. Employees may be eligible to receive increases annually in accordance with the following principles:

~~a. An incentive increase must be supported by an annual documented performance appraisal approved by the department director and the documented performance appraisal must be maintained in the employee's personnel file. Incentive increases shall be prospective only and shall be effective on January 1 following the year on which the appraisal was based;~~

~~b. For employees currently in Steps 1 through 4 in the pay range, the appointing authority may grant an increase of a single step for standard performance and may grant an increase exceeding a single step for above-standard or outstanding performance, as defined by the director;~~

~~c. For employees currently in Steps 5 through 7 in the pay range, the appointing authority may grant an increase of one or more steps for above-standard performance; and~~

~~d. For employees currently in Steps 8 through 9 in the pay range, the appointing authority may grant an increase of one step, not to exceed the top of the pay range, for outstanding performance;~~

~~3. An appointing authority may grant an employee incentive pay up to five percent above the top step of the range for a period of twelve months, if all of the following conditions are met:~~

~~a. the employee is not a department director;~~

~~b. the employee has been at the top step of the prior or current range for two years before the award of the increase; and~~

~~c. the employee has demonstrated continuous outstanding performance;~~

~~4. All incentive increases are subject to the availability of funds. Within-range incentive increases are not automatic but shall be given only upon the written direction of the appointing authority, as defined in K.C.C. 3.12.010.B., within the guidelines established by the director.))~~

SECTION 70. K.C.C. 3.15.110, as amended by this ordinance, is hereby recodified to follow K.C.C. 3.15.020, as recodified by this ordinance.

SECTION 71. Ordinance 12014, Section 54, and K.C.C. 3.15.110 are each hereby amended to read as follows:

Except for annual step (~~(incentive)~~) merit increases provided for in this chapter or as otherwise provided by ordinance, no employee's salary shall be greater than the amount applicable to the top step of the pay range assigned to the employee's classification.

SECTION 72. Ordinance 12014, Section 51, as amended, and K.C.C. 3.15.025 are each hereby amended to read as follows:

A. The director of the department of human resources shall develop and maintain a classification plan for all executive branch positions (~~(within the career service system)~~). The plan shall provide that all positions that are substantially similar as to kind, difficulty, and responsibility of work are included in the same classification.

B. The classification plan should set forth for each career service classification a title, a (~~(definition)~~) summary of the work performed, distinguishing characteristics, representative examples of (~~(work)~~) duties, and the (~~(knowledge and skills)~~) requirements necessary to perform the work.

C. The director of the department of human resources:

1. May create, amend, or abolish classifications;

2. (~~(s)~~) Should (~~(, on a continuing three-year cycle,)~~) periodically review the classification plan (~~(s)~~); and (~~(may add, combine, abolish or revise the specifications or establish new classifications, as provided in K.C.C. 3.12.040)~~)

3. Should assess market conditions and determine whether to make adjustments, if needed, to pay ranges assigned to existing classifications.

D. (~~(Whenever reorganization, change in job content or council action causes the duties of a position to change, or a position appears to have been incorrectly classified, the director of the department of human resources may reclassify the position to a more appropriate classification)~~) 1. The director may assign pay ranges to new classifications and change the pay ranges of existing classifications.

2. Implementation of any pay range adjustment shall be prospective and shall take effect at the start of

the pay period following the approval by the director.

3. When the pay range of a classification is increased, the incumbent employee shall be placed at the same step in the new pay range as the employee was in the previous pay range.

4. If the pay range of the classification decreases due to a pay range adjustment, and the pay is the same or less than the top step of the new range, the incumbent employee shall be placed at the step closest to their current pay rate that is not lower than their current pay rate. If the employee's pay rate is greater than the highest step of the new pay range, the incumbent employee shall be placed at the top step of the new range.

SECTION 73. K.C.C. 3.15.120, as amended by this ordinance, is hereby recodified to follow K.C.C. 3.15.025, as recodified by this ordinance.

SECTION 74. Ordinance 14233, Section 5, as amended, and K.C.C. 3.15.120 are each hereby amended to read as follows:

A.1. New ~~((county))~~ employees shall start at the first step of the pay range. If necessary for recruitment, however, a department director may authorize an offer of a higher pay step.

2. At least one of the following criteria must be met to hire an employee above the first step:

a. The candidate's relevant education and experience are significantly above the minimum requirements for the position; or

b. The candidate has an especially desirable relevant skill, talent, knowledge, or ability((;

~~c. The candidate has a current salary that is above the first step of the of the salary range; or~~

~~d. The candidate has a competing written, formal offer of employment that is above the first step of the salary range)).~~

3. If a department director determines it is necessary to hire an employee above the first step, ~~((a copy of the appointment letter, together with))~~ a statement of the reason for hiring the employee above the first step~~((;~~)) must be provided to the ~~((director of))~~ compensation and classification services manager in the department of human resources at the time of hire.

B. ~~((The director of))~~ The hiring of an employee above Step 5 requires approval by the compensation and classification services manager in the department of human resources ~~((may approve the hiring of an employee above Step 5. In such cases, the director of the department of human resources must issue prior written approval to the department director and send a copy of the written notification to the executive))~~ before the hire.

NEW SECTION. SECTION 75. There is hereby added to K.C.C. chapter 3.15 a new section to read as follows:

Consistent with K.C.C. 3.12.350, the director shall establish guidelines for pay increases in accordance with the following:

A. Employees may receive within-range increases from one step to the next higher step upon satisfactory completion of the probationary period. All probationary period pay increases must be supported by a documented performance appraisal.

B. Employees may be eligible to receive increases annually in accordance with the following principles:

1. A merit increase must be supported by an annual documented performance appraisal approved by the department director, and it must be maintained in the employee's personnel file. Merit increases shall be prospective only and shall be effective on January 1 following the year that the appraisal was based;

2. For employees currently in Steps 1 through 4 in the pay range, the appointing authority may grant an increase of a single step for standard performance, and may grant an increase exceeding a single step for above-standard or outstanding performance, as defined by the director;

3. For employees currently in Steps 5 through 7 in the pay range, the appointing authority may grant an increase of one or more steps for above-standard performance; and

4. For employees currently in Steps 8 or 9 in the pay range, the appointing authority may grant an increase of one step, not to exceed the top of the pay range, for outstanding performance.

C. An appointing authority may grant an employee merit pay up to five percent above the top step of the range for a period of twelve months, if both of the following conditions are met:

1. The employee has been at the top step of the prior or current range for two years before the award of the increase; and
2. The employee has demonstrated continuous outstanding performance.

D. All merit increases are subject to the availability of funds. Within-range merit increases are not automatic but shall be given only upon the written direction of the appointing authority, as defined in K.C.C. 3.12.010.C., within the guidelines established by the director.

SECTION 76. Ordinance 12014, Section 52, as amended, and K.C.C. 3.15.030 are each hereby amended to read as follows:

A. The director may reclassify any position to an existing or new classification.

B. An employee or a group of employees may request that a position or group of positions be reclassified for the following reasons:

1. The employee's position is not assigned to the appropriate classification;
2. A significant or gradual change has occurred in the employee's on-going duties or responsibilities over a period of at least one-year; or
3. A departmental reorganization or council action has caused the duties of the position to change.

C.1. An employee is not eligible to submit a reclassification request if:

- a. it has been less than twelve months since the date of a previous classification determination for the position;
- b. the employee is on probation;
- c. the employee is on a performance improvement plan; or
- d. the employee is asking for the reclassification of a special duty position.

2. Temporary and term-limited temporary employees may not request a position reclassification, except as noted in subsection D. of this section.

3. When an employee is no longer in the position for which the employee is seeking reclassification, the department of human resources shall either deny the employee's reclassification request or cancel the employee's appeal, or both.

D. Group classifications may be submitted if all of the employees' positions are in the same classification in the same section of a division. Term-limited temporary employees may be reclassified as part of a group classification, but only if the group includes at least one regular employee. The director shall evaluate each position individually, reserving the right to place individual positions into different classifications.

E. When the director reclassifies a position to a higher classification, the rate of pay of the incumbent employee shall be increased to the first step of the pay range of the new classification or the step that is at least five percent above the former rate of pay, whichever is greater.

F. When the director reclassifies a position to a lateral classification, rate of pay of the incumbent employee shall remain at the same step of the pay range.

G. When the director reclassifies a position to a lower classification, the rate of pay of the incumbent employee shall be the highest step in the new pay range that does not exceed the employee's current rate of pay.

H. A pay increase as a result of a reclassification may not exceed the top step of the new range, unless the employee's former pay includes above-Step-10 merit pay. If the employee's former pay includes above-Step-10 merit pay, the employee's new pay is calculated using the above-Step-10 amount. If the increase from reclassification results in pay that is above the top step of the new range, the pay shall be reduced to the top step of the new range at the end of the incentive period, unless the employee requalifies for above-Step-10 merit award.

I. Implementation of a reclassification and any related pay change shall be effective at the start of the pay period following receipt of the completed reclassification request form at compensation and classification services in the department of human resources, except a reclassification to a lower pay grade shall be effective at the start of the pay period at least thirty calendar days after notification of the classification determination from the department of human resources.

J. A reclassified employee shall not serve a probationary period in the new classification.

K.1. When an employee's position is reclassified retroactively into a classification with a different Fair Labor Standards Act (~~(of 1938)~~) status, the change in status shall be prospective only.

2. When an employee's position is reclassified from a Fair Labor Standards Act (~~(of 1938)~~) exempt classification to a Fair Labor Standards Act (~~(of 1938)~~) non-exempt classification, the employee shall be paid overtime pay prospectively from the date of the reclassification decision.

3. When an employee's position is reclassified from a Fair Labor Standards Act (~~(of 1938)~~) non-exempt classification to a Fair Labor Standards Act (~~(of 1938)~~) exempt classification, the employee shall receive a cash out of all accrued compensatory time.

SECTION 77. The following are hereby repealed:

A. Ordinance 1282, Section 5, as amended, and K.C.C. 3.15.040; and

B. Ordinance 1282, Section 7, as amended, and K.C.C. 3.15.070.

SECTION 78. K.C.C. 3.15.130, as amended by this ordinance, is hereby recodified to follow K.C.C. 3.15.030, as amended by this ordinance.

SECTION 79. Ordinance 14233, Section 6, as amended, and K.C.C. 3.15.130 are each hereby amended to read as follows:

A. If a promotion results from something other than a reclassification, the pay rate of the incumbent employee shall be increased to the first step of the pay range of the new classification or the step that is at least five percent above the former rate of pay, whichever is greater. The promoted employee may be placed at a

higher step in the pay range if the employee's department director determines the action is warranted, if the criteria and procedures in K.C.C. 3.15.120, as recodified by this ordinance, are met and if funds are available in the agency.

B. A pay increase as a result of a promotion may not exceed the top step of the new range, unless the employee's former pay includes an above-Step-10 amount as a result of an ~~((incentive))~~ merit increase. If the employee's former pay includes above-Step-10 ~~((incentive))~~ merit pay, the employee's new pay is calculated upon the above-Step-10 amount. If the increase from a promotion results in pay that is above the top step of the new range, the pay shall be reduced to the top step of the new range at the end of the ~~((incentive))~~ merit period unless the employee requalifies for an above-Step-10 ~~((incentive))~~ merit award.

C. Implementation of a promotion and any related pay change shall be prospective and is effective when the promotion is approved by the director.

SECTION 80. K.C.C. 3.15.140, as amended by this ordinance, is hereby recodified to follow K.C.C. 3.15.130, as recodified by this ordinance.

SECTION 81. Ordinance 19738, Section 10, is hereby expired.

SECTION 82. Ordinance 14233, Section 7, as amended, and K.C.C. 3.15.140 are each hereby amended to read as follows:

A.1. A department director and, when required, the director of the department of human resources, may assign an employee in a regular position to an existing classification for a limited term when the duties and responsibilities of the other classification comprise the majority of the work performed for a minimum of thirty calendar days. This is called a special duty assignment.

2. Temporary employees, including term-limited temporary employees, are not eligible for special duty assignments.

B.1. Depending upon the type of special duty assignments needed for business operations, special duty assignments may be made for up to a maximum of five years.

2. Assignments may be approved for up to a term of twelve months if authorized in advance by the department director to backfill for a vacant regular position, or to provide additional staffing needed:
 - a. due to work that exceeds either the volume or complexity, or both, than what is routinely expected, but the work is of a limited duration;
 - b. due to work that is unanticipated due to unique circumstances that are not expected to reoccur; or
 - c. to either develop or implement, or both, a new function, system, or proposal.
 3. Assignments may be approved for up to a term of up to three years if authorized in advance by the director to perform a significant or substantial body of work, such as a nonroutine project or work related to the initiation or cessation of a county function, project, or department.
 4. Assignments may be approved for up to a term of five years if authorized in advance in writing by the director:
 - a. to backfill a regular position, when:
 - (1) an employee is absent because of an extended leave of absence for a medical reason;
 - (2) an employee is absent because of military service; or
 - (3) an employee is absent because of a special duty or another assignment; and
 - b. to staff or backfill staff on a clearly defined grant-funded, capital improvement or information systems technology project.
 5. A special duty backfill assignment may not exceed the term of the incumbent employee's absence.
 6. Special duty assignments to salaried classifications shall be made in full-week increments, from Saturday through Friday.
 7. An employee's special duty assignment shall end when management becomes aware that the employee's absence will exceed thirty calendar days or at the conclusion of a thirty-day absence, whichever occurs first.
- C. A special duty assignment must be made in writing to the employee before the beginning of the

assignment. The written notice must provide the classification title and description and must list the specific duties that the employee is to perform and the duration of the assignment. The written notice must also include a statement that the assignment does not confer on the employee any new privilege, right of appeal, right of position, transfer, demotion, promotion, or reinstatement. A special duty assignment may be revoked at any time at the discretion of the appointing authority. Special duty pay may not be assigned retroactively.

D. If the special duty assignment is to a higher-level classification, the pay increase shall be to the first step of the pay range of the higher-level job classification or a flat five percent above the base rate of pay, whichever is greater.

E. If the employee was receiving above-Step-10 merit pay, the pay for the special duty assignment is calculated using the merit pay and may result in merit pay while in the special duty assignment.

F. If an assignment is to a lateral or lower-paying classification, the employee shall continue to receive their current rate of pay for the assignment.

G. While on special duty assignment, the employee shall continue to be eligible for step increases in the employee's regular position. If the employee is at Step-10 in the employee's regular position, the employee shall be eligible for step increases in the special duty classification.

H. Any accrued compensatory time shall be cashed out before an hourly employee begins a salaried special duty assignment, and before an employee in an hourly special duty assignment returns to a salaried regular position.

I. When the special duty assignment is completed, the employee's pay shall revert to the rate of pay the employee would have received if the employee had not been assigned to special duty.

J. Special duty pay shall not be considered part of an employee's base rate of pay for purposes of placement within a salary range as a result of promotion or reclassification, for purposes of cashing out vacation or sick leave, or when making vacation or sick leave donations. If the special duty position is converted to a regular position while the employee is serving in the special duty assignment, and the employee

is promoted into the regular position, the employee's rate of pay shall not be lower than the rate of pay the employee received during the special duty assignment. The promoted employee may be placed at a higher step in the pay range if the employee's department director determines the action is warranted based on the criteria in K.C.C. ((3.12.130)) 3.15.120, as recodified by this ordinance.

K. When the special duty assignment is hourly, the employee's special duty pay shall be used for the computation of overtime and compensatory time.

L. If the special duty position is converted to a regular position and the employee who served in the special duty position is hired into the regular position within one year of serving in the special duty assignment, the time served in the special duty position shall count toward any required probationary period. If the time served in the special duty position was longer than the required probationary period, the employee's probationary period shall be considered served.

~~((M. The executive shall notify the council each year in writing of the total number of county employees on special duty assignment by department. The executive shall file an electronic copy of each memorandum with the clerk of the council, who shall retain a copy and provide an electronic copy to all councilmembers and the lead staff for the government accountability and oversight committee or its successor.))~~

SECTION 83. K.C.C. 3.15.145 is hereby recodified to follow K.C.C. 3.15.140, as recodified by this ordinance.

SECTION 84. Ordinance 1780, Section 3, as amended, and K.C.C. 3.15.050 are each hereby amended to read as follows:

An employee who has a valid Washington State Professional Civil Engineering license, a registered architect's license, or a professional designation of CPA, MAI, RM, SSA, CPM, or SR/WA, shall be paid an additional twenty-five dollars per month if such a designation or professional license is a requirement of the job assignment.

SECTION 85. K.C.C. 3.15.135, as amended by this ordinance, is hereby recodified to follow K.C.C. 3.15.050, as recodified by this ordinance.

SECTION 86. The following are hereby repealed:

- A. Ordinance 8299, Section 1, and K.C.C. 3.15.080;
- B. Ordinance 12014, Section 53, as amended, and K.C.C. 3.15.100;
- C. Ordinance 16818, Section 1, and K.C.C. 3.15.150;
- D. Ordinance 16818, Section 2, as amended, and K.C.C. 3.15.160;
- E. Ordinance 16818, Section 3, and K.C.C. 3.15.170; and
- F. Ordinance 16818, Section 4, as amended, and K.C.C. 3.15.180.

NEW SECTION. SECTION 87. There is hereby added to K.C.C. chapter 3.15 a new section to read as follows:

A. When a collective bargaining agreement establishes a condition of employment, benefit, or procedure that conflicts with a condition, benefit, or procedure established by this chapter or otherwise by ordinance, the collective bargaining agreement shall take precedence with respect to those employees covered by the agreement, so long as the following conditions are met:

- 1. The condition of employment, benefit, or procedure created by the agreement is lawful; and
- 2. The agreement has been adopted by the council by ordinance.

B. Adoption of the agreement by ordinance shall be deemed an amendment of this chapter only with respect to the affected employees and subject condition, benefit, or procedure.

SECTION 88. Ordinance 197, Section 1, as amended, and K.C.C. 3.16.010 are each hereby amended to read as follows:

In accordance with Section((s)) 890 ((and 898)) of the King County Charter, the King County executive is the designated bargaining agent for King County.

SECTION 89. Ordinance 11480, Section 5, and K.C.C. 3.16.012 are each hereby amended to read as

follows:

The mission of the council and the bargaining agent shall be to develop labor relations policy and other policies affecting county employees in accordance with the following principles ~~((and consistent with the philosophy, objectives, and guidelines found in King County council Motion 9182))~~:

A. Provide a positive climate in King County government where employees feel their contributions are valued, their ideas are heard, and their desires to serve the public are fulfilled~~((:))~~;

B. Help county employees view King County government as a desirable place to work and as a place where the public business is conducted in a cost-effective manner~~((:))~~;

C. Allow the council an adequate and meaningful opportunity to provide policy direction to the bargaining agent before the collective bargaining process begins~~((:))~~;

D. Cause King County management to plan, prepare, and be accountable for obtaining agreements at the bargaining table concerning operating improvements necessary to best serve the public interest and improve the working conditions for employees~~((:))~~;

E. Create and maintain a collective bargaining and employee relations climate in King County government that encourages cooperative efforts and joint problem-solving among bargaining representatives, the bargaining agent, employees, and management to address ways to better serve the public, increase productivity, reduce waste, improve safety, improve morale, and recruit and retain quality employees~~((:))~~; and

F. Acknowledge, encourage, and continue the efforts of bargaining units and management to engage in collaborative or interest-based bargaining, ~~((which))~~ that has had the positive effects of reducing the adversarial nature of traditional bargaining and enhancing consensus-making in labor relations.

SECTION 90. Ordinance 10631, Section 2, as amended, and K.C.C. 3.16.015 are each hereby amended to read as follows:

Unless the text clearly indicates otherwise, as used in this chapter, the following words shall have the meanings set forth in this section:

~~A. ("Corrections officer" means any full-time, fully compensated uniformed correctional officer or sergeant who works for the department of adult detention (King County jail).~~

~~B. "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with King County.~~

~~C.)) "Bargaining agent" means the designated bargaining agent as determined under K.C.C. 3.16.010.~~

B. "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with King County.

~~((D. "Public employer" means King County.~~

~~E.)) C. "Commission" means the Public Employment Relations Commission.~~

D. "Corrections officer" means any full-time, fully compensated uniformed correctional officer or sergeant who works for the department of adult and juvenile detention.

~~((F.)) E. "Executive director" means the executive director of the ((C))commission.~~

~~((G. "911 operator" means any full-time, fully compensated communications specialist or communications specialist supervisor who works for the department of public safety.~~

~~H. "Labor policy committee" or "policy committee" means the King County council.~~

~~I.)) F. "Labor policy" or "policy" means those general principles that work to implement the intent of this chapter and guide negotiations for wages, benefits, working conditions, and other terms of employment.~~

G. "Labor policy committee" or "policy committee" means the King County council.

H. "911 operator" means any full-time, fully compensated communications specialist or communications specialist supervisor who works for the department of public safety.

I. "Public employer" means King County.

SECTION 91. Ordinance 197, Section 2, as amended, and K.C.C. 3.16.020 are each hereby amended to read as follows:

The bargaining agent is authorized on behalf of King County to meet, confer, and negotiate with

bargaining representatives of the public employees of King County for the purpose of collective bargaining as contemplated by chapter 41.56 RCW and Section 890 of the King County Charter, and to timely recommend to the King County council proposed wages, hours, and ~~((employee benefits and))~~ other conditions of county employment for the purpose~~((s))~~ of ~~((county budgets and))~~ such a collective bargaining agreement or agreements as may be required and authorized by ordinance. For the purpose of this section, "wages" includes leaves and employee benefits. The bargaining agent shall not negotiate new collective bargaining agreements prior to preparing for bargaining and conferring with the labor policy committee as required in K.C.C. 3.16.012, 3.16.025, and 3.16.050.

SECTION 92. Ordinance 11480, Section 7, as amended, and K.C.C. 3.16.025 are each hereby amended to read as follows:

A. The bargaining agent shall establish and conduct a process to prepare for negotiations that performs at least the following functions:

1. The bargaining agent should continue to use collaborative or interest-based bargaining where both parties agree, and this chapter shall not be construed to restrict or inhibit such bargaining;
2. The bargaining agent shall cause to be developed and maintained a database of information within King County government on wages, hours, employee benefits, vacation and other leave, job classifications, and substantial and factual information to provide knowledge of working conditions necessary to conduct effective negotiations. Such information shall be made available to the bargaining representatives to the extent provided by RCW 41.56.030(4), in the Public Employees' Collective Bargaining ~~((law of the state of Washington)) Act~~~~((as set forth by the collaborative process identified in King County council Motion 9182))~~; and
3. The labor policy committee shall confer with the bargaining agent to develop necessary guidelines for the implementation of this section, consistent with this chapter ~~((and King County council Motion 9182))~~.

B. The bargaining agent shall be the sole negotiator for King County government and shall bargain in good faith as provided by law. The bargaining agent shall commence and complete collective bargaining

negotiations in a timely manner and in accordance with the overall principles and intent of this chapter.

SECTION 93. Ordinance 8658, Section 1, as amended, and K.C.C. 3.16.040 are each hereby amended to read as follows:

A. Any collective bargaining agreement between King County and a recognized bargaining representative as defined in RCW 41.56.030 which has been ~~((ratified by both parties))~~ signed by the union shall be transmitted to the King County council no later than ~~((seven))~~ fourteen days after ~~((the tentative agreement has been reached))~~ receipt by the office of labor relations.

B. Failure to meet ~~((this))~~ the deadline in subsection A. of this section shall result in the payment of interest on the retroactive amount of any negotiated salary or wage increase equal to interest earned on ~~((F))~~ federal ~~((90))~~ ninety-day treasury bills from the first day following the deadline through the date the ~~((tentative))~~ signed agreement is transmitted to the King County council, unless the ~~((seven))~~ fourteen days have been extended by mutual agreement by both parties in writing.

C. The interest accrued, if any, shall be divided among the county employees represented by the collective bargaining unit, based upon each employee's individual retroactive wage rate increase. The computed interest shall be included in the first ~~((pay check which))~~ paycheck that pays out the rate of pay negotiated in the tentative collective bargaining agreement.

SECTION 94. Ordinance 12014, Section 55, as amended, and K.C.C. 3.16.050 are each hereby amended to read as follows:

A. The labor policy committee shall meet as it deems necessary to obtain the testimony of members of the public, the bargaining agent, bargaining representatives or their designees, county department management, and others in order to consider such testimony in policy decisions before the committee. The labor policy committee shall not engage in bargaining with bargaining representatives or represented employees. The labor policy committee shall also meet to consider matters referred to it by the council in accordance with K.C.C. chapter 1.24.

B. The labor policy committee shall provide an opportunity for bargaining representatives or their designees to address the committee before the adoption of overall policy. Overall policy, and all amendments to adopted policies, shall be established only upon an affirmative vote by a majority of the members of the labor policy committee.

C. The bargaining agent shall recommend to the labor policy committee overall changes to adopted policies that would be required to implement the changes proposed in K.C.C. 3.16.055.C., and an overall estimate of the monetary value, if any, of these changes, including both costs and benefits.

D. Following the establishment of overall policy, and before commencing negotiations, the labor policy committee shall meet to hear the bargaining agent's recommended strategies for implementing adopted policies. The labor policy committee shall confer with the bargaining agent as it deems necessary to ensure compliance with this chapter and good-faith collective bargaining. The bargaining agent's strategies shall be generally consistent with the principals contained in this chapter and the overall policy direction established by the labor policy committee.

E. The bargaining agent may seek further clarification of adopted policies from the labor policy committee at any time during the negotiations.

F. By June 30 of each year, the executive shall report to the labor policy committee regarding employment policies applicable to nonrepresented employees.

G. For the purpose of maintaining an effective collective bargaining process, the strategies and related information presented by the bargaining agent shall be maintained as confidential. In addition, proposed or adopted policies designated as confidential shall be considered policy formulation documents and be maintained as confidential and exempt from public disclosure as provided in RCW 42.56.280. The labor policy committee shall develop guidelines to assist in accomplishing such confidentiality.

H. Any councilmember may propose the adoption, amendment, or repeal of any labor policy by filing with the clerk of the council a memorandum that includes the proposed policy. Any proposed amendment shall

set for the existing policy and show proposed changes as in the form required for ordinances by K.C.C.

1.24.075. The clerk shall provide a copy of the proposal to the executive, each councilmember, and the lead staff for the labor policy committee. The proposal shall be designated by the councilmember either as public or as confidential pending action by the committee on the policy. Adopted policies may be designated as confidential by an affirmative vote of a majority of the members of the policy committee.

I. The clerk of the council shall maintain a compilation of adopted policies. The clerk shall make publicly available all public policies, and shall maintain as confidential all labor policies designated as confidential policy formulation documents.

SECTION 95. Ordinance 14287, Section 5, as amended, and K.C.C. 3.16.055 are each hereby amended to read as follows:

A.1. A bargaining representative may at any time during negotiations forward to the ~~((director))~~ manager of the ~~((department of human resources))~~ office of labor relations, or its successor, a written complaint that the collective bargaining process is not being conducted in a timely manner or is not being conducted in a manner consistent with good faith bargaining. The ~~((director))~~ manager of the office of labor relations shall, within fifteen calendar days, respond in writing to the complaint and propose such remedies as may address the complaint.

2. If the bargaining representative is not satisfied with the written response of the director, or if a written response to the complaint is not received within fifteen calendar days, the bargaining representative may forward the written complaint to the King County executive, as the bargaining agent, who shall, within fifteen calendar days, respond to it in writing and propose such remedies as may address the complaint.

3. If the bargaining representative is not satisfied with the written response of the bargaining agent, or if a written response is not received from the bargaining agent within fifteen calendar days, the bargaining representative may request that the bargaining agent forward the written complaint to the council.

4. If the bargaining agent receives a written request to have the complaint forwarded to the council,

including an explanation of reasons for the request, the bargaining agent shall forward the request, together with the bargaining agent's written response, to the council within five calendar days from the receipt of the request. These materials or any discussion thereof shall remain confidential to the extent allowed by law.

5. The council may request that the bargaining agent meet with the council for the purpose of reviewing the status of negotiations with regard to the principles contained in this chapter and the overall policy direction established by the labor policy committee, but the council shall take no action that would interfere with the lawful role of the bargaining agent.

B. By June 30 of each year, the prosecuting attorney, in conjunction with bargaining agent, shall report to the council on all pending unfair labor practice charges and all pending arbitration involving represented employees.

C. By June 30 of each year, or, in the case of agreements expiring other than December 31, at least ninety days before the commencement of negotiations, in preparation for collective bargaining the bargaining agent shall report to the council the agreements expiring that calendar year. The bargaining agent shall also generally explain existing policies that, if changed, would further the principles and intent established by this chapter. County department management concerned with the collective bargaining process, with the advice of other relevant county departments, shall assist the bargaining agent in reporting to the ~~((implementation committee))~~ council.

D. By June 30 of each year or, for agreements expiring other than December 31, at least ninety days before commencing negotiations, the ~~((implementation committee))~~ council shall meet with the bargaining agent to review the schedule of collective bargaining agreements expiring in that calendar year and the key issues related to the collective bargaining process. Methods of consultation with unions, management rights, and eliminating the causes of employee grievances shall also be considered.

E. For the purpose of maintaining an effective collective bargaining process, the strategies and related information presented by the bargaining agent shall be maintained as confidential. The council shall develop

guidelines to assist in accomplishing such confidentiality.

SECTION 96. Ordinance 13000, Section 2, as amended, and K.C.C. 3.16.060 are each hereby amended to read as follows:

The chair of the King County council shall annually convene a summit between the county's elected officials (~~and~~), the local labor leadership, and the leadership of all collective bargaining units representing the county's work force. Such a labor summit shall take place between January 1 and July 1 of each given year. The intent of convening an annual labor summit shall be to: increase communication between King County elected officials and the leadership and membership of local labor organizations and of all the county's collective bargaining units; identify issues and problems of mutual concern; identify solutions to problems affecting the memberships of the county's collective bargaining units; delineate ways in which the county's elected officials may more closely and effectively work with the county's collective bargaining units and local labor organizations to attain mutual goals; and foster a spirit of cooperation in working to serve the public.

Meeting minutes at the summit shall be recorded and adopted by the King County council at a subsequent regular meeting of the council.

SECTION 97. Ordinance 1902, Section 1, as amended, and K.C.C. 3.28.010 are each hereby amended to read as follows:

The executive, legislative, and judicial branches of county government may, at their individual option, establish a system of reimbursement on a monthly allotment basis for use of privately owned vehicles used in connection with county business in lieu of (~~permanently~~) assigned county vehicles.

SECTION 98. Ordinance 12077, Section 12, as amended, and K.C.C. 3.30.010 are each hereby amended to read as follows:

The purpose of this chapter is to ensure the proper use of public funds with regard to the county's practice of allowing employees to commute (~~to and from work~~) in county owned vehicles. The intent of this chapter is to:

- A. Restrict the number of county owned vehicles being used by employees to commute to and from work;
- B. Establish criteria and policies for evaluating and authorizing take-home vehicle assignments;
- C. Require the fleet services division of the department of executive services to document the number of current take-home vehicle assignments;
- D. Require the fleet services division of the department of executive services to develop administrative rules for implementing the provisions of this chapter; and
- E. Require the fleet services division of the department of executive services to reevaluate all take-home vehicle assignments in accordance with the policies and criteria established in this section.

SECTION 99. Ordinance 11183, Section 1, and K.C.C. 3.30.020 are each hereby amended to read as follows:

For purposes of this chapter, the following terms shall have the meanings set forth below:

- A. "Assigned take-home vehicle" means a county-owned vehicle which is used by a county employee for county business and for regularly commuting to and from the employee's home and ~~((work station))~~ their first and last workplace of the day.
- B. "Assigned vehicle" means a county-owned vehicle assigned to a department or county employee for county business, but not for employee commuting to and from the employee's home and ~~((work station))~~ workplace.
- C. "Commute" or "commuting" means the trip from an employee's home to their first workplace before the start of their workday, or the trip departing from the employee's last workplace following the end of the workday.
- D. "Emergency ~~((R))~~response" means when an employee ~~((response to an emergency situation requiring immediate attention for the protection of))~~ has a primary responsibility to respond immediately to protect life or property, or both.

~~((D.))~~ E. "Motor pool dispatch vehicle" means a vehicle issued from a central motor pool for a single trip or for less than three working days.

~~((E.))~~ F. "Occasional overnight ~~((usage of county-owned))~~ vehicle~~((s))~~ use" means when a county employee~~((s taking home))~~ takes a county-owned vehicle~~((s))~~ home after attending night meetings or other county business activities that occur outside an employee's normally scheduled work hours. Occasional overnight ~~((usage of a county-owned))~~ vehicle use shall mean no more than twelve times per quarter on average.

~~((F. "Work station"))~~ G. "Workplace" means the office or site a county employee reports to perform normally scheduled work.

SECTION 100. Ordinance 10930, Sections 3-4, as amended, and K.C.C. 3.30.030 are each hereby amended to read as follows:

The ~~((C))~~ council wishes to restrict the number of take-home vehicles provided to county employees. To accomplish this objective, the following policies and criteria shall be used as the basis for authorizing take-home vehicle assignments:

A.1. For county business before or after normal working hours, providing short-term motor pool dispatch vehicles or travel reimbursement is preferred over the assignment of take-home vehicles.

2. The assignment of a take-home vehicle is neither a privilege, nor a right of any county employee.

3. Take-home vehicle assignments shall not be made based on employee merit or employee status.

4. Wherever possible, county vehicles shall be picked up and dropped off at designated county parking areas, thereby avoiding the assignment of take-home vehicles~~((:));~~ and

B. ~~((Take-home vehicle assignment criteria:))~~

1.a. Take-home vehicles may be assigned to county employees who:

(1) have primary responsibility to respond to emergency situations that require immediate response to protect life or property;

- (2) respond to emergencies at least twelve times per quarter;
- (3) cannot use alternative forms of transportation to respond to emergencies; and
- (4) cannot pick up county-owned assigned vehicles at designated sites.

b. Emergency response assignments shall be supported by data demonstrating the actual number and nature of emergency responses in the prior year, and estimates of future emergency responses. In addition, there must be an explanation why an employee cannot use alternative forms of transportation to respond to the emergencies or pick up county owned assigned vehicles at designated parking areas.

~~((b-))~~ 2. Take-home vehicles may be assigned if employee travel reimbursement costs are consistently greater than the commuting costs associated with overnight vehicle usage. ~~((Lost productivity costs, the cost of the time it takes an employee to travel from a designated county parking facility to the employee's work station, shall not be included in the calculation of economic benefit to the county.))~~ In addition, there must be an explanation why an employee cannot use alternative forms of transportation or pick up county owned vehicles at designated parking areas.

~~((3. Take home vehicles may be assigned if an employee needs specialized equipment or a special vehicle to perform county work outside an employee's normally scheduled work day. Employees taking a county vehicle home must have primary responsibility to respond to emergencies. Special equipment vehicle assignments shall be supported by information describing the special equipment needed to perform the county work. The need for communication access, such as car radio, telephone and similar devices, shall not be considered adequate justification for a take-home vehicle assignment.~~

~~4. Special clean transportation technology demonstration vehicles may be assigned to county employees for a limited duration in order to promote and demonstrate the viability of low-emission, energy-efficient technologies and fossil fuel alternatives. To encourage the maximum public visibility of clean technology demonstration vehicles, employees authorized to use the vehicles may also use them both before or after normal working hours, and may use them as a take home vehicle to encourage such visibility as an official~~

~~public use. Incidental personal benefit or convenience from such a public use does not constitute personal use.~~
))

NEW SECTION. SECTION 101. There is hereby added to K.C.C. chapter 3.30 a new section to read as follows:

Commuting in a county-owned vehicle, whether assigned or occasional use, is a taxable benefit for the employee.

SECTION 102. Ordinance 12077, Section 14, as amended, and K.C.C. 3.30.050 are each hereby amended to read as follows:

The fleet services division of the department of executive services shall develop and maintain central records of all county take-home vehicle assignments. The records shall be maintained in one location and shall be readily available ~~((to the council and the public))~~ upon request. At a minimum, the record-keeping should contain:

- A. Vehicle assignment by department, division, position title, and employee name;
- B. Mileage including a breakdown of commuting mileage and ~~((work related))~~ county business mileage based on a trip log;
- C. Number and nature of emergency ~~((related calls))~~ response assignments, if the take-home vehicle is assigned based on an emergency response justification; and
- D. A calculation of savings if take-home vehicle assignment is based on an economic justification.

SECTION 103. Ordinance 12077, Section 15, as amended, and K.C.C. 3.30.060 are each hereby amended to read as follows:

The fleet services division of the department of executive services shall, semiannually, reevaluate and update all executive department take-home vehicle assignments. ~~((By June 30 and December 31 of each year))~~ Biannually, the fleet services division shall make available to the council and the public an updated list of take-home vehicle assignments. The updated list shall identify each take-home vehicle assignment by department,

division, and position title. In addition, there should be written documentation for each take-home vehicle assignment which describes how each assignment meets the policies and criteria set forth in this chapter.

SECTION 104. Ordinance 10930, Section 11, as amended, and K.C.C. 3.30.070 are each hereby amended to read as follows:

A. ~~((Commissioned Police Officers. All vehicles assigned to commissioned police officers including commissioned roads use investigators, and arson investigators shall be exempt from the provisions of this chapter.~~

B.)) Occasional Overnight Usage. Occasional overnight usage of county-owned vehicles is permitted. Occasional overnight usage may involve:

1. Taking a county vehicle home before or after attending a meeting away from the employee's ((normal place of work)) workplace; and

2. Taking a county vehicle home when an employee has primary responsibility to respond to emergencies caused by inclement weather, such as, flooding or heavy ~~((snow storms))~~ snowstorms.

~~((C.))~~ B. Collective Bargaining Agreement. ~~((All))~~ The terms and conditions of a collective bargaining agreement that provide for take home vehicle assignments shall supersede this chapter for represented employees ((whose collective bargaining agreement specifically provides for take home vehicle assignments are exempt from the provisions of this chapter)).

SECTION 105. Ordinance 8575, Section 1, as amended, and K.C.C. 3.36.010 are each hereby amended to read as follows:

A. This chapter is intended to establish uniform guidance, consistent with state law governing salary and wage deductions, for the efficient administration of county employee charitable contributions and volunteering to qualified nonprofit organizations, donated via the annual drive, ((natural)) emergency or disaster relief solicitations, and other charitable solicitations. This chapter shall be liberally construed to accomplish this intention.

B. The purpose of this chapter is to provide a convenient and effective channel through which county employees may contribute to qualified nonprofit organizations, while minimizing disruption to the county workplace and the costs to the taxpayer that multiple charitable fund drives cause; and to enhance government and community efforts to meet charitable needs.

C. The program shall provide guidance, quality control, and disbursement of employee donations to qualified nonprofit organizations and federations as provided by this chapter, in accordance with rules for the program.

SECTION 106. Ordinance 8575, Section 2, as amended, and K.C.C. 3.36.020 are each hereby amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Annual drive" means the annual solicitation of contributions from county employees by representatives of qualified nonprofit organizations and federations through oral presentations, printed materials, audio or video media, or other similar means.

B. "Committee" means the county employee giving program committee established under K.C.C. 3.36.030.

C. "Emergency or disaster relief solicitation" means the opportunity to donate, in accordance with K.C.C. 3.12.222, in response to the occurrence of an emergency or disaster, such as fire, flood, explosion, storm, earthquake, or epidemic, that results in the loss of either life or property, or both.

D. "Employee giving program" or "the program" means the year-round King County sanctioned, employee-based program that provides the process and infrastructure for administration of employee-directed giving and volunteering to qualified nonprofit organizations and federations and is administered by the committee in accordance with this chapter and any rules adopted for the program.

~~((D-))~~ E. "Federation" means a nonprofit organization that solicits and distributes contributions on

behalf of its member nonprofit organizations.

((E-)) F. "Qualified nonprofit organization" means a nonprofit organization or federation that applies to participate in the ~~((annual drive))~~ program and meets the eligibility criteria as provided in this chapter and any rules adopted for the program.

SECTION 107. Ordinance 8575, Section 3, as amended, and K.C.C. 3.36.030 are each hereby amended to read as follows:

A. A county employee giving program committee is established consisting of fifteen members nominated by the committee, appointed by the executive, and confirmed by the council.

1. The committee shall strive in its nominations to include members representing the diversity of the county work force, including union representation.

2. The term of committee members shall be two years.

3. A committee member who serves as a federation or nonprofit organization board member or director, or in a decision-making capacity for a federation or nonprofit organization, shall not vote on that federation or nonprofit organization's eligibility if that federation or nonprofit organization applies to participate in the program.

4. The committee shall annually elect a chair and other officers as established in the committee's bylaws.

B. In order to operate the program, the committee may:

1. Adopt rules and bylaws consistent with this chapter that are necessary to the conduct of the program, based upon the following principles:

a. seek operational efficiencies;

b. enhance program effectiveness;

c. use innovative best practices;

d. promote equitable access for nonprofit participation; and

- e. maintain standards to ensure nonprofit fiscal responsibility and stability;
2. Establish and apply eligibility rules by which a nonprofit organization may participate in the program;
- 3 Coordinate and facilitate the program consistent with this chapter and any rules adopted for the program. If the committee determines that a federation or nonprofit organization is not eligible to participate in the program, the federation or nonprofit organization may apply to the committee for reconsideration of the eligibility decision;
4. Guide fiscal stewardship of the program;
5. ~~((Serve voluntarily without additional wages, including no additional compensation for working beyond normal working hours, and shall be reimbursed by their employing departments for travel, lodging and meals in accordance with county laws and regulations. Committee members shall be given release time from regular work hours to serve on the committee. Employees covered by the overtime requirements of the Fair Labor Standards Act or state law who are serving as committee members should ensure that their working hours, including hours worked for the committee, do not exceed approved hours;~~
- 6-)) Assist the executive or the executive's designee in the selection of a program administrator; and
- ~~((7-))~~ 6. Solicit and accept from the general public and business communities and all other persons, gifts, bequests, and donations to the county in support of the program.

C. Committee members serve voluntarily and with the approval of their employing department. Committee members shall be given release time from regular work hours to serve on the committee and shall be reimbursed by their employing department for any applicable travel, lodging, and meals in accordance with county laws and regulations. Employees covered by the overtime requirements of the Fair Labor Standards Act or state law who volunteer to serve as committee members shall track and submit all hours worked for the committee, and shall ensure that their working hours, including hours worked for the committee, are approved by their supervisors in advance.

SECTION 108. Ordinance 17332, Section 4, and K.C.C. 3.36.035 are each hereby amended to read as follows:

The program administrator shall be responsible for the operational details of the program, including the annual drive and ~~((natural))~~ emergency or disaster ~~((response))~~ relief solicitations, under the general oversight of the committee. The cost of the program administrator shall be included as part of the administrative cost of the program.

SECTION 109. Ordinance 16035, Section 5, as amended, and K.C.C. 3.36.045 are each hereby amended to read as follows:

A. A federation or nonprofit organization may participate in the ~~((annual drive))~~ program if the federation or nonprofit organization submits a timely application for participation to the committee and meets all eligibility ~~((standards))~~ requirements as established by this chapter and any rules adopted for the program. An official of the federation or nonprofit organization must certify on the ~~((annual drive))~~ program application that the federation, each nonprofit organization represented by the federation, or the nonprofit organization:

1. Is formally recognized by the United States Internal Revenue Service as complying with Section 501(c)(3) of the Internal Revenue Code of 1986 or is a governmental unit of the state of Washington, and for which all contributions to the nonprofit organization are eligible to be deductible for federal income tax purposes under Section 170 of the Internal Revenue Code of 1986;

2. Is registered with the Washington state Secretary of State as provided by RCW 19.09.065 and is in compliance with Washington state laws governing charities to the best of the knowledge of the individual certifying the application;

3.a. Does not discriminate against any person on the basis of race, color, religious affiliation, sex, age, national origin, marital status, sexual orientation, disability, or gender identity or expression or qualifies for an exemption under Title VII of the Civil Rights Act of 1964 as amended. An affirmation of a participating organization's adherence to this subsection A.3.a, or a statement of exemption from this subsection A.3.a, must

be included in the organization's application. A federation must affirm in the federation's application the adherence to this subsection A.3.a, or a legal exception from this subsection A.3.a, for each nonprofit organization the federation represents.

b. Nothing in this subsection A.3. denies eligibility to a federation or nonprofit organization that is otherwise eligible to participate in the ~~((annual drive))~~ program merely because the federation or nonprofit organization is organized by, on behalf of or to serve persons of a particular race, color, religious affiliation, sex, national origin, age, marital status, sexual orientation, disability, or gender identity or expression.

B. Participating organizations' responses provided under subsection A. of this section may be noted in ~~((campaign))~~ program materials.

SECTION 110. Ordinance 16035, Section 6, as amended, and K.C.C. 3.36.055 are each hereby amended to read as follows:

A. Employees may be solicited for program contributions in accordance with this chapter.

B. Solicitations and events related to the program must be conducted on county property or online using county resources during normal county business hours.

C. Employees may use county property for the purposes of solicitations for the promotion of the program.

D. ~~((As provided in RCW 41.06.250(1) and 42.17.130, county property, county equipment and county employees' working time may not be used during a campaign for partisan political purposes, to assist in an individual's election to political office or for the promotion of or opposition to any ballot proposition.~~

~~E.))~~ A county employee shall not be coerced or required to participate in any ~~((presentation))~~ program activities or to make any donation to a qualified nonprofit organization. A county employee shall not be penalized for failing to participate in the program. Departments and offices may authorize time for department employees to attend ~~((presentations about the))~~ program-related activities.

SECTION 111. Ordinance 16035, Section 7, as amended, and K.C.C. 3.36.065 are each hereby

amended to read as follows:

A. Donations under this chapter may include payroll deductions, checks, money orders, cash, electronic payments, and time donations in accordance with K.C.C. 3.12.222.

B. The county shall make deductions from county employees' salary warrants and pay the moneys collected to the qualified nonprofit organizations and federations designated by county employees when the deductions and payments are authorized by county employees in accordance with this chapter.

SECTION 112. Ordinance 16035, Section 8, as amended, and K.C.C. 3.36.075 are each hereby amended to read as follows:

A. After program costs have been paid, all payroll deductions must be fully disbursed by the county to the designated qualified nonprofit organizations by the end of the first quarter following the deduction year. Federations shall make distributions to their member charitable organizations as designated by contributors.

B. Any undesignated contributions shall be distributed proportionately to the participating organizations.