



Legislation Text

File #: 2020-0321, **Version:** 1

Clerk 10/21/2020

AN ORDINANCE relating to the movement of certain responsibilities from the department of executive services to the department of human resources; amending Ordinance 14199, Section 11, as amended, and K.C.C. 2.16.035, Ordinance 19047, Section 59, Ordinance 14199, Section 11, as amended, and K.C.C. 2.16.035, Ordinance 18793, Section 3, as amended, and K.C.C. 2.16.036, Ordinance 12014, Section 15, as amended, and K.C.C. 3.12.120.

STATEMENT OF FACTS:

1. The county has prioritized goals of: developing a highly engaged, diverse, culturally responsive and high-performing workforce; optimizing county operations through innovation and continuous improvement; and delivering consistent, responsive, equitable and high-quality services to its customers.
2. The executive has directed departments to implement the executive's Best-Run Government and Investing in You initiatives, which align with King County's strategic goals.
3. King County's over-fifteen-thousand employees play a major role in the success of each King County goal and every service the county delivers.
4. In 2018, the department of human resources was created and many employee services were moved to a central organizational location.
5. Centrally locating the benefits, payroll and retirement operations section of the department of executive services in the department of human resources will complete the centralization of all

operations that involve the tenure of employees at King County and create a single point of accountability for all human resource business functions. This change will improve King County's ability to enhance employees' experience through better coordination of administrative functions that affect employees.

6. Moving the benefits, payroll and retirement operations section from the department of executive services to the department of human resources will facilitate:

- a. Improving coordination between disability services and benefits to support employees who become disabled or are medically retiring;
- b. Improving coordination between workers compensation, benefits, payroll and retirement regarding service credits for employees who are off work due to a job-related illness or injury;
- c. Improving responsiveness when employees have questions related to benefits, pay, disability services and worker compensation; and
- d. Improving coordination in decision making regarding the design, delivery and operation of benefit services.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 14199, Section 11, as amended, and K.C.C. 2.16.035 are hereby amended to read as follows:

The county administrative officer shall be the director of the department of executive services. The department shall include the records and licensing services division, the finance and business operations division, the facilities management division, the fleet services division, the airport division, the office of risk management services, the administrative office of emergency management, the administrative office of the business resource center and the administrative office of civil rights. In addition, the county administrative officer shall be responsible for providing staff support for the board of ethics.

A. The duties of the records and licensing services division shall include the following:

1. Issuing marriage, vehicle/vessel, taxicab and for-hire driver and vehicle and pet licenses, collecting license fee revenues and providing licensing services for the public;
2. Enforcing county and state laws relating to animal control;
3. Managing the recording, processing, filing, storing, retrieval and certification of copies of all public documents filed with the division as required;
4. Processing all real estate tax affidavits; and
5. Acting as the official custodian of all county records, as required by general law, except as otherwise provided by ordinance.

B. The duties of the finance and business operations division shall include the following:

1. Monitoring revenue and expenditures for the county. The collection and reporting of revenue and expenditure data shall provide sufficient information to the executive and to the council. The division shall be ultimately responsible for maintaining the county's official revenue and expenditure data;
2. Performing the functions of the county treasurer;
3. Billing and collecting real and personal property taxes, local improvement district assessments and gambling taxes;
4. Processing transit revenue;
5. Receiving and investing all county and political subjurisdiction moneys;
6. Managing the issuance and payment of the county's debt instruments;
7. Managing the accounting systems and procedures;
8. Managing the fixed assets system and procedures;
9. Formulating and implementing financial policies for other than revenues and expenditures for the county and other applicable agencies;
10. Administering the accounts payable and accounts receivable functions;

11. Collecting fines and monetary penalties imposed by district courts;
12. Developing and administering procedures for the procurement of and awarding of contracts for tangible personal property, services, professional or technical services and public work in accordance with K.C.C. chapter 2.93 and applicable federal and state laws and regulations;
13. Establishing and administering procurement and contracting methods, and bid and proposal processes, to obtain such procurements;
14. In consultation with the prosecuting attorney's office and office of risk management services, developing and overseeing the use of standard procurement and contract documents for such procurements;
15. Administering contracts for goods and services that are provided to more than one department;
16. Providing comment and assistance to departments on the development of specifications and scopes of work, in negotiations for such procurements, and in the administration of contracts;
17. Assisting departments to perform cost or price analyses for the procurement of tangible personal property, services and professional or technical services, and price analysis for public work procurements;
18. Developing, maintaining and revising as may be necessary from time to time the county's general terms and conditions for contracts for the procurement of tangible personal property, services, professional or technical services and public work;
19. ~~((Managing the payroll system and procedures, including processing benefits transactions in the payroll system and administering the employer responsibilities for the retirement and the deferred compensation plans;~~
- 20.)) Managing and developing financial policies for borrowing of funds, financial systems and other financial operations for the county and other applicable agencies;
- ~~((21.))~~ 20. Managing the contracting opportunities program to increase opportunities for small contractors and suppliers to participate on county-funded contracts. Submit an annual report as required by K.C.C. 2.97.090;

~~((22-))~~ 21. Managing the apprenticeship program to optimize the number of apprentices working on county construction projects. Submit an annual report as required by K.C.C. 12.16.175; and

~~((23-))~~ 22. Serving as the disadvantaged business enterprise liaison officer for federal Department of Transportation and other federal grant program purposes. The disadvantaged business enterprise liaison officer shall have direct, independent access to the executive on disadvantaged business enterprise program matters consistent with 49 C.F.R. Sec. 26.25. For other matters, the disadvantaged business enterprise liaison officer shall report to the manager of the finance and business operations division.

C. The duties of the facilities management division shall include the following:

1. Overseeing space planning for county agencies;
2. Administering and maintaining in good general condition the county's buildings except for those managed and maintained by the department of natural resources and parks and the Metro transit department as provided in K.C.C. chapter 4.56;
3. Operating security programs for county facilities except as otherwise determined by the council;
4. Administering all county facility parking programs except for public transportation facility parking;
5. Administering the supported employment program;
6. Managing all real property owned or leased by the county, except as provided in K.C.C. chapter 4.56, ensuring, where applicable, that properties generate revenues closely approximating fair market value;
7. Maintaining a current inventory of all county-owned or leased real property;
8. Functioning as the sole agent for the disposal of real properties deemed surplus to the needs of the county;
9. In accordance with K.C.C. chapter 4A.100, providing support services to county agencies in the acquisition of real properties, except as otherwise specified by ordinance;
10. Issuing oversized vehicle permits, franchises and permits and easements for the use of county property except franchises for cable television and telecommunications;

11. Overseeing the development of capital projects for all county agencies except for specialized roads, solid waste, public transportation, airport, water pollution abatement, surface water management projects and parks and recreation;

12. Being responsible for all general projects, such as office buildings or warehouses, for any county department including, but not limited to, the following:

- a. administering professional services and construction contracts;
- b. acting as the county's representative during site master plan, design and construction activities;
- c. managing county funds and project budgets related to capital projects;
- d. assisting county agencies in the acquisition of appropriate facility sites;
- e. formulating guidelines for the development of operational and capital project plans;
- f. assisting user agencies in the development of capital projects and project plans, as defined and provided for in K.C.C. chapter 4A.100;
- g. formulating guidelines for the use of life cycle cost analysis and applying these guidelines in all appropriate phases of the capital process;
- h. ensuring the conformity of capital project plans with the adopted space plan and agency business plans;
- i. developing project cost estimates that are included in capital project plans, site master plans, capital projects and biennial project budget requests;
- j. providing advisory services, feasibility studies or both services and studies to projects as required and for which there is budgetary authority;
- k. coordinating with user agencies to assure user program requirements are addressed through the capital development process as set forth in this chapter and in K.C.C. chapter 4A.100;
- l. providing engineering support on capital projects to user agencies as requested and for which there is budgetary authority; and

m. providing assistance in developing the executive budget for capital projects; and

13. Providing for the operation of a downtown winter shelter for homeless persons between October 15 and April 30 each year.

D. The duties of the fleet services division shall include the following:

1. Acquiring, maintaining and managing the motor pool equipment rental and revolving fund for fleet vehicles and equipment, the equipment rental and revolving fund and the wastewater equipment rental and revolving fund. Metro transit department vehicles determined by the Metro transit department director to be intricately involved in or related to providing public transportation services shall not be part of the motor pool;

2. Establishing rates for the rental of equipment and vehicles;

3. Establishing terms and charges for the sale of any material or supplies that have been purchased, maintained or manufactured with money from the motor pool and equipment revolving fund, the equipment rental and revolving fund and the wastewater equipment rental and revolving fund;

4. Managing fleet and equipment training programs, stores function and vehicle repair facilities;

5. Administering the county alternative fuel program and take-home assignment of county vehicles policy; and

6. Inventorying, monitoring losses and disposing of county personal property in accordance with K.C.C. chapter 4.56.

E. The duties of the airport division shall include managing the maintenance and operations of the King County international airport, and shall include the following:

1. Developing and implementing airport programs under state and federal law including preparing policy recommendations and service models;

2. Managing and maintaining the airport system infrastructure;

3. Managing, or securing services from other divisions, departments or entities to perform, the design, engineering and construction management functions related to the airport capital program, including new

facilities development and maintenance of existing infrastructure; providing support services such as project management, environmental review, permit and right-of-way acquisitions, schedule and project control functions; and

4. Preparing and administering airport service and supporting capital facility plans and periodic updates.

F. The duties of the office of risk management services shall include the management of the county's insurance and risk management programs consistent with K.C.C. chapter 2.21.

G. The duties of the administrative office of emergency management shall include the following:

1. Planning for and providing effective direction, control and coordinated response to emergencies; and

2. Being responsible for the emergency management functions defined in K.C.C. chapter 2.56.

H. The duties of the administrative office of civil rights shall include the following:

1. Enforcing nondiscrimination ordinances as codified in K.C.C. chapters 12.17, 12.18, 12.20 and 12.22;

2. Assisting departments in complying with the federal Americans with Disabilities Act of 1990, the federal Rehabilitation Act of 1973, Section 504, and other legislation and rules regarding access to county programs, facilities and services for people with disabilities;

3. Serving as the county Americans with Disabilities Act coordinator relating to public access;

4. Providing staff support to the county civil rights commission;

5. Serving as the county federal Civil Rights Act Title VI coordinator; and

6. Coordinating county responses to federal Civil Rights Act Title VI issues and investigating complaints filed under Title VI.

I. The duties of the administrative office of the business resource center shall include the following:

1. The implementation and maintenance of those systems necessary to generate a regular and

predictable payroll through the (~~(finance and business operations division)~~) department of human resources;

2. The implementation and maintenance of those systems necessary to provide regular and predictable financial accounting and procedures through the finance and business operations division;

3. The implementation and maintenance of those systems necessary to generate regular and predictable county budgets, budget reports and budget management tools for the county; and

4. The implementation and maintenance of the human resources systems of record for all human resources data for county employment purposes.

SECTION 2. Ordinance 19047, Section 59, is hereby amended to read as follows:

~~((This  ))~~Ordinance 19047 and section 3 of this ordinance take((s)) effect April 1, 2021, but only if by that date the executive has transmitted a status report on the status of the feasibility study as required in this section, a feasibility study and recommendations establishing the human and civil rights commission and a motion approving the feasibility study, and a motion approving the feasibility study is passed by council. The motion should reference the subject matter, ~~((this  ))~~Ordinance 19047, ~~((ordinance s))~~Section 59, in both the title and body of the motion.

It is the intention of the council that the executive collaborate with equity and social justice staff of the council and leverage the robust community engagement activities of the office of equity and social justice in order to assess the feasibility of establishing the human and civil rights commission and inform recommendations to establish the human and civil rights commission. Therefore, the feasibility study should include, but not be limited to, the following:

A. A summary, as well as a detailed description, of the outcomes of the robust community engagement to assess the feasibility of implementing the human and civil rights commission to be established by this ordinance. Community engagement required by this subsection shall prioritize outreach with interested stakeholders, including unincorporated area councils, community councils and community development organizations ("stakeholders") with in each of the unincorporated King County community service areas

("CSA") and communities most disproportionately impacted by inequities and discrimination such as the African American, Native American and Alaska Native, Asian/Pacific Islander, Latinx, lesbian, gay, bisexual, transgender and queer and disability communities;

B. A summary, as well as a detailed description, of the outcomes of the robust community engagement with CSA stakeholders in each of the community service areas and communities listed in subsection A₂ of this section in evaluating the current list of protected classes included in the county charter and the county's antidiscrimination ordinances as well as evaluating the list of protected classes as proposed by Seattle University's Fred T. Korematsu Center for Law and Equality Report on the research and recommendations regarding the King County Civil Rights Commission;

C. A feasibility assessment and recommendation on the integration of the executive director and staff of the human and civil rights commission into King County government; and

D. Recommendations for resources necessary to support the activities of the human and civil rights commission as required by this ordinance, which shall include, but not be limited to, staffing, facilities and services costs, and possible revenue sources to fund the costs.

The executive should file the status report by August 14, 2020, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the law and justice committee, or its successor.

The executive should file the feasibility study and motion required by this section by February 1, 2021, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the law and justice committee, or its successor.

SECTION 3. Ordinance 14199, Section 11, as amended, and K.C.C. 2.16.035 are hereby amended to read as follows:

A. The county administrative officer shall be the director of the department of executive services. The

department shall include the records and licensing services division, the finance and business operations division, the facilities management division, the fleet services division, the airport division, the office of risk management services, the administrative office of emergency management and the administrative office of the business resource center. In addition, the county administrative officer shall be responsible for providing staff support for the board of ethics.

B. The duties of the records and licensing services division shall include the following:

1. Issuing marriage, vehicle/vessel, taxicab and for-hire driver and vehicle and pet licenses, collecting license fee revenues and providing licensing services for the public;
2. Enforcing county and state laws relating to animal control;
3. Managing the recording, processing, filing, storing, retrieval and certification of copies of all public documents filed with the division as required;
4. Processing all real estate tax affidavits; and
5. Acting as the official custodian of all county records, as required by general law, except as otherwise provided by ordinance.

C. The duties of the finance and business operations division shall include the following:

1. Monitoring revenue and expenditures for the county. The collection and reporting of revenue and expenditure data shall provide sufficient information to the executive and to the council. The division shall be ultimately responsible for maintaining the county's official revenue and expenditure data;
2. Performing the functions of the county treasurer;
3. Billing and collecting real and personal property taxes, local improvement district assessments and gambling taxes;
4. Processing transit revenue;
5. Receiving and investing all county and political subjurisdiction moneys;
6. Managing the issuance and payment of the county's debt instruments;

7. Managing the accounting systems and procedures;
8. Managing the fixed assets system and procedures;
9. Formulating and implementing financial policies for other than revenues and expenditures for the county and other applicable agencies;
10. Administering the accounts payable and accounts receivable functions;
11. Collecting fines and monetary penalties imposed by district courts;
12. Developing and administering procedures for the procurement of and awarding of contracts for tangible personal property, services, professional or technical services and public work in accordance with K.C.C. chapter 2.93 and applicable federal and state laws and regulations;
13. Establishing and administering procurement and contracting methods, and bid and proposal processes, to obtain such procurements;
14. In consultation with the prosecuting attorney's office and office of risk management services, developing and overseeing the use of standard procurement and contract documents for such procurements;
15. Administering contracts for goods and services that are provided to more than one department;
16. Providing comment and assistance to departments on the development of specifications and scopes of work, in negotiations for such procurements, and in the administration of contracts;
17. Assisting departments to perform cost or price analyses for the procurement of tangible personal property, services and professional or technical services, and price analysis for public work procurements;
18. Developing, maintaining and revising as may be necessary from time to time the county's general terms and conditions for contracts for the procurement of tangible personal property, services, professional or technical services and public work;
19. ~~((Managing the payroll system and procedures, including processing benefits transactions in the payroll system and administering the employer responsibilities for the retirement and the deferred compensation plans;~~

~~20~~)) Managing and developing financial policies for borrowing of funds, financial systems and other financial operations for the county and other applicable agencies;

~~((21))~~ 20. Managing the contracting opportunities program to increase opportunities for small contractors and suppliers to participate on county-funded contracts. Submit an annual report as required by K.C.C. 2.97.090;

~~((22))~~ 21. Managing the apprenticeship program to optimize the number of apprentices working on county construction projects. Submit an annual report as required by K.C.C. 12.16.175; and

~~((23))~~ 22. Serving as the disadvantaged business enterprise liaison officer for federal Department of Transportation and other federal grant program purposes. The disadvantaged business enterprise liaison officer shall have direct, independent access to the executive on disadvantaged business enterprise program matters consistent with 49 C.F.R. Sec. 26.25. For other matters, the disadvantaged business enterprise liaison officer shall report to the manager of the finance and business operations division.

D. The duties of the facilities management division shall include the following:

1. Overseeing space planning for county agencies;
2. Administering and maintaining in good general condition the county's buildings except for those managed and maintained by the department of natural resources and parks and the Metro transit department as provided in K.C.C. chapter 4.56;
3. Operating security programs for county facilities except as otherwise determined by the council;
4. Administering all county facility parking programs except for public transportation facility parking;
5. Administering the supported employment program;
6. Managing all real property owned or leased by the county, except as provided in K.C.C. chapter 4.56, ensuring, where applicable, that properties generate revenues closely approximating fair market value;
7. Maintaining a current inventory of all county-owned or leased real property;
8. Functioning as the sole agent for the disposal of real properties deemed surplus to the needs of the

county;

9. In accordance with K.C.C. chapter 4A.100, providing support services to county agencies in the acquisition of real properties, except as otherwise specified by ordinance;

10. Issuing oversized vehicle permits, franchises and permits and easements for the use of county property except franchises for cable television and telecommunications;

11. Overseeing the development of capital projects for all county agencies except for specialized roads, solid waste, public transportation, airport, water pollution abatement, surface water management projects and parks and recreation;

12. Being responsible for all general projects, such as office buildings or warehouses, for any county department including, but not limited to, the following:

a. administering professional services and construction contracts;

b. acting as the county's representative during site master plan, design and construction activities;

c. managing county funds and project budgets related to capital projects;

d. assisting county agencies in the acquisition of appropriate facility sites;

e. formulating guidelines for the development of operational and capital project plans;

f. assisting user agencies in the development of capital projects and project plans, as defined and

provided for in K.C.C. chapter 4A.100;

g. formulating guidelines for the use of life cycle cost analysis and applying these guidelines in all appropriate phases of the capital process;

h. ensuring the conformity of capital project plans with the adopted space plan and agency business plans;

i. developing project cost estimates that are included in capital project plans, site master plans, capital projects and biennial project budget requests;

j. providing advisory services, feasibility studies or both services and studies to projects as required

and for which there is budgetary authority;

k. coordinating with user agencies to assure user program requirements are addressed through the capital development process as set forth in this chapter and in K.C.C. chapter 4A.100;

l. providing engineering support on capital projects to user agencies as requested and for which there is budgetary authority; and

m. providing assistance in developing the executive budget for capital projects; and

13. Providing for the operation of a downtown winter shelter for homeless persons between October 15 and April 30 each year.

E. The duties of the fleet services division shall include the following:

1. Acquiring, maintaining and managing the motor pool equipment rental and revolving fund for fleet vehicles and equipment, the equipment rental and revolving fund and the wastewater equipment rental and revolving fund. Metro transit department vehicles determined by the Metro transit department director to be intricately involved in or related to providing public transportation services shall not be part of the motor pool;

2. Establishing rates for the rental of equipment and vehicles;

3. Establishing terms and charges for the sale of any material or supplies that have been purchased, maintained or manufactured with money from the motor pool and equipment revolving fund, the equipment rental and revolving fund and the wastewater equipment rental and revolving fund;

4. Managing fleet and equipment training programs, stores function and vehicle repair facilities;

5. Administering the county alternative fuel program and take-home assignment of county vehicles policy; and

6. Inventorying, monitoring losses and disposing of county personal property in accordance with K.C.C. chapter 4.56.

F. The duties of the airport division shall include managing the maintenance and operations of the King County international airport, and shall include the following:

1. Developing and implementing airport programs under state and federal law including preparing policy recommendations and service models;
2. Managing and maintaining the airport system infrastructure;
3. Managing, or securing services from other divisions, departments or entities to perform, the design, engineering and construction management functions related to the airport capital program, including new facilities development and maintenance of existing infrastructure; providing support services such as project management, environmental review, permit and right-of-way acquisitions, schedule and project control functions; and
4. Preparing and administering airport service and supporting capital facility plans and periodic updates.

G. The duties of the office of risk management services shall include the management of the county's insurance and risk management programs consistent with K.C.C. chapter 2.21.

H. The duties of the administrative office of emergency management shall include the following:

1. Planning for and providing effective direction, control and coordinated response to emergencies;
- and
2. Being responsible for the emergency management functions defined in K.C.C. chapter 2.56.

I. The duties of the administrative office of the business resource center shall include the following:

1. The implementation and maintenance of those systems necessary to generate a regular and predictable payroll through the ~~((finance and business operations division))~~ department of human resources;
2. The implementation and maintenance of those systems necessary to provide regular and predictable financial accounting and procedures through the finance and business operations division;
3. The implementation and maintenance of those systems necessary to generate regular and predictable county budgets, budget reports and budget management tools for the county; and
4. The implementation and maintenance of the human resources systems of record for all human

resources data for county employment purposes.

SECTION 4. Ordinance 18793, Section 3, as amended, and K.C.C. 2.16.036 are hereby amended to read as follows:

A. The department of human resources shall be responsible for the administration of the county personnel system in accordance with K.C.C. Title 3. The department shall manage and be fiscally responsible for the human resources services division, the career and culture division and the ~~((employee health and safety))~~ central employee services division.

B. The duties of the department shall include:

1. Developing, administering and monitoring human resources policy;
2. Developing, administering and monitoring diversity management programs including equal employment opportunity affirmative action plan development and integration of equity and social justice concepts into plans and programs;
3. Advising the executive and council on overall county employment policies;
4. Developing and disseminating communications to employees regarding issues related to human resources; and
5. Providing labor relations training for county agencies, the executive, the council and others, in collaboration with the office of labor relations.

C. The duties of the human resources services division shall include:

1. Developing proposed and administering policies and procedures for:
 - a. employment, including recruitment, examination and selection;
 - b. classification and compensation; and
 - c. salary administration;
2. Providing technical and human resources information services support;
3. Coordinating individual employee performance review programs in executive departments;

4. Administering the county's civil service personnel system in accordance with K.C.C. chapter 3.14;

5. Monitoring executive branch compliance with human resources policies;

6. Collecting and reporting to the office of performance, strategy and budget on a quarterly basis information on the numbers of filled and vacant full-time equivalent and term-limited temporary positions and the number of emergency employees for each appropriation unit; and

7. Providing a quarterly report to the council showing vacant positions by department. The report must indicate whether a term-limited temporary employee is backfilling the position, the salary and benefits associated with a position and how long the position has been vacant. The report is due thirty days after the end of each calendar quarter and shall be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff to the budget and fiscal management committee or its successor.

D. The duties of the career and culture division shall include:

1. Developing and administering training and organizational development programs, including centralized employee and supervisory training, conflict resolution training and other employee development programs;
2. Developing and administering programs to minimize detrimental workplace conflict;
3. Developing and administering programs that promote employee engagement; and
4. Providing organization assistance, mediation and restoration services.

E. The duties of the (~~employee health and safety~~) central employee services division shall include:

1. Developing and managing insured and noninsured benefits programs, including proposing policy recommendations, negotiating benefits plan designs with unions, preparing legally mandated communications materials and providing employee assistance and other work and family programs;
2. Developing and administering workplace safety programs, including inspection of work sites and dissemination of safety information to employees to promote workplace safety;

3. Administering the county's self-funded industrial insurance/worker's compensation program, as authorized by Title 51 RCW;

4. Overseeing the county's unemployment compensation program; ~~((and))~~

5. Administering the county's employee benefits program fund; and

6. Managing the payroll system and procedures, including processing benefits transactions in the payroll system and administering the employer responsibilities for the retirement and the deferred compensation plans.

SECTION 5. Ordinance 12014, Section 15, as amended, and K.C.C. 3.12.120 are 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, the official workday shall consist of eight hours of work for all full-time regular and full-time probationary employees. The lunch hour shall not be considered as part of the workday. The official workday for other employees shall be determined 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. Except as otherwise provided by ordinance, the official workweek shall consist of five working days for all full-time regular and full-time probationary employees. The official workweek for other employees shall 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.

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. A career service employee accepting such a transfer or promotion on or after December 1, 1979, shall have such a right to restoration, but only if:

1. The right to restoration is exercised within four calendar years from the effective date of the transfer or promotion to an exempt position; and

2.a. 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. Overtime work may be authorized by the department director where necessary to maintain or perform

vital county services and shall be paid in accordance with appropriate state and federal law.

J. If a county agency or the benefits, payroll and retirement operations section of the ((~~finance and business operations~~)) 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 ((~~finance and business operations~~)) central employee services division shall provide written notice to the nonrepresented employee consistent with state law.

K. The following adjudicative process is available, subject to subsection K.1. ((~~though~~)) 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 ((~~finance and business operations~~)) 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 ((~~finance and business operations~~)) 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 ((~~finance and business operations~~)) 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 ((~~finance and business operations~~)) 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 (~~(finance and business operations)~~) 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 (~~(finance and business operations)~~) 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 (~~(finance and business operations)~~) 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 (~~(finance and business operations)~~) 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 (~~(finance and business operations)~~) 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 (~~(finance and business operations)~~) 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 (~~(finance and business operations)~~) central employee services division; however, the manager of the (~~(finance and business operations)~~) 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 (~~(finance and business operations)~~) 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 (~~(finance and business operations)~~) 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 (~~(finance and business operating)~~) 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 (~~(county administrative officer)~~) director of the department of human resources or designee shall assume responsibility for the hearing.

SECTION 6. This ordinance takes effect January 1, 2021.