



## Legislation Text

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**File #:** 2017-0490, **Version:** 3

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AN ORDINANCE relating to paid sick leave; amending Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010, Ordinance 12014, Section 7, as amended, and K.C.C. 3.12.040, Ordinance 12077, Section 3, as amended, and K.C.C. 3.12.125, 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 12077, Section 4, as amended, and K.C.C. 3.12.200, Ordinance 4324, Section 27, 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, and K.C.C. 3.12.219, Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220, 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 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 and Ordinance 9967, Section 2, as amended, and K.C.C. 3.12.262.

### STATEMENT OF FACTS:

1. On November 8, 2016, Washington voters approved Initiative 1433, which provided incremental increases to the state minimum wage, effective January 1, 2017, and provides paid sick leave beginning January 1, 2018. The initiative's operative provisions are codified in

Washington's Minimum Wage Act, chapter 49.46 RCW.

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

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. 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.

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

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 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.

D. "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. "Board" means the county personnel board established by Section 540 of the charter.

F. "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. "Career service employee" means a county employee 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.

H. "Career service position" means all positions in the county service except for those that are designated 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 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.

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.

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

J. "Child" means a biological, adopted or foster child, a stepchild, a legal ward or a child of an employee standing 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.

K. "Class" or "classification" means a position or group of positions, established under authority of this chapter, 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. "Classification plan" means the arrangement of positions into classifications together with specifications describing each classification.

M. "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 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.

O. "Comprehensive leave benefits" means those 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, volunteering at schools, parental leave, donated leave and leaves of absence without pay.

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

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

~~((Q-))~~ R. "Developmental disability" means a developmental disability, as defined in RCW 71A.10.020 (2), as amended, attributable to mental retardation, cerebral palsy, epilepsy, autism or other 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 or to require treatment similar to that required for individuals with mental retardation, 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 for the individual.

~~((R-))~~ S. "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 temporary employees under this chapter shall not include any administrative overhead charges applicable to administrative offices and executive departments.

~~((S-))~~ T. "Director" means the manager of the human resources management division.

~~((T-))~~ U. "Division" means the human resources management division or its successor agency.

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

~~((V-))~~ W. "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.

~~((W.))~~ X. "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 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 manager, in consultation with the department, is responsible for determining what hour threshold applies.

~~((X.))~~ Y. "Employee" means any person who is employed in a career service position or exempt position.

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

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

~~((Z.))~~ 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.

~~((AA.))~~ 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.

~~((BB-))~~ DD. "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.

~~((CC-))~~ EE. "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.

~~((DD-))~~ FF. "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.

~~((EE-))~~ GG. "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.

~~((FF-))~~ HH. "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.

~~((GG-))~~ II. "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.

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

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

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

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

~~((KK))~~ NN. "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.

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

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

~~((NN))~~ QQ. "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.

~~((OO))~~ RR. "Part-time position" means an 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 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 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 manager, in consultation with the department, is responsible for determining what hour threshold will apply. Part-time position excludes administrative intern.

~~((PP))~~ SS. "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.

~~((QQ))~~ TT. "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 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 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 manager, in consultation with the department, is responsible for determining what hour threshold will apply.

~~((RR.))~~ 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 and rules for administration.

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

~~((TT.))~~ 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.

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

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

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

~~((XX.))~~ AAA. "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.

~~((YY.))~~ BBB. "Probationary period salary increase" means a within-range salary increase from one step

to the next highest step upon satisfactory completion of the probationary period.

~~((ZZZ.))~~ CCC. "Promotion" means the movement of an employee to a position in a classification having a higher maximum salary.

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

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

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

GGG. "Recruiting step" means the first step of the salary range allocated to a class unless otherwise authorized by the executive.

~~((DDD.))~~ HHH. "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.

~~((EEE.))~~ III. "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 position occupied.

~~((FFF.))~~ JJJ. "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.

~~((GGG.))~~ KKK. "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.

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

MMM. "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 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 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 manager, in consultation with the department, is responsible for determining what hour threshold will apply.

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

~~((HH))~~ OOO. "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 ((as defined in this chapter and short-term (normally less than six months) temporary positions in which a temporary employee works less than nine hundred ten hours in a calendar year 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 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 manager, in consultation with the department, is responsible for determining what hour threshold will apply)).

((~~JJJ~~)) PPP. "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 manager. The manager shall maintain a current list of all term-limited temporary employees by department.

((~~KKK~~)) QQQ. "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 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 manager, 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 manager before the appointment of term-limited temporary employees.

~~((LLL))~~ RRR. "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 ~~((his or her))~~ 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.

~~((MMM.))~~ SSS. "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.

~~((NNN.))~~ TTT. "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, demonstrates a financial inability, either parental, familial or personal, to bear the total cost of education for any semester or quarter.

SECTION 2. 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 spouse or domestic partner, each of their dependent children and each of the dependent children of their spouse or domestic partner 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 temporary employees, other than probationary, provisional and term-limited temporary employees, who exceed the calendar year working hours threshold defined in this chapter shall receive compensation in lieu of leave benefits at the rate of fifteen 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. If an employee has not previously received insured benefits provided under K.C.C. 3.12.040.B., ((F))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 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 3. 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. 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 4. 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 (~~(and insured)~~) benefits under this chapter, administrative interns, volunteer interns, work study students and eligible department of transportation retirees as defined in this section shall be issued a transit bus 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, such employees shall be entitled to use the transit bus pass to ride without payment of fare on public transportation services operated by or under the authority of Pierce Transit, Kitsap Transit, the King County Ferry District, Sound Transit, Everett Transit, and Community Transit, subject to agreements with such agencies as may be entered into by the executive. Use of transit bus passes shall be restricted to such employees, administrative interns, volunteer interns, work study students and department of transportation retirees and any unauthorized use shall, at a minimum, result in forfeiture of the passes. With the exception of administrative interns, volunteer interns and work study students, employees not eligible for comprehensive leave (~~(and insured)~~) benefits under this chapter shall not receive transit bus passes or any transit bus 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 bus passes. The amount recommended by the executive shall not include any payment for transit bus passes for commissioned police officers, eligible department of transportation retirees and employees whose positions are determined by the director of the department of transportation to be dedicated exclusively to the public transportation function. The final amount to be transferred to the public transportation operating account for transit bus 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 retiree" means an employee eligible for comprehensive leave ((and insured benefits)) under this chapter who:

1. Separates from employment with the county 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; and

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

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

A. Beginning January 1, 1996, employees eligible for comprehensive leave benefits shall accrue vacation leave benefits as described in and further qualified by this section.

Full Years of Service	Annual Leave in Days
Upon hire through end of Year 5	12
Upon beginning of Year 6	15
Upon beginning of Year 9	16
Upon beginning of Year 11	20
Upon beginning of Year 17	21
Upon beginning of Year 18	22
Upon beginning of Year 19	23
Upon beginning of Year 20	24
Upon beginning of Year 21	25
Upon beginning of Year 22	26
Upon beginning of Year 23	27
Upon beginning of Year 24	28
Upon beginning of Year 25	29
Upon beginning of Year 26 and beyond	30

B. Notwithstanding the vacation leave schedule in subsection A. of this section, employees eligible for comprehensive leave benefits, excluding employees in the former department of metropolitan services, shall accrue vacation leave as follows:

1. Those employees who were employed on or before December 31, 1995, and by that date had completed at least three but less than five full years of service shall begin to accrue fifteen days of vacation leave per year effective January 1, 1996;

2. Those employees who were employed on or before December 31, 1995, and subsequent to that date complete three full years of service shall begin to accrue fifteen days of vacation leave per year effective on the first day of their fourth full year of service.

Beginning on the first day of their sixth full year of service, all such employees shall accrue vacation leave as set forth in subsection A. of this section.

C. Vacation accrual rates for an employee who works other than the full time schedule standard to (~~his or her~~) the employee's work unit shall be prorated to reflect (~~his or her~~) 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.

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

E. Employees eligible for vacation leave may accrue up to sixty days of vacation leave, prorated to reflect their normally scheduled work day. Those employees shall use vacation leave beyond the maximum accrual amount before December 31 of each year. Failure to use vacation leave beyond the maximum accrual amount will result in forfeiture of the vacation leave beyond the maximum 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.

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

G. Career service employees, provisional, probationary and term-limited temporary employees, shall

not be eligible to take or be paid for vacation leave until they have successfully completed their first six months of county service, and if they leave county employment before successfully completing their first six months of county service, shall forfeit and not be paid for accrued vacation leave.

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

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

I. 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 maximum accrual amount if the employee has successfully completed ((his or her)) 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 rate of pay in effect upon the date of leaving county employment less mandatory withholdings.

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

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

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

M. In cases of separation from county employment by death of an employee with accrued vacation

leave and who has successfully completed (~~his or her~~) the employee's first six months of county service, payment of unused vacation leave up to the 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.

N. If an employee resigns from a full-time regular or part-time regular 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, the employee's prior county service shall be counted in determining the vacation leave accrual rate under subsection A. of this section.

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

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

SECTION 7. Ordinance 4324, Section 27, 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 to three working days of bereavement leave a year due to death of members of their immediate family. A furloughed employee shall not be eligible to take or be paid for bereavement leave in lieu of taking a budgetary furlough day.

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

C. In cases of family death where no sick leave benefit is authorized or exists, an employee may be

granted leave without pay.

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

SECTION 8. 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 (~~(who is)~~) eligible for (~~((family leave, sick leave, vacation leave or leave of absence without pay))~~) 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 paid 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. 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. 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 9. Ordinance 18408, Section 2, and K.C.C. 3.12.219 are each hereby amended to read as follows:

A. The executive shall create a program that provides nonrepresented employees, on the terms in

Ordinance 18408, paid parental leave following a qualifying event.

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

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

1. The program is intended to provide employees eligible for comprehensive leave benefits with twelve weeks of paid parental leave during the twelve months following a qualifying event;
2. Participation in the program shall be limited to 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 the qualifying event and are either nonrepresented or represented by a union that has signed a paid parental leave memorandum of agreement in subsection B. of this section;
3. An employee's supplemental paid leave benefit shall be calculated based on the employee's accrued paid leave balances at the time of the qualifying event.
4. An employee electing to participate in the program must reserve one week of accrued vacation and one week of accrued sick leave, or whatever smaller amount of each the employee has accrued. An employee with twelve weeks or more of unreserved, accrued paid leave at the time of the qualifying event may use up to twelve weeks of accrued paid leave as paid parental leave during the twelve months after the qualifying event. An employee who has less than twelve weeks of unreserved, accrued paid leave at the time of the qualifying event shall be granted supplemental paid leave in an amount sufficient, when combined with the employee's unreserved accrued paid leave, to equal a total of twelve weeks of paid parental leave. 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.
5. 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.

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

7. 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.

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

9. 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 basis as long as that is consistent with the county's operational needs and is approved in writing by the supervisor before the leave begins.

10. Paid parental leave under Ordinance 18408 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.

11. 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 this ordinance. 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.

12. Taking leave under the 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.

13. Employees shall not be compensated in any manner for not using the supplemental paid leave that is available under Ordinance 18408.

14. An employee who does not return to work for at least six months of continuous service following



the paid parental leave, will be required to reimburse King County for the supplemental paid parental leave funds received.

SECTION 10. 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 ~~((G))~~A.3. of this section, employees eligible for comprehensive leave benefits 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 ~~((sick leave shall not begin to accrue until the first of the month following the month in which the employee commenced employment))~~ 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. No adjustment to reduce sick leave accruals for furloughed employee shall be made as a result of a budgetary furlough. ~~((The employee is not entitled to use sick leave if not previously earned.~~

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

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 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 (~~(or as specified in the collective bargaining agreement)~~).

D. There shall be no limit to the (~~(hours)~~) number of sick leave (~~(benefits)~~) hours accrued and carried over to the following year by (~~(an)~~) employees eligible (~~(employee)~~) 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.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, shall cancel all sick leave accrued to (~~(the)~~) 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. Should (~~(the)~~) an employee (~~(resign in good standing, be separated for medical reasons or be laid off, and)~~) return to county employment within two years, accrued sick leave shall be restored(~~(, but the restoration shall not apply where the former employment was in a term-limited temporary position)~~).

F.1. Except for (~~(employees covered by subsection G. of this section)~~) 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 (~~(and)~~) 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 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 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 F.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.

2.a. In lieu of the remuneration for unused sick leave at retirement, the manager of the human resources division((~~7~~)) or ((~~the manager's~~)) designee((~~7~~)) may, with equivalent funds, 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.H., in lieu of the remuneration for fifty percent of unused vacation leave at retirement, the manager may also fund the voluntary employee beneficiary association plan.

b. The manager 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. 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 manager;

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

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

(4) employees shall forfeit remuneration under subsections F.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 F.1. of this section.

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

H.))1. An employee must use all of ~~((his or her))~~ the employee's accrued sick leave and any donated sick leave before taking unpaid leave for ~~((his or her))~~ the employee's own health reasons. 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 ~~((he or she))~~ the employee may set aside a reserve of up to eighty hours of accrued sick leave. A furloughed employee who is on county family medical leave as provided for in this section shall retain county benefits during furlough days.

3. An employee who has exhausted all of ~~((his or her))~~ the employee's accrued sick leave may use accrued vacation leave before going on leave of absence without pay, if approved by ~~((his or her))~~ 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.

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

1. ~~((The employee's bona fide illness, but an employee who suffers an occupational illness may not simultaneously collect sick leave and worker's compensation payments in a total amount greater than the net regular pay of the employee;~~

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

- a. resulting from the employee's mental or physical illness, injury, or health condition;
  - b. to accommodate the employee's need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or
  - c. for the employee's need for 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
  - c. 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. For absences that qualify for leave under the domestic violence leave act, chapter 49.76 RCW;
- 5. 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; and
- 6. For family and medical leave available under federal law, state law or King County ordinance.
- I. 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'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.

~~((a-))~~ J.1. ~~((a))~~ 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 ~~((his or her))~~ the employee's workers' compensation wage replacement pay through the use of sick leave shall be deemed on unpaid leave status~~((;))~~.

~~((b-))~~ 2. ~~((a))~~ 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~~((; and))~~.

~~((c-))~~ 3. ~~((a))~~ 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;

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

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

~~5. The employee's medical or dental appointments but only if the employee's appointing authority has~~

approved the use of sick leave for those appointments;

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

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

J.) K. ((Department m)) Management of the employee's department is responsible for the proper administration of ~~((the))~~ sick leave benefits. ~~((Verification from a health care provider may be required to substantiate the health condition of the employee or family member for leave requests.))~~ 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.

~~((K. Failure to return to work by the expiration date of a leave of absence may be cause for removal and result in termination of the employee from county service.))~~ L. Verification that an 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 employee and may not exceed privacy or verification requirements otherwise established by law.

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

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

2. The number of hours donated shall not exceed the donor's accrued vacation credit 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 (~~his or her~~) the 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 must be used within ninety calendar days following the date of donation. Donated hours not used within ninety days or due to the death of the receiving employee shall revert to the donor. Donated vacation leave hours shall be excluded from vacation leave payoff provisions in this chapter. For purposes of this section, the first hours used by an employee shall be accrued vacation leave hours.

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

2. No donation 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 (~~his or her~~) the employee's accrued sick leave in a calendar year.

3. Donated sick leave hours must be used within ninety calendar days. Donated hours not used within ninety days or due to the death of the receiving employee shall revert to the donor. 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. For purposes of this section, the first hours used by an employee shall be accrued sick leave hours.

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

D. All vacation and sick leave hours donated shall be converted to a dollar value based on the donor's straight time hourly rate at the time of donation. Such dollar value will then be divided by the receiving employee's hourly rate to determine the actual number of hours received. Vacation leave donated to a



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

SECTION 12. 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 ~~((his or her))~~ 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 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 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;

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<sub>2</sub> of this section; and

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

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

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

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

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

1. January 1, New Year's Day;
2. Third Monday in January, Martin Luther King, Jr. Birthday;
3. Third Monday in February, President's Day;
4. Last Monday in May, Memorial Day;
5. July 4, Independence Day;
6. First Monday in September, Labor Day;
7. November 11, Veteran's Day;
8. Thanksgiving Day and the day immediately following;
9. December 25, Christmas Day;
10. Special or limited holidays as declared by the president or governor, and as approved by the

council;

11. Such other days in lieu of holidays as the council may determine;

12. An employee who is eligible for comprehensive leave benefits shall be granted two personal holidays to be administered through the vacation plan, though the hours granted to an employee working less than a full-time schedule shall be prorated to reflect ~~((his or her))~~ that employee's normally scheduled work day.

One day shall be credited to the employee's leave balance on the first of October and one day on the first of November.

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.

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

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

SECTION 16. 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 appointing authority.

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

C. 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.

D. 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.

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

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

G. 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.

H. A leave of absence without pay may be revoked by the director upon evidence submitted to the director by the appointing authority 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 17. 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 ~~((his or her))~~ the employee's position with the county, either to determine ~~((his or her))~~ 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, 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 (~~(his or her)~~) 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 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 (~~(his or her)~~) 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.

SECTION 18. 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, vision and life insurance benefits 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 ~~((his or her))~~ 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, vision and life insurance benefits and leave accruals is contingent upon the employee providing ~~((his or her))~~ 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 19. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.