



Legislation Text

File #: 2019-0278, Version: 2

Clerk 07/11/2019

A MOTION relating to the organization of the council; amending Motion 10651, Section V, as amended, and OR 2-030, Motion 10651, Section VII, as amended, and OR 3-030 and Motion 14725, Section II, as amended, and OR 3-035 and adding a new section to the organizational compilation.

WHEREAS the King County Charter provides that the council "shall be responsible for its own organization," and

WHEREAS, the council desires to specify and clarify employee roles, reporting and responsibilities to ensure the efficient and professional administration of the legislative branch;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

I. Motion 10651, Section V, as amended, and OR 2-030 are hereby amended to read as follows:

Employment and administration committee.

A. Membership requirements. The employment and administration committee shall consist of five members. The chair of the council shall be a member of the committee.

B. Duties.

1. General duties. In accordance with this section OR 2-030, ((F))the committee ((makes)) shall oversee employment-related ((decisions and recommendations for)) issues in the legislative branch, excluding all decisions for those positions and employees serving councilmembers' personal, district support and constituent services functions.

2. Administrative decisions. In consultation with the chief of staff, the committee shall:

- a. recommend to the council for adoption of administrative and personnel-related policies;
- b. recommend to the council for adoption of changes to the organization chart established in OR 3-

030.A.; ~~((and))~~

- c. recommend to council classification specifications and compensation ranges; and
- d. recommend to council job descriptions for all positions in the legislative branch.

3. Hiring ~~((and staffing decisions.~~

a.) chief officers and independent agency officers. The committee shall establish the hiring process for chief officers~~((, directors))~~ and independent agency officers, as well as ~~((making))~~ make hiring recommendations to the council concerning these positions. The committee may consult with the board of appeals on its hiring of the executive director and staff of the board of appeals and the committee may express its preference.

~~((b. The committee shall make hiring decisions for all other positions not noted in subsection B.3.a. of this section, based on the recommendation of the chief officer, chief policy officer or independent agency officer, as appropriate, regarding the candidate or candidates.~~

~~e. The chair of the committee may:~~

~~(1) begin recruitment of vacated or newly created positions and anticipated vacancies; and~~

~~(2) appoint or extend the appointment of interns, and temporary or term limited employees for up to a total of the maximum period allowed by code.~~

~~d. A hiring preference shall be given to an applicant for any position who is presently on the staff of the legislative branch who has already demonstrated the capability to perform the duties of the position satisfactorily.~~

~~e. The committee may extend an offer to any person who applied for a legislative branch position in the six months before the chair of the committee's authorization to begin a new recruitment without undertaking~~

~~a full requirement process. The committee may allow person meeting the criteria of this subsection to be added to the pool of candidates to be considered for the new requirement, without requiring the person to submit some or all of the applications materials for the new recruitment.~~

~~f. The authority for hiring temporary administrative or legislative staff employees for sixty days or less is delegated to the chief of staff. For the purposes of this subsection, "sixty days" means sixty actual days of work or no more than four hundred twenty hours of work, whichever is less.~~

~~4. Compensation and classification decisions. The committee, in consultation with the responsible chief officer or independent agency officer, shall make decisions regarding reclassification, promotion to a higher step within the same classification and range, or withholding of a step increase of a legislative branch employee.~~

~~5. Staff assignments. The chief of staff shall annually brief the committee on legislative branch staff assignments, which shall be based on the following:~~

~~a. Independent agency staff assignments shall be made by the independent agency officer or designee;~~

~~b. Legislative services staff assignments shall be made by the chief policy officer or designee;~~

~~c. Legal staff assignments shall be made by the chief legal counsel or counsel's designee; and~~

~~d. Administration services staff assignments shall be made by the chief of staff or designee.~~

~~6. Work schedule decisions. Day to day work schedule decisions shall be made by direct supervisors, managers, and their director or officer. The committee may increase or decrease the full time equivalent level of an employee on either a permanent or limited term duration within the budgeted appropriation. In the event of a temporary decrease in the full time equivalent level of an employee as an accommodation, the chief of staff may approve the temporary adjustment and inform the committee at the next regularly scheduled meeting of the committee.~~

~~7. Leave carryover decisions. The chair of the committee may authorize the carryover of excess vacation leave under K.C.C. 3.12.190 because of cyclical workloads, work assignments or other reasons as may be in the best interests of the county and with appropriate documentation.~~

~~8. Performance evaluations.~~

~~a. The chair of the council, with committee input, shall establish a process for periodically evaluating the chief officers and independent agency officers for their performance in achieving job duties and goals.~~

~~b. Chief officers, directors and independent agency officers shall periodically evaluate employees that report to each respectively for their performance in achieving job duties and goals.~~

~~c. The chief of staff shall annually brief the committee regarding findings and results related to legislative branch performance evaluations.~~

~~9. Discipline.~~

~~a. Chief officers, directors and independent agency officers shall provide oral and written expectations and counseling regarding employee performance issues as they may arise.~~

~~b. The council chair shall provide oral and written expectations and counseling regarding employee performance for chief officers and independent agency officers.~~

~~c. Chief officers, directors and independent agency officers, for employees that report to each respectively, shall, when appropriate, issue either written reprimands or performance improvement plans, or both, regarding employee performance issues that persist, following an oral or written statement of expectations or counseling. The council chair shall, when appropriate, issue either written reprimands or performance improvement plans, or both, regarding employee performance issues of a chief officer and independent agency officer that persist, following an oral or written statement of expectations or counseling. An employee who has received a written reprimand may, within five business days of receiving the written reprimand, request a hearing before the committee to overturn or amend the written reprimand.~~

~~d.(1) It is the responsibility of the chief officers and independent agency officers, for employees who report to each respectively, or the council chair for those employees specified in subsection B.9.b. of this section, when appropriate, to recommend to the committee chief officers or independent agency officers for either suspension without pay or termination.~~

~~(2) The committee shall make decisions regarding suspension without pay or termination of an employee.~~

~~(3) The decision of the committee to suspend an employee without pay for ten working days or less is final.~~

~~(4) An employee subject to the committee's suspension without pay for more than ten working days or termination decision may, within five business days, request a hearing before the committee to mitigate or change the decision.~~

~~(5) Following a suspension without pay of more than ten working days or termination hearing decision, an employee subject to the committee's suspension without pay or termination decision may, within five business days, appeal the decision to the council.~~

~~(6) The decision of council to suspend without pay or terminate an employee is final.~~

~~e. The chair of the council may execute a settlement agreement with a current or former employee.~~

~~f. If, in the determination of the applicable chief officer or independent agency officer, an employee's performance is serious or egregious enough, the provisions of subsection B.9.a. and c. of this section may be dispensed with and the applicable chief officer or independent agency officer may summarily recommend suspension or termination to the committee in accordance with B.9.d. of this section. If, in the determination of the council chair, an employee's performance is serious or egregious enough, the provisions of subsection B.9.b. and c. of this section may be dispensed with and the council chair may summarily recommend suspension or termination to the committee in accordance with B.9.d. of this section.~~

g-)) 4. Performance evaluations of chief officers and independent agency officers. The council chair, in consultation with the committee, shall provide oral and written expectations and counseling regarding employee performance for chief officers and independent agency officers. The chair of the council, with committee input, shall establish a process for periodically evaluating the chief officers and independent agency officers for their performance in performing job duties and achieving goals.

5. Discipline of chief officers and independent agency officers.

a. The council chair, in consultation with the committee, shall, when appropriate, issue either written reprimands or performance improvement plans, or both, regarding employee performance issues of a chief officer or an independent agency officer that persist, following an oral or written statement of expectations or counseling.

b. It is the responsibility of the council chair, when appropriate, to recommend to the committee for approval either suspension without pay or termination of chief officers or independent agency officers.

c. Following a suspension without pay of more than ten working days or termination hearing decision, a chief officer or independent agency officer subject to the committee's suspension without pay or termination decision may, within five business days of being notified of the decision, appeal the decision to the council. An appeal is filed by delivering a notice of appeal to the clerk of the council.

d. A decision of the council to suspend without pay or terminate a chief officer or independent agency officer is final.

e. The chair of the council, with consultation of the committee, may execute a settlement agreement with a chief officer or independent agency officer.

f. A written disciplinary action may not be issued before completion of review of it by legal counsel or the civil division of the office of the prosecuting attorney. For the purposes of this subsection B.~~((9-))~~5., "written disciplinary action" means written expectations and counseling regarding employee performance issues, reprimands, performance improvement plans and decisions regarding suspension without pay or

termination of an employee.

~~((10-))~~ 6. Motions for censure. The committee shall consider and make recommendations to the council on motions for censure related to alleged violations by a councilmember of any antiharassment or discrimination policy.

C. Committee decisions.

1. All committee decisions authorized by this section shall be contained in a written decision report.
2. All committee recommendations authorized by this section shall be contained in a written recommendation report and, if approved by the committee, shall be forwarded to the council for consideration on an employment and administration committee consent agenda.
3. Upon the request of any member present before the council, any specific recommendation from the employment and administration committee shall be removed from the consent agenda and considered separately by the council before adoption of the employment and administration committee consent agenda.
4. The chair of the employment and administration committee shall issue notice to the affected employee upon final action of the committee or council.

D. Personnel records as confidential. To the extent permitted by law, personnel records which would be exempt from public disclosure shall continue to be treated as confidential and records or portions thereof which are exempt shall be identified as such and separated from nonexempt records.

E. Construction of section. Nothing in this section is to be construed to alter the at-will status of legislative branch employees. This section is designed to facilitate the will of the majority of the council. If there are specific provisions of a collective bargaining agreement that are different than this section, the collective bargaining agreement shall prevail.

F. Definitions. For the purposes of this section OR 2-030:

1. "Administrative services staff" are those legislative branch employees assigned to communications, government relations, administration and clerk blocks in the organization chart, Attachment A to ~~((Motion~~

14819)) this motion.

2. "Chief officers" includes the chief of staff and chief legal counsel;

3. "Directors" includes the clerk of the council, the communication director, ~~((the director of council initiatives,))~~ the director of government relations, the director of municipal relations, the director of operations, the ~~((housing coordinator,))~~ director of equity and social justice and the chief policy officer;

4. "Independent agency officers" includes the auditor, director of law enforcement oversight, hearings examiner, King County Flood Control District executive director and director of the office of citizen complaints/tax advisor, which is also known as the ombuds.

5. "Legislative services staff" are those legislative branch employees assigned to the legislative services block in the organization chart, Attachment A to ~~((Motion 14819))~~ this motion.

II. Motion 10651, Section VII, as amended, and OR 3-030 are hereby amended to read as follows:

Legislative branch organization.

A. **Organizational chart.** The legislative branch shall be organized in accordance with the organization chart, Attachment A to ~~((Motion 14819))~~ this motion. The chief of staff shall prepare and file with the clerk of the council a revised organization chart to replace Attachment A to ~~((Motion 14819))~~ this motion when the organization of the legislative branch is changed either by any employment and administration committee decision or by any ordinance, motion, or personnel decision adopted by the council.

B. **Chief of staff.** There shall be a council chief of staff who reports to the chair, and shall be accountable and responsive to all councilmembers. The chief of staff is responsible for the efficient overall management and administration of the administrative and legislative services staff as they are defined in OR 2-030. All directors, as defined in OR 2-030, shall report to the chief of staff. The chief of staff is also responsible for monitoring the independent agencies of the council. The chief of staff shall be the council's bargaining lead for all legislative branch bargaining units.

C. **Chief policy officer.** There shall be a chief policy officer who, as a director, reports to the chief of

staff and shall be responsive to all councilmembers. As the chief policy officer is the direct report for the legislative services staff, the chief policy ((staff)) officer is responsible for: the efficient overall management and administration of the legislative services staff; development and administration of analytic standards; committee lead and support assignments; and legislative and policy assignments for analysis.

D. **Chief legal counsel.** There shall be a chief legal counsel who reports to the chair and shall be accountable and responsive to all councilmembers for the provision of legal services to the council, councilmembers, and administrative and legislative services staff. The chief legal counsel is responsible for the efficient overall management and administration of the legal services staff, outside counsel and coordination with the prosecuting attorney's office.

E. **Independent agency officers.** For all the independent agencies, identified in the organization chart, Attachment A to ((~~Motion 14819~~)) this motion, their officers shall be appointed by the council and each independent agency officer shall be accountable and responsible for the efficient overall management and administration of their agencies. The independent agencies, their officers, managers and staff are subject to the policies and procedures of the legislative branch.

F. **King County Flood Control District executive director.** The King County Flood Control District executive director shall report to the county councilmember who serves as the chair of the King County Flood Control District. The executive director shall be accountable and responsive to all councilmembers who serve on the King County Flood Control District board of supervisors. The executive director is responsible for the efficient overall management and administration of the King County Flood Control District and the flood control district administration unit and its employees. The executive director is subject to the policies and procedures of the legislative branch.

III. There is hereby added to the organizational compilation a new section to read as follows:

Duties and responsibilities of chief officers and independent agency officers.

All chief officers and independent agency officers shall fulfill the following duties and responsibilities:

A. Hiring.

1. Employee recruitment. When beginning a hiring process, chief officers and independent agency officers shall:

- a. consult with the council chair and vice chairs before beginning recruitment of vacated or newly created positions and anticipated vacancies;
- b. establish hiring processes for each vacancy and newly created position; and
- c. if interviews of candidates are a part of the hiring process, chief officers shall include at least two representatives from district staff in staff interview panels.

2. Hiring decisions. When implementing hiring decisions, chief officers and independent agency officers:

- a. shall consult with the council chair and vice chairs about the hiring decision before extending an offer of employment for director level positions as defined in section OR 2-030.F.3. of this motion;
- b. shall make hiring decisions for all positions that report to the respective chief officer or independent agency officer as they appear in the organization chart, Attachment A to this motion;
- c. may extend an offer of employment to any person who applied for a legislative branch position in the prior six months for a current vacancy without undertaking a full recruitment process;
- d. may appoint or extend the appointment of interns, and temporary or term limited employees for up to a total of the maximum period allowed by the King County code.

B. Staffing. Employee-related decisions shall be implemented as follows for the following circumstances:

1. Staff assignments. The chief of staff shall annually brief the committee on legislative branch staff assignments, which shall be based on the following:

- a. Independent agency staff assignments shall be made by the independent agency officer or designee;

- b. Legislative services staff assignments shall be made by the chief policy officer or designee;
- c. Legal staff assignments shall be made by the chief legal counsel or designee; and
- d. Administration services staff assignments shall be made by the chief of staff or designee;

2. **Reclassifications.** Chief officers and independent agency directors shall make decision regarding reclassification, promotion to a higher step within the same classification and ranger, or withholding of a step increase of a legislative branch employee;

3. **Work schedule decisions.** Day-to-day work schedule decisions shall be made by direct supervisors, managers and their directors or officers. The chief officer may increase or decrease the full-time-equivalent level of an employee that on either a permanent or limited term duration within the budgeted appropriation. In the event of a temporary decrease in the full-time-equivalent level of an employee as an accommodation, the chief of staff may approve the temporary adjustment and inform the committee at the next regularly scheduled meeting of the committee; and

4. **Leave carryover decisions.** The chief of staff and independent agency officers may authorize the carryover of excess vacation leave under K.C.C. 3.12.190 because of cyclical workloads, work assignments or other reasons as may be in the best interests of the county and with appropriate documentation.

C. Performance evaluations. Chief officers, directors and independent agency officers shall periodically evaluate employees who report to each respectively for their performance in achieving job duties and goals. The chief of staff shall annually brief the committee regarding findings and results related to legislative branch performance evaluations.

D. Employee discipline. When administering employee discipline:

- 1. Chief officers, directors and independent agency officers shall provide oral and written expectations and counseling regarding employee performance issues as they may arise;
- 2. Chief officers, directors and independent agency officers, shall, when appropriate for employees that report to each respectively, issue either written reprimands or performance improvement plans, or both,

regarding employee performance issues that persist, following an oral or written statement of expectations or counseling;

3. The chief of staff and independent agency officers shall make decisions regarding suspension without pay or termination of an employee;

4. The decision of the chief officer or independent agency officer to suspend an employee without pay for ten working days or less is final;

5. An employee subject to a chief officer's or independent agency officer's suspension without pay for more than ten working days or termination decision may, within five business days, request a hearing before the committee to mitigate or change the decision. A hearing is requested by delivering a written notice of appeal to the clerk of the council;

6. Following a committee decision on a suspension without pay of more than ten working days or termination hearing decision, an employee may, within five business days, appeal the decision to the council. An appeal is requested by delivering a written notice of appeal to the clerk of the council;

7. The decision of council to suspend without pay or terminate an employee is final;

8. The chair of the council, in consultation with the committee, may execute a settlement agreement with a current or former employee; and

9. A written disciplinary action may not be issued before review by legal counsel or the civil division of the office of the prosecuting attorney. For the purpose of this subsection D.9., "written disciplinary action" means written expectations and counseling regarding employee performance issues, reprimands, performance improvement plans and decisions regarding suspension without pay or termination of an employee.

IV. Motion 14725, Section II, as amended, and OR 3-035 are each hereby amended to read as follows:

King County Flood Control District administration.

A. The legislative branch shall provide staffing, facilities and services for the King County Flood Control District at actual cost and fully reimbursed by the district through an interlocal agreement between

King County and the district.

B. For the administration and management of the King County Flood Control District, a flood control district administration unit is established for legislative branch employees exclusively providing support for the King County Flood Control District. The unit is exempt from all other provisions of this organizational compilation except this section, OR 3-030.F. and OR 3-110.

C. The following applies to the employees within the unit:

1. Job descriptions and classifications for employees in the unit shall be reviewed and recommended by the King County Flood Control District executive committee and authorized by motion by the council;

2. The executive committee shall establish and be responsible for the outreach, recruitment and hiring process for ~~((all employees of the unit))~~ the King County Flood Control District executive director. Hiring of the ~~((employees))~~ executive director shall be subject to appointment by motion by the council, but shall not be subject to the decision-making requirements of OR 2-030;

3. The executive committee shall annually evaluate the performance of the King County Flood Control District executive director, using a process established by the executive committee;

4. Before initiating a hiring process, the executive director shall consult with the executive committee chair. For the purposes of this section, the executive director shall have the same duties and responsibilities as a chief officer under section III of this motion, with regard to employees within the unit and pertaining to hiring, staffing and discipline;

5. The executive director shall annually evaluate the performance of the employees within the unit using a process established by the executive committee. The executive director shall also annually present the results of these completed performance evaluations to the executive committee;

~~((5-))~~ 6. Employees within the unit, other than the executive director, are subject to disciplinary actions as determined by the executive director. Before suspension or termination, the executive director shall notify the county councilmember who serves as the chair of the King County Flood Control District. An

employee of the unit who has been either suspended without pay for two weeks or more or terminated may appeal the decision of the executive director to the council. The appeal must be filed within ten calendar days of written notice of the suspension or termination being sent to the employee. An appeal is filed by delivering a notice of appeal to the clerk of the council;

~~((6-))~~ 7. The executive director is subject to disciplinary actions as determined by the executive committee. The executive director, if either suspended without pay for two weeks or more or terminated, may appeal the decision to the council. The appeal must be filed within ten calendar days of written notice of the suspension or termination being sent to the employee. An appeal is filed by delivering a notice of appeal to the clerk of the council;

~~((7-))~~ 8. In common with all county employees and officials and elected officials, employees of the unit shall comply with the King County code of ethics, K.C.C. chapter 3.04. All employees shall familiarize themselves with the code of ethics, and in the event they identify any issue of possible concern they shall promptly seek advice from their supervisor, the chief of staff or council's chief legal counsel, or shall seek an advisory opinion from the board of ethics; and

~~((8-))~~ 9. The chief of staff shall be a resource for the employees of the unit and responsible for implementing and carrying out OR 3-110.

V. Collective bargaining application. For those employees subject to a collective bargaining agreement, application of this motion may be subject to collective bargaining.