



## Legislation Text

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**File #:** 2014-0304, **Version:** 2

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A MOTION relating to the organization of the council; and amending Motion 10651, Section III, as amended, and OR 1-020, Motion 10651, Section V, as amended, and OR 2-030 Motion 11122, Section F, as amended, and OR 2-120 Motion 10651, Section VII, as amended, and OR 3-030 Motion 10651, Section VIII, as amended, and OR 3-030 Motion 11327, Section II, as amended, and OR 3-101.

WHEREAS, the King County Charter provides that the county council "shall be responsible for its own organization and for the employment and supervision of those employees whom it deems necessary to assist it," and

WHEREAS, the council desires to implement changes to its staff oversight model;

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

I. Motion 10651, Section III, as amended, and OR 1-020 are each hereby amended to read as follows:

**Powers and duties of the chair.**

A. The chair, with their consent, shall appoint councilmembers to regional committees, standing committees, administrative committees, special committees and outside committees as required or as deemed necessary to efficiently conduct the business of the council. The council recognizes that its committee structure, membership and chairs and vice-chairs reflect the council's will. Any changes thereto shall be made only by formal legislative motion adopted by a majority of the members at a council meeting.

B. The chair shall have the responsibility and general direction for the council's resources, budget, operation and organizational structure. The chair shall allocate an equal amount of funding and FTE positions to

each councilmember's district support and constituent services account from within the council administration account. The chair shall be responsible for the general oversight of legislative branch employees, except personal and district support and constituent services staff of councilmembers. Each councilmember shall be responsible for making employment decisions for his or her personal and district support and constituent services staff. ~~((The council chief of staff shall be responsible for the overall management and administration of council staff employees, except for personal staff and district support and constituent services staff. The council chief of staff shall be responsible for the overall management and administration of other legislative branch employees as specified in OR 3-030, except for personal and district support and constituent services staff.))~~

C. The chair of the council shall not enter into a consultant contract for more than twenty-five thousand dollars without first being authorized to do so by council motion. All consultants shall comply with the King County code of ethics.

D. The chair shall regularly consult in the exercise of her or his duties with the vice-chair. The chair, in consultation with committee chairs, shall direct the necessary coordination of staff, except for personal and district support and constituent services staff. The council's chief of staff and policy staff director shall report to the chair and are accountable to and responsive to all councilmembers. The chair may exercise any power conferred upon the chief of staff or policy staff director.

E. The chair shall be a member of the employment and administration committee.

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

**Employment and administration committee.**

**A. Membership requirements.** The employment and administration committee shall consist of four members. The chair of the employment and administration committee shall issue, upon recommendation of the employment and administration committee and with the approval of a majority of the council, all employment decisions for legislative branch employees except interns and the councilmembers' personal and district support and constituent services staff, other than employment decisions that are made by the chair of the employment

and administration committee as provided in this section.

**B. Duties and process.**

1. Administrative committee. The employment and administration committee is an administrative committee of the council. The employment and administration committee shall consult with councilmembers (~~and~~), the chief of staff and policy staff director on a continuing basis in order to review council operations under the staffing structure defined in this motion.

2. Personnel decisions. The employment and administration committee shall make recommendations to the council concerning decisions for legislative branch employees, except for interns and councilmembers' personal and district support and constituent services staff, and except for minor personnel decisions, which may be made by the chair of the employment and administration committee in accordance with subsection (~~B.5.~~) B.6. of this section. Personnel decisions include decisions to hire, to fill vacancies, to make staffing adjustments, to designate staff employment assignments, except assignments of policy staff to specific issues and legislation which shall be made by the (~~chief of staff~~) policy staff director under OR 3-040.D.2, to adjust staff pay, to analyze future hiring needs and to make other necessary employment decisions. Personnel decisions do not include termination or disciplinary decisions, which follow the process stated in subsection B.3. of this section, or minor personnel decisions, which follow the process stated in subsection (~~B.5.~~) B.6. of this section. Where applicable, employment and administration committee recommendations on personnel decisions shall be developed in consultation with appropriate committee chairs and, where applicable, the chief of staff and policy staff director.

3. Personnel decisions shall be contained in a written recommendation report and may be voted out of committee upon: a. the receipt of the signature of three committee members during a meeting of the committee; or b. subject to signature by a quorum of the committee members in accordance with K.C.C. 1.24.055.C (Rule 6.C). Once the necessary signatures are obtained, recommendation reports from the committee shall be forwarded to the council for consideration on an employment and administration committee

consent agenda. The chair of the employment and administration committee shall issue, upon recommendation of the employment and administration committee and with the approval of a majority of the council, all employment decisions for legislative branch employees except interns and the councilmembers' personal and district support and constituent services staffs.

4. Terminations and disciplinary decisions. The employment and administration committee makes decisions on discipline and termination, including layoffs, except for councilmembers' personal and district support and constituent services staff. If three committee members vote for a termination or disciplinary action the decision is final, except when an employee exercises the right of an appeal to the full council. An employee who has been either suspended without pay of two weeks or more or terminated may appeal the decision of the employment and administration committee 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 accomplished by delivering a notice of appeal to the clerk of the council. Nondisciplinary terminations are subject to appeal in the same manner as disciplinary terminations.

5. Performance evaluations of chief of staff and policy staff director. Valuing broad-spectrum review of key staff within the legislative branch, performance appraisals of the chief of staff and policy staff director shall be drafted by the chair of the council with input from all councilmembers. Performance evaluation drafts shall then be forwarded to the committee for review and consideration before review with the individual being reviewed and rated.

6. Minor personnel decisions.

a. Except for interns and councilmembers' personal and district support and constituent services staff, the chair of the employment and administration committee shall make all minor personnel decisions as set forth in this subsection ((B.5.)) B6. Minor personnel actions are:

- (1) authorizing recruiting for a vacated or newly created position;
- (2) increasing or reducing the hours assigned to a current position up to the total budgeted hours for

the position, as reflected in the Staff and Salary Detail Report maintained by the chief of staff or his or her designee;

(3) reassigning an employee employed within a legislative branch agency of the county auditor, board of appeals/equalization, hearing examiner, office of law enforcement oversight, ombudsman/tax advisor or civic television to another position in the same agency and pay range;

(4) hiring a temporary or a term-limited temporary employee to perform clerical or technical functions, up to a total of the maximum period allowed by ordinance or two years, whichever is less;

(5) extending the employment period of a temporary or a term-limited temporary employee hired to perform clerical or technical functions, up to a total of the maximum period allowed by ordinance or two years, whichever is less; and

(6) approving a 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.

b. Requests for minor personnel decisions shall be made in writing to the employment and administration committee chair via the chief of staff or policy staff director. Requests may be made only by councilmembers, legislative branch agency managers, the chief of staff, the policy staff director or a staff member who is supervised directly by the chair of the council. The chief of staff or policy staff director shall promptly provide the employment and administration committee chair with a copy of the request and the chief of staff's or policy staff director's recommendation for approval, disapproval or modification of the request.

c. Action on a requested minor personnel decision shall be in writing, signed by the chair of the employment and administration committee. The chief of staff shall file the original of the decision action with the clerk of the council, and shall provide copies of the decision action to the agency manager or supervisor, affected employee and members of the employment and administration committee.

~~((6-))~~ 7. Nothing in this process is to be construed to alter the at-will status of legislative branch employees. This process is designed to facilitate the will of the majority of the council. If there are specific

provisions of a collective bargaining agreement that are contrary to this process, the collective bargaining agreement controls.

**C. Recommendations to the council chair.** The employment and administration committee may consider and make recommendations to the council chair regarding management organization structure and legislative branch customer service. The committee may monitor and make recommendations on the legislative branch budget.

**D. Removal of recommendations from consent agenda.** 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 prior to adoption of the employment and administration committee consent agenda. The council may then by a majority vote make whatever orderly disposition of the matter it deems appropriate.

**E. Motions for censure.** The employment and administration committee shall consider and make recommendations on motions for censure related to alleged violations of any antiharassment policy by a councilmember.

**F. 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 conspicuously identified as such and separated from nonexempt records.

III. Motion 11122, Section F, as amended, and OR 2-120 are each hereby amended to read as follows:

**Interim staff assignments.** Pending consideration by the employment and administration committee and action by the council on general staffing adjustments necessary as a result of committee reorganization, the council chair, in consultation with the employment and administration committee chair, the affected committee chairs, the policy staff director and the chief of staff, is hereby authorized to temporarily designate staff employment assignments in order to accomplish the work of the council. Such assignments shall give due consideration to existing areas of expertise, workload and priorities of committee chairs.

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

**Legislative branch organization - organization chart - chief of staff - policy staff director.**

**A. Organization chart.** The legislative branch shall be organized in accordance with the organization chart, Attachment A to ~~((Motion 13985))~~ 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 this motion when the organization of the legislative branch is changed 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 following staff of the legislative branch and their subordinates: the administrative services supervisor; the clerk; the director of communications; the director of strategic policy initiatives; and the director of government relations. The chief of staff is also responsible for monitoring the independent agencies of the council. The chief of staff shall be a resource for personal and committee staff. In addition, the chief of staff, at the direction of the council and in consultation with appropriate committee chairs, may coordinate with the policy staff director the work of committee staff, legal counsel and others as needed on significant issues.

**C. Policy staff director.** There shall be a policy staff director who reports to the chair, and shall be accountable and responsive to all councilmembers. The policy staff director is responsible for the efficient overall management and administration of the committee staff, which includes committee assistants and represented legislative analysts. Committee chairs and members are responsible for providing policy direction to committee staff by, among other things, setting priorities and directing the work of committee staff. In addition, the policy staff director, at the direction of the council chair and in consultation with appropriate committee chairs, may coordinate with the chief of staff the work of committee, legal counsel and others as needed on significant issues.

V. Motion 10651, Section VIII, as amended, and OR 3-030 are each hereby amended to read as follows:

**Staff guidelines.**

A. For the purposes of this section, unless the context clearly requires otherwise:

1. "Administrative staff" means the council chief of staff and staff who report directly or indirectly to the council chief of staff; and

2. "Policy staff" means the council staff who report directly or indirectly to the ~~((chief of staff))~~ policy staff director, including, but not limited to, staff assigned to a standing or regional committee or the board of health, and who are assigned to provide policy, fiscal or program analysis for all councilmembers.

B. Ethical considerations.

In common with all county employees and officials, legislative branch employees and elected officials shall comply with the King County code of ethics, K.C.C. chapter 3.04. Employees shall familiarize themselves with the content of the code of ethics and in the event they identify any issue of possible concern they shall promptly seek advice from their supervisor, the policy staff director, the council chief of staff or the legal counsel or shall seek an advisory opinion from the board of ethics.

C. Lobbying restriction on administrative and policy staff and on the legal counsel to the council.

1. Administrative or policy staff or the legal counsel to the council shall not in any way seek to influence the passage or rejection of any matter under consideration by the council or any committee of the council, except where an employee within the scope of his or her duties is required to make a recommendation or is specifically asked by a councilmember to give a recommendation on the particular matter. This restriction does not apply to the policy staff director, the director of government relations or the chief of staff to the council pursuant to previously adopted council action.

2. With respect to contacts involving the news media related to the political or policy aspects of county business, administrative and policy staff and the legal counsel of the council are encouraged first to refer



such matters to the committee chair or councilmember with jurisdiction over the subject matter.

D. Reporting relationships and assignments of policy staff.

1. Policy direction. Policy staff work for and are accessible to all councilmembers, and the ~~((chief of staff))~~ policy staff director. Policy staff receive policy direction regarding issues within the committee's jurisdiction from the committee chair, members of the committee, the ~~((chief of staff,))~~ policy staff director and team leaders.

2. Policy staff assignments. Policy staff assignments shall be made by the ~~((chief of staff))~~ policy staff director with collaboration from team leaders. Notwithstanding an assignment to a standing or regional committee, policy staff may be assigned tasks to various committees by the ~~((chief of staff))~~ policy staff director or his or her designee. All policy staff are subject to the administrative supervision of the ~~((chief of staff))~~ policy staff director or his or her designee. Policy staff are responsible for conducting objective analysis on legislation and work items to which they are assigned.

3. Administrative supervision. In order to ensure maximum effectiveness of the resources of policy staff and ensure that the Charter-based needs of the council are met, administrative supervision includes: overall coordination of all policy staff work plans; developing and implementing an ongoing equitable performance evaluation system that provides accountability of staff work product; developing, conducting and overseeing training and development programs, plans and processes for policy staff that link assessment of policy staff work with staff's professional development and growth. The ~~((chief of staff))~~ policy staff director or his or her designee shall have administrative supervision responsibility over ~~((administration and))~~ policy staff consisting of represented legislative analysts and committee assistants. The chief of staff or his or her designee shall have administrative supervision responsibility over administration staff as shown in Attachment A to this motion.

4. Team leader. Team leader staff function as the supervisors for policy staff and committee assistants. A team leader is responsible for: consulting with committee lead staff to ensure adequate staffing to meet the

needs of the committee; mentoring and coaching staff; assigning work to committee analysts and support staff, in conjunction with committee lead staff; reviewing staff work against professional and technical standards; meeting on an ongoing basis with staff on the team leader's team to ensure that the work program goals are being met and necessary training provided as well as providing quarterly reviews and preparing performance evaluations. Subject to the confidentiality rules in subsection F. of this section, policy staff are expected to keep the ~~((chief of staff))~~ policy staff director and team leader staff informed about their assignments and any issues that may arise.

5. Committee lead staff. The committee lead staff for a committee is responsible for working with the policy staff director and team leader staff in ensuring adequate staff resourcing to meet the needs of the committee, managing the administrative work of the committee, including ensuring that committee agendas are prepared, approved by the committee chair and distributed in a timely manner.

E. Scope of work.

1. The first priority of policy staff is to support committee work responsibilities as established by the council and carried out under the direction of the committee chair. Their second priority is to support committee members' work requests. Their third priority is to support noncommittee members' work requests related to the work of the committee. Their fourth priority is to accomplish all other work requests from councilmembers. The committee chair shall make reasonable provisions for each priority.

2. If policy staff believe that a work request cannot be accomplished consistent with the above priorities, they should discuss the issue with the committee chair, the lead staff for the committee and with the ~~((chief of staff))~~ policy staff director, subject to the limitations identified in subsection F. of this section concerning confidentiality.

F. Confidentiality.

1. Councilmembers may request an administrative staff or a policy staff member to perform work and keep the nature of the work confidential. However, administrative analytic ~~((and policy))~~ staff may apprise the

chief of staff, and policy staff may apprise the policy staff director as to the requested work and time required to perform it. The policy staff director and the chief of staff shall maintain the confidential nature of the request.

2. Consistent with the reporting relationship and assignment rules in subsections B. through E. of this section, policy staff are expected to inform lead staff and the ~~((chief of staff))~~ policy staff director about the amount of time required to perform the work.

3. Based upon staff assignment under OR 1-020.B, if administrative staff or policy staff believe that a work request by a councilmember is contrary to adopted council rules or violates the staff's professional ethics, the staff may consult with the policy staff director, the chief of staff or lead staff and for this purpose may disclose the information necessary to identify the problem. The policy staff director, the chief of staff and lead staff shall also maintain confidentiality.

G. Staff assistance. Based upon staff assignment under OR 1-020.B, administrative ~~((and policy))~~ staff should seek the assistance of the chief of staff, and policy staff should seek the assistance of the policy staff director, to resolve any concerns regarding performance of their assigned duties.

VI. Motion 11327, Section II, as amended, and OR 3-101 are each hereby amended to read as follows:

**Hiring.** The council wishes to formalize its process for outreach, recruitment and hiring as described in this section.

A. Consistent with OR 3-101.A., ~~((A))~~a job announcement will be prepared by the ~~((chief of staff))~~ administrative services supervisor or his or her designee and will be distributed by the county personnel department to the county's standard distribution list and will be posted on the Internet. The job announcement should include a job description, salary, minimum qualifications, the standard "EEO" notice encouraging women and minorities to apply, and application instructions. Appropriate employment resources to recruit persons from minority groups should be used in order to attract as many minority applicants as possible.

B. Positions will remain open for a reasonable period of time.

C. Applications will be screened according to written objective work-related criteria established from the job description. Oral interviews will be scheduled with an interview team selected by the chief of staff, or his or her designee, for administration staff, and by the policy staff director, or his or her designee, for committee staff. The oral interview has a twofold purpose: 1. to give the applicant a more detailed description of the job, the council and the staff; and 2. to examine in a structured fashion the experience and qualifications of the applicant. The oral interview may be supplemented by additional tests of an applicant's abilities such as writing samples and analytical exercises.

D.1. The chief of staff or his or her designee will assess the results of the interview and testing process for administration staff and will recommend the top candidates to the employment and administration committee. The policy staff director or his or her designee will assess the results of the interview and testing process for policy staff and will recommend the top candidates to the employment and administration committee.

2. The employment and administration committee may choose to consider other candidates than those recommended by the policy staff director or chief of staff or his or her designee. The employment and administration committee will recommend a candidate to the council for final selection. After the employment and administration committee has made a recommendation, the council may choose to consider other candidates than those recommended by the employment and administration committee.

E. In cases where any new vacancy under his or her responsibility in the legislative branch occurs within six months of the recruitment process described in subsections A., B., C. and D.1. of this section, the chief of staff or the policy staff director or his or her designee may consider any applicants from a previous recruitment process to select top candidates for recommendation to the employment and administration committee to fill the vacant position.

F. The only exceptions to this procedure will be for internal promotions or reassignments of legislative branch employees and for the recruitment and hiring of the chief of staff, the policy staff director, current

county employees, interns, clerical employees, CTV operations specialists and temporary employees.

G. A 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.

H. The authority for hiring temporary 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.