



## Legislation Text

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Clerk 11/10/2020

AN ORDINANCE relating to code revisions and additions necessary to preserve certain county services and reduce the necessity for additional reductions in force, by either placing some county employees on an unpaid furlough or reducing the pay for salaried employees, or both; and amending Ordinance 16339, Section 17, as amended, and K.C.C. 3.12F.010, Ordinance 16339, Section 18, as amended, and K.C.C. 3.12F.020, Ordinance 16339, Section 20, as amended, and K.C.C. 3.12F.040 and Ordinance 16735, Section 20, and K.C.C. 3.12F.060 and adding a new section to K.C.C. chapter 3.15.

### STATEMENT OF FACTS:

1. The county is experiencing a budget crisis due to the COVID 19 pandemic, resulting in a shortfall in the amount of funding needed to sustain the current level of general operations through 2022.
2. Some county departments are considering various methods to meet the budget shortfall including reductions in force, furloughs or temporary salary reductions, or a combination of one or more of those methods.
3. With reduced revenues, county departments are working hard to find innovative ways to gain efficiencies in all county functions in order to minimize service reductions to the public while at the same time responding to decreased revenue.
4. In recognition of the county's need to manage economic challenges by utilization of versatile

and original strategies in future fiscal years, additional flexibility in staffing and salary management and entering into agreements with labor organizations is necessary.

5. An update to code language regarding furloughs, some of it written specifically to address a previous economic crisis, is necessary to better meet current and future budget shortfalls.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 16339, Section 17, as amended, and K.C.C. 3.12F.010 are hereby amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

A. "Budgetary furlough" has the same meaning as found in K.C.C. 3.12.010.

B. "Emergency budget crisis" or "financial emergency" means a circumstance in which projected county revenues are determined to be insufficient to fully fund county agency operations and significant cost savings must be achieved through reductions in services and pay.

C. "Furlough day" has the same meaning as found in K.C.C. 3.12.010.

D. "Furloughed employee" has the same meaning as found in K.C.C. 3.12.010.

E. "Furlough administrator" means: the county executive for the executive departments; the chair of the council for the legislative branch; the prosecutor for the office of the prosecuting attorney; the presiding judges of the district and superior courts; the sheriff for the sheriff's office; the assessor for the department of assessments; the director of elections for the department of elections; the chair of the forecast council for the office of economic and financial analysis; or the official or officials designated by that branch or unit of county government.

F. (~~"Furlough replacement time" means leave time that benefit eligible nonrepresented furloughed employees receive which is an amount equivalent to the time that they were furloughed in 2009.~~

G.)) "Salaried employee" means an employee whose position is normally exempt from wage and hours

regulations.

SECTION 2. Ordinance 16339, Section 18, as amended, and K.C.C. 3.12F.020 are hereby amended as follows:

A. Whenever the executive determines that an emergency budget crisis exists in King County, the executive may proclaim in writing the existence of such an emergency. The executive shall transmit a proclamation and proposed ratifying ordinance to the council within seven days of the proclamation. A proclamation is effective only if ratified by ordinance. A proclamation of an emergency budget crisis remains in effect for all or a portion of one (~~annual~~) biennial budget cycle.

B. Whenever the council determines that an emergency budget crisis exists in King County, it may by ordinance declare the existence of such an emergency. A declaration of an emergency budget crisis remains in effect for all or a portion of one (~~annual~~) biennial budget cycle.

C. Upon a proclaimed and ratified or declared emergency budget crisis, the executive may:

1. Order a budgetary furlough, including the furlough of employees of the executive branch and closure of county offices;

2. Order the reduction in hours or the closure of county offices on specific days associated with a budgetary furlough; (~~or~~)

3. Order any other actions relating to employees in K.C.C. Title 3; or

4. Enter into or amend agreements with labor organizations to furlough represented employees as provided under this chapter. If such an agreement addresses no other subject or additional terms, it shall have the force of law upon execution by the parties, without enactment by ordinance.

D. If an emergency budget crisis has been proclaimed and ratified or declared and furlough days are ordered, the executive shall notify the public of days that county offices are closed by posting the information on the county buildings or offices that are closed, by posting a notice on the Internet, by advertising in the

official county newspaper and by issuing press releases.

SECTION 3. Ordinance 16339, Section 20, as amended, and K.C.C. 3.12F.040 are hereby amended to read as follows:

A.1. When a furlough administrator other than the executive has determined that a budgetary furlough is necessary, the furlough administrator shall designate a person to administer the budgetary furlough and to provide for the effective direction, control and coordination of a budgetary furlough in a manner to preserve county functions.

2. The county administrative officer shall designate a person to be responsible for budgetary furlough administration in the executive branch and shall provide for the effective direction, control and coordination of a budgetary furlough in a manner to preserve county functions.

B. In order to achieve budget savings, a furlough administrator may implement a budgetary furlough for designated nonrepresented employees, and implement reductions in operating and office hours, closure of offices or departments or reductions in levels of operations or service. ~~((A furlough administrator shall seek and document the views of affected nonrepresented employees when determining whether and how to implement a budgetary furlough.))~~

C. If a furlough administrator directs reductions in operating and office hours, closures of offices or departments or reductions in levels or service that result in budgetary furloughs for represented employees, the executive shall fulfill all applicable bargaining obligations with labor unions representing the employees in those departments before the implementation of a furlough.

D. In administering a budgetary furlough, the following principles should apply:

1. An employee who is furloughed should be notified of furlough in writing when possible, although any reasonable notice is permissible;

2. During a furlough period, a furloughed employee remains a King County employee subject to K.C.C. chapter 3.04;

3. A furloughed employee shall not volunteer to do what the county otherwise pays any employee to do;

4. Medical, dental, vision and any other insured benefits shall remain in effect for a furloughed benefit-eligible employee during a furlough period;

5. A furloughed employee shall not be eligible to take or be paid for (~~(vacation or sick)~~) any leave on a budgetary furlough day. The furlough administrator may designate that paid vacation leave is available for the following employees:

a. those employees earning equal or less than two times the federal poverty index; and

b. those employees enrolled in the Public Employees' Retirement System or the city of Seattle retirement systems who submit to the (~~(chief administrative officer or the)~~) designated furlough administrator a letter of intent to retire during the succeeding two calendar years(~~(; and)~~).

6. A salaried employee is considered an hourly employee for each week in which the employee observes one or more furlough days and must track and report the employee's hours and follow standard hourly work practices.

~~((E. Benefit-eligible nonrepresented employees furloughed in 2009 will receive the equivalent of the time on furlough in furlough replacement time. In administering furlough replacement time for benefit-eligible nonrepresented employees, the following principles apply:~~

~~1. Furlough replacement time may not be provided to employees when the county is in an officially declared and council-sanctioned emergency budget crisis;~~

~~2. One half of the furlough replacement time will be awarded in the first year following an emergency budget crisis and one half of the furlough replacement time will be awarded in the second year following an emergency budget crisis, unless the county is in an officially declared and council-sanctioned financial emergency;~~

~~3. Furlough replacement time must be used by the employee in the year that it is issued to the~~

~~employee. An employee who was not employed by King County in 2009 shall not receive furlough replacement time. An employee who left King County employment before April 11, 2010, shall not receive furlough replacement time. Furlough replacement time may not be carried over to another calendar year, it may not be cashed out, it has no cash value and it may not be donated; and~~

~~4. The furlough administrator must provide for the effective direction, control and coordination of furlough replacement time.))~~

SECTION 4. Ordinance 16735, Section 20, and K.C.C. 3.12F.060 are hereby amended to read as follows:

A. In any year for which an emergency budget crisis has been proclaimed and ratified (~~(or declared)~~), or for which any furlough administrator orders budgetary furlough days, the furlough administrator shall provide the council with a report of the implementation plan for the budget furlough by January 30. The report shall include:

1. Efforts to notify the public of the budget furlough and the closure of county offices or sites;
2. The number of employees who have been furloughed;
3. The length of the furlough;
4. The number of employees exempted from the furlough and the reasons for the exemption;
5. The anticipated budget savings from the furlough; and
6. The anticipated effects of the furlough on both workload and service to the public and other county agencies(~~(; and~~
7. ~~A summary of input received from nonrepresented employees on whether and how to implement a budgetary furlough)).~~

B. A furlough administrator who orders a budget furlough shall provide the council with a report on the effects of the furlough by June 30 of the furlough year. The report shall contain the same information required by subsection A. of this section.

C. The reports required by this section must be filed in electronic format (~~and in the form of twelve paper copies~~) with the clerk for the council, who shall (~~retain the original and~~) forward (~~the paper~~) electronic copies to each councilmember and the council chief of staff.

NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter 3.15 a new section to read as follows:

The director may reduce a salaried employee's salary during an "emergency budget crisis" or "financial emergency," as defined in K.C.C. 3.12F.010. Such a salary reduction shall not be considered a demotion or a layoff and shall not extend beyond the end of the emergency budget crisis or financial emergency.