



King County

KING COUNTY

Signature Report

April 3, 2007

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Motion 12492

Proposed No. 2007-0148.2

Sponsors Gossett

1 A MOTION relating to the organization of the council; and
2 amending Motion 10651, Section IV, as amended, and OR
3 1-030, Motion 11122, Section B, as amended, and OR 2-
4 010, Motion 11122, Section D, as amended, and OR 2-020,
5 Motion 10651, Section V, as amended, and OR 2-030,
6 Motion 10651, Section VI, as amended, and OR 3-010,
7 Motion 10651, Section VII, as amended, and OR 3-030,
8 Motion 10651, Section VIII, and OR 3-040, Motion 11327,
9 Section II, as amended, and OR 3-101, Motion 8868,
10 Sections 1-2, as amended, and OR 3-110 and rescinding
11 Motion 11122, Section I, as amended, and OR 2-060,
12 Motion 12434, Section III, and OR 2-070 and Motion
13 10002, Sections A-C, as amended, and OR 4-101.

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15

16 WHEREAS, the King County Charter provides that the county council "shall be
17 responsible for its own organization and for the employment and supervision of those
18 employees," and

19 WHEREAS, the council desires to ensure that the capital budget committee has
20 oversight of the county's capital budget, capital improvement proposals and programs,
21 capital supplemental appropriations and debt and investment proposals, levies, fees and
22 taxes, and

23 WHEREAS, the organizational motions need to be amended to reflect necessary
24 changes to reflect internal policies and the council's rules in K.C.C. chapter 1.24 and to
25 make technical changes for consistency;

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

27 I. Motion 10651, Section IV, as amended, and OR 1-030 are each hereby
28 amended to read as follows:

29 **Powers and duties of the vice-chairs.**

30 A. The vice-chairs shall exercise the duties, powers and prerogatives of the council
31 chair in the event of the chair's absence, consistent with the order set forth in OR 1-010.B.

32 B. The vice-chair of policy shall serve as the chair of the committee of the whole.

33 C. The vice-chair of employment and administration shall serve as the chair of the
34 employment and administration committee. The vice-chair of employment and
35 administration shall issue, upon recommendation of the employment and administration
36 committee and with the approval of a majority of the council, all employment decisions for
37 legislative branch employees except interns and the councilmembers' personal staff. The

38 vice-chair of employment and administration shall convene the employment and
39 administration committee ((as needed)).

40 ((D. The vice chair of regional affairs shall serve as the chair of the regional
41 policy committee.))

42 II. Motion 11122, Section B, as amended, and OR 2-010 are each hereby
43 amended to read as follows:

44 **Committee of the whole – functions.** The council may go into committee of the
45 whole at any time. The committee of the whole shall consider: issues of interest to the
46 entire council, including the annual work program and appointments to the state
47 legislature and to the executive branch; the annual legislative program; agendas for
48 council meetings; and other program and policy matters. The committee of the whole
49 shall be responsible for conducting regular town hall meetings on issues of significance.
50 For the purposes of K.C.C. chapter 3.16, the committee of the whole is designated as the
51 committee responsible for establishing labor policy. The committee of the whole shall
52 consider labor policy issues at least ((quarterly)) annually.

53 III. Motion 11122, Section D, as amended, and OR 2-020 are each hereby
54 amended to read as follows:

55 **Standing ((C))committees – functions.** In addition to any committee otherwise
56 established by law, the committees of the metropolitan King County council and their
57 respective functions are established as follows:

58 **A. Capital budget committee** shall review capital improvement proposals and
59 programs, including financial plans, revenues and expenditures; provide capital project
60 oversight; and consider and make recommendations on debt and investment proposals.

61 levies, fees and taxes and on ((all)) capital budget appropriations.

62 The auditor's office shall report to the capital budget committee when performing
63 its large capital construction proposals oversight function in accordance with the 2007
64 Budget Ordinance, Ordinance 15652, Section 1.F.8.

65 **B. External affairs committee** shall consider and make recommendations to the
66 council on legislation before the federal, state and local governments that affects King
67 County. The committee shall meet regularly with all branches of King County
68 government to review legislation and policies that affect them and to coordinate the
69 county's response to issues from other levels of government.

70 **C. General government and labor relations committee** shall:

71 1. Consider and make recommendations on policies relating to management
72 organizational structure; customer service; the efficiency, cost effectiveness and
73 performance of county departments, including: assessor; personnel; purchasing; civil
74 rights and compliance; real property management; general services; records and
75 elections; facilities management; risk management; safety and worker's compensation;
76 and cooperative extension community services;

77 2. Consider and make recommendations to the full council on the annual audit
78 program;

79 3. Consider and make recommendations to the full council on labor agreements;

80 4. Perform the functions of the labor implementation committee as specified in
81 K.C.C. chapter 3.16;

82 5. Consider and make recommendations relating to information technology,
83 cable communications and telecommunications issues;

84 6. Consider and make recommendations relating to constitutional and human
85 rights, discrimination, civil and criminal liability, ethics and campaign practices; and

86 7. Consider and make recommendations relating to the King County
87 international airport.

88 **D. Growth management and natural resources committee** shall consider and
89 make recommendations on policies relating to land use development, comprehensive
90 planning, development regulations, regulatory reform and recommendations to the
91 department of development and environmental services (DDES). In respect to
92 consideration of updates of the Comprehensive Plan, all members of the council not
93 assigned to the growth management and natural resources committee will be considered
94 ex officio voting members of the committee. The chair of the committee may refer
95 various portions of the Comprehensive Plan to panels of members. The chair of the
96 committee may employ the various standing committees as panels. The panels shall
97 transmit their recommendations to all councilmembers for their consideration as regular
98 or ex officio members of the growth management and natural resources committee before
99 the committee refers the annual update of the Comprehensive Plan to the full council.

100 The committee shall consider and make recommendations relating to: market rate
101 housing and housing affordability; Growth Management Planning Council ("GMPC"),
102 including GMPC task forces, timelines, products ((f))such as benchmarking and land
103 capacity((f)) and Countywide Planning Policies; Potential Annexation Areas; boundary
104 review board; planned action environmental impact statements and related phased state
105 Environmental Policy Act review; and the Puget Sound Regional Council; and
106 development and land use regulations necessary to either implement salmon recovery or

107 comply with the Endangered Species Act, or both.

108 The committee shall consider and make recommendations relating to subarea
109 planning community councils and other unincorporated self-government strategies.

110 The committee shall consider and make recommendations on policies relating to:
111 natural resources; cultural resources; recreation programs; issues relating to the
112 Endangered Species Act; parks; open space; agricultural lands; resource lands; utility
113 services including wastewater treatment, solid waste management, flood control and
114 surface water and stormwater management; utility annexations; utility comprehensive
115 plans and franchises; and water quality and water quantity issues.

116 **E. Law, justice and human services committee shall:**

117 1. Consider and make recommendations on policies relating to: public safety;
118 adult detention; juvenile justice programs; youth services; the superior and district courts;
119 judicial administration; prosecuting attorney; and public defense; and

120 2. Consider and make recommendations on matters relating to personal and
121 environmental health; mental health; developmental disabilities; alcoholism and
122 substance abuse; emergency medical services; human services; families and children;
123 women's programs; and aging programs.

124 **F. Operating budget, fiscal management and mental health committee shall,**
125 in consideration of the operating budget: review and monitor the operating budget,
126 including financial plans, revenues, expenditures, quarterly reports, and operating
127 programs; monitor the financial status of county funds; consider and make
128 recommendations to all operating supplemental appropriations; and consider and make
129 recommendations on debt and investment proposals, levies, fees and taxes. The

130 committee shall consider and make recommendations on municipal annexations and
131 incorporations and on all briefings and actions related to Motion 12320 regarding mental
132 health, chemical dependency and therapeutic court services and the mental health
133 recovery plan.

134 In addition to these functions, the operating budget, fiscal management and
135 mental health committee shall convene for the purpose of reviewing and making
136 recommendations on the executive's proposed 2008 annual budget. All members of the
137 council shall be considered voting members of the committee for the duration of the
138 committee's review of the executive's proposed 2008 annual budget. The chair of the
139 operating budget, fiscal management and mental health committee shall appoint members
140 to an operating budget panel, chaired by the vice-chair of the operating budget, fiscal
141 management and mental health committee and a capital budget panel, chaired by the
142 chair of the capital budget committee. The vice-chair of the capital budget committee
143 shall be the vice-chair of both panels. The operating budget panel and the capital budget
144 panel shall review the executive's proposed 2008 annual budget and make
145 recommendations to the operating budget, fiscal management and mental health
146 committee.

147 **G. Transportation committee** shall consider and make recommendations on
148 policies relating to: transportation; planning; roads; engineering; and public
149 transportation.

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

152 **Employment and administration committee.**

153 **A. Membership requirements – duties.** The employment and administration
154 committee shall consist of four members and two alternates. Two members and one
155 alternate shall be from the majority party and two members and one alternate shall be
156 from the minority party. The only time an alternate may vote is when a regular member
157 of the same party is absent. A quorum of the employment and administration committee
158 shall consist of three committee members.

159 The council vice-chair of employment and administration shall chair the
160 committee.

161 **B. Duties and process.**

162 1. Administrative committee. The employment and administration committee is
163 an administrative committee of the council.

164 2. Personnel decisions. The employment and administration committee shall
165 make recommendations to the council concerning decisions for legislative branch
166 employees, except for councilmembers' personal staff. Personnel decisions include
167 decisions to hire, to fill vacancies, to make staffing adjustments, to assign or reassign
168 staff, to adjust staff pay, to analyze future hiring needs and to make other necessary
169 employment decisions. Personnel decisions do not include termination or disciplinary
170 decisions, which follow the process stated in subsection B.2 of this section. Employment
171 and administration committee recommendations on personnel decisions shall be
172 developed in consultation with appropriate committee chairs. Personnel decisions shall
173 be contained in a written recommendation report that shall, upon signature of three
174 committee members, be sent to the council. The council shall consider the
175 recommendation reports from the committee on an employment and administration

176 committee consent agenda.

177 ~~((2-))~~ 3. Terminations and disciplinary decisions. The employment and
178 administration committee makes decisions on discipline and termination,
179 including layoffs. If three committee members vote for a termination or
180 disciplinary action the decision is final, except when an employee exercises the
181 right of an appeal to the full council. An employee who has been either
182 suspended without pay of two weeks or more or terminated may appeal the
183 decision of the employment and administration committee to the council. The
184 appeal must be filed with ten calendar days of written notice of the suspension or
185 termination being sent to the employee. An appeal is accomplished by delivering
186 a notice of appeal to the clerk of the council. Nondisciplinary terminations are
187 subject to appeal in the same manner as disciplinary terminations.

188 ~~((3-))~~ 4. Nothing in this process is to be construed to alter the at-will
189 status of legislative branch employees. This process is designed to facilitate the
190 will of the majority of the council. If there are specific provisions of a collective
191 bargaining agreement that are contrary to this process, the collective bargaining
192 agreement controls.

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

198 **D. Removal of recommendations from consent agenda.** Upon the request of

199 any member present before the council, any specific recommendation from the
200 employment and administration committee shall be removed from the consent agenda
201 and considered separately by the council prior to adoption of the employment and
202 administration committee consent agenda. The council may then by a majority vote
203 make whatever orderly disposition of the matter it deems appropriate.

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

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

211 V. Motion 11122, Section I, as amended, and OR 2-060 are each hereby
212 rescinded.

213 VI. Motion 12434, Section III, and OR 2-070 are each hereby rescinded.

214 VII. Motion 10651, Section VI, as amended, and OR 3-010 are each hereby
215 amended to read as follows:

216 **Use of councilmembers' district accounts.**

217 A.1. All salaries for a councilmember's personal staff shall be paid out of the
218 councilmember's district account.

219 2. The cost of benefits for personal staff shall be paid out of the ((~~council's~~))
220 central ((~~administration~~)) council account for up to four personal staff per district. The cost

221 of benefits for each personal staff member above four for a councilmember shall be paid
222 out of that councilmember's district account.

223 B.1. All expenditures for mail originating from an individual councilmember's
224 office shall be paid for out of that councilmember's district account, except for mailings of
225 ten items or less, which may be paid for out of the ((~~council's~~)) central ((~~administration~~))
226 council account.

227 2. A councilmember shall not send any mass mailing that is deposited in the mail
228 between ((~~June 30~~)) the date the councilmember has filed a declaration and affidavit of
229 candidacy with the records, elections and licensing services division and election day in
230 any year in which an election is to be held to fill the councilmember's office. However,
231 mailings may be made after the last day for filing for office if the councilmember has not
232 filed for the office. For the purposes of this subsection B.2, "mass mailing" means any
233 mailing of more than two hundred pieces that contains essentially identical messages and
234 that is prepared or sent by or on behalf of an individual councilmember at council expense.

235 C. All expenditures for rent, office equipment and furniture, utilities and
236 telephones to support a councilmember's district office shall be paid out of the
237 councilmember's district account.

238 D. All travel expenditures incurred by councilmembers or personal staff shall be
239 paid for out of the councilmember's district account, except that councilmember travel
240 relating to legislative advocacy or travel that is likely to provide financial benefits to the
241 county may be paid out of the ((~~council's~~)) central ((~~administration~~)) council account,
242 subject to approval of the chair of the council within the chair's discretion.

243 E. All other expenditures for community meetings, training, newspaper
244 advertising, nonnewspaper advertising or other related activities as determined by the
245 councilmember shall be paid out of the councilmember's district account.

246 F. Whenever questions about expenditures may arise, a councilmember shall
247 consult with the chief of staff, legal counsel or the council administrator as necessary in
248 considering whether a specific expenditure is authorized by this rule OR 3-010.

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

251 **Legislative branch organization – organization chart** (~~(–chief of staff–policy~~
252 ~~staff director)).~~ ((A. Organization chart.)) The legislative branch shall be organized in
253 accordance with the ((attached)) organization chart ((dated March 2, 1998)), Attachment A
254 to this motion.

255 ~~((B. Chief of staff. There shall be a council chief of staff who reports to the chair,~~
256 ~~but shall be responsive to all councilmembers. The chief of staff is responsible for the~~
257 ~~efficient overall management and administration of the following components of the~~
258 ~~legislative branch, with the exception of personal staff and committee staff: the clerk, the~~
259 ~~administrator, governmental relations and communications staff and is also responsible~~
260 ~~for monitoring the independent agencies of the council. The chief of staff is a resource~~
261 ~~for personal and committee staff. In addition, the chief of staff, at the direction of the~~
262 ~~council and in consultation with appropriate committee chairs, may coordinate with the~~
263 ~~policy staff director the work of committee staff, legal counsel and others as needed on~~
264 ~~significant issues.~~

265 C. Policy staff director. There shall be a policy staff director who shall report to
266 the chair, but shall be responsive to all councilmembers. The policy staff director is
267 responsible for the efficient overall management and administration of the committee
268 staff. Committee chairs and members are responsible for providing policy direction to
269 committee staff by, among other things, setting priorities, establishing committee agendas
270 and directing the work of committee staff. In addition, the policy staff director, at the
271 direction of the council and in consultation with appropriate committee chairs, may
272 coordinate with the chief of staff the work of committee staff, legal counsel and others as
273 needed on significant issues.

274 D. Job descriptions for the chief of staff and the policy staff director shall be
275 adopted by the council by motion.

276 E. In accordance with Motion 10651, Section VII, and OR 3-030, the position
277 description for the chief of staff, Attachment A to Motion 11372, is adopted.))

278 IX. Motion 10651, Section VIII, and OR 3-040 are each hereby amended to read
279 as follows:

280 **Staff guidelines.**

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

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

284 2. "Central staff" means the policy staff director, staff who reports directly or
285 indirectly to the policy staff director and staff assigned to a standing or regional
286 committee;

287 B. Ethical considerations. In common with all county employees and officials,
288 legislative branch employees and elected officials shall comply with the ~~((provisions of~~
289 ~~the))~~ King County code of ethics, K.C.C. chapter 3.04. Employees shall familiarize
290 themselves with the content of the code of ethics ~~((code))~~ and in the event they identify any
291 issue of possible concern they shall promptly seek advice from their supervisor, the council
292 chief of staff, the policy staff director, the administrator or the legal counsel or shall seek an
293 advisory opinion from the board of ethics.

294 ~~((B.))~~ C. Lobbying restriction on ~~((program and))~~ administrative and central staff
295 and on the legal counsel to the council.

296 1. ~~((No program or a))~~ Administrative or central staff or the legal counsel to the
297 council shall not in any way seek to influence the passage or rejection of any matter under
298 consideration by the council or any committee of the council, except where an employee
299 within the scope of his or her duties is required to make a recommendation or is specifically
300 asked by a councilmember to give a recommendation on the particular matter.

301 2. With respect to contacts involving the news media related to the political or
302 policy aspects of county business, ~~((program and))~~ administrative and central staff and the
303 legal counsel of the council are encouraged first to refer such matters to the committee
304 chair or councilmember with jurisdiction over the subject matter.

305 ~~((C.))~~ D. Reporting relationships and assignments.

306 1. ~~((Committee))~~ Central staff work for and are accessible to all ~~((nine))~~
307 councilmembers. They receive direction from the committee chair and members of the
308 committee to which they are assigned and are subject to the administrative supervision of
309 the policy staff director.

310 2. Lead ~~((committee))~~ central staff function as the supervisors for the
311 ~~((committee))~~ central staff assigned to their respective committees. Subject to the
312 confidentiality rules ~~((below))~~ in subsection F. of this section, ~~((committee))~~ central staff
313 are expected to keep lead staff informed about their assignments and any issues that may
314 arise.

315 3. Reports from staff shall make clear the sponsoring member or committee.

316 ~~((D-))~~ E. Scope of ~~((W))~~work.

317 1. ~~((Council committee))~~ Central staff's first priority is to support committee
318 work responsibilities as established by the council and carried out under the direction of
319 the committee chair. Their second priority is to support committee members' work
320 requests. Their third priority is to support non~~((-))~~committee members' work requests
321 related to the work of the committee. Their fourth priority is to accomplish all other
322 work requests from councilmembers. The committee chair shall make reasonable
323 provisions for each priority.

324 2. If ~~((committee))~~ central staff believe that a work request cannot be
325 accomplished consistent with the above priorities, they should discuss the issue with the
326 committee chair and, if not resolved, they then may discuss the issue with the policy staff
327 director.

328 ~~((E-))~~ F. Confidentiality.

329 1. Councilmembers may request a staff member to perform work and keep the
330 nature of the work confidential.

331 2. Consistent with the reporting relationship and assignment rules (~~(above)~~) in
332 subsections B. through E. of this section, (~~(committee)~~) central staff are expected to
333 inform lead staff about the amount of time required to perform the work.

334 3. If (~~(committee)~~) central staff believe that a work request by a councilmember
335 is contrary to adopted council rules or violates the staff's professional ethics, the staff
336 may consult with the policy staff director and for this purpose may disclose to the
337 director information necessary to identify the problem. The director shall also maintain
338 confidentiality.

339 ~~(F.)~~ G. Staff assistance. (~~(Committee)~~) Central staff are encouraged to seek the
340 assistance of the policy staff director to resolve any concerns regarding performance of
341 their assigned duties.

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

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

346 A. A job announcement will be prepared by the council administrator and will be
347 distributed by the county personnel department to the county's standard distribution list
348 and will be posted on the Internet. The job announcement should include a job
349 description, salary, minimum qualifications, the standard "EEO" notice encouraging
350 women and minorities to apply, and application instructions. Appropriate employment
351 resources to recruit persons from minority groups should be used in order to attract as
352 many minority applicants as possible.

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

354 C. Applications will be screened according to written objective work-related
355 criteria established from the job description. Oral interviews will be scheduled with an
356 interview team selected by the council administrator. The oral interview has a two-fold
357 purpose: 1. to give the applicant a more detailed description of the job, ~~((and))~~ the
358 council and the staff; and 2. to examine in a structured fashion the experience and
359 qualifications of the applicant. The oral interview may be supplemented by additional
360 tests of an applicant's abilities such as writing samples and analytical exercises.

361 D.1. The council administrator will assess the results of the interview~~((/))~~ and
362 testing process and will recommend the top candidates to the employment and
363 administration committee.

364 2. The employment and administration committee may choose to consider other
365 candidates than those recommended by the council administrator. The employment and
366 administration committee will recommend a candidate to the council for final selection.
367 After the employment and administration committee has made a recommendation, the
368 council may choose to consider other candidates than those recommended by the
369 employment and administration committee.

370 E. In cases where ~~((a))~~ any new vacancy in the legislative branch occurs within
371 six months of the recruitment process described ~~((above))~~ in subsections A., B., C. and D.
372 1. of this section, the administrator may ~~((use the results of the))~~ consider any applicants
373 from a previous recruitment process to select ~~((finalists))~~ top candidates for
374 recommendation to the ~~((council))~~ employment and administration committee to fill the
375 vacant position.

376 F. The only exceptions to this procedure will be for internal promotions or
377 reassignments of legislative branch employees and for the recruitment and hiring of
378 current county employees, interns, clerical employees, CTV operations specialists and
379 temporary employees.

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

383 H. The authority for hiring temporary employees for (~~positions lasting~~) sixty
384 days or less is delegated to the chief of staff.

385 XI. Motion 8868, Sections 1-2, as amended, and OR 3-110 are each hereby
386 amended to read as follows:

387 **Policies and procedures against sexual harassment and discrimination –**
388 **policy statement.**

389 A. The metropolitan King County council promotes a respectful,
390 nondiscriminatory work environment, free of behavior which is illegal and/or which
391 contributes to interpersonal conflicts, poor performance(~~(s)~~) or poor morale. Therefore,
392 the metropolitan King County council prohibits:

393 1. Sexual harassment;

394 2. Discrimination or harassment of, or inappropriate conduct toward, any
395 employee on the basis of his or her race, color, sex, marital status, sexual orientation,
396 religion, ancestry, national origin, and/or the presence of any sensory, mental, or physical
397 disability; and

398 3. Retaliation.

399 B. This policy applies to members of the council, (~~council members' personnel~~)
400 councilmembers' personal staff(~~(s)~~) and all employees of the legislative branch.

401 Violations of this policy may lead to censure or discipline, up to and including discharge.

402 C. This policy is supplemental to other procedures available under federal, state,
403 and county laws, including but not limited to the Whistleblower Ordinance (~~((f))~~), K.C.C.
404 chapter (~~((42))~~) 3.42(~~(f)~~), the Ethics Code (~~((f))~~), K.C.C. chapter 3.04(~~(f)~~) and the Fair
405 Employment Practices Code (~~((f))~~), K.C.C. chapter 12.18(~~(f)~~). Employees are encouraged
406 to report pursuant to this policy, but shall continue to have the right to utilize other formal
407 complaint procedures established by law.

408 The (~~(attached)~~) policies and procedures against sexual harassment and
409 discrimination in the legislative branch in Attachment B to this motion are hereby
410 adopted.

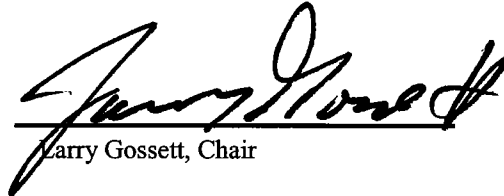
411 XII. Motion 10002, Sections A-C, as amended, and OR 4-101 are each rescinded.

412 XIII. This motion takes effect on the effective date of Ordinance ----- (Proposed
413 Ordinance 2007-0147).
414

Motion 12492 was introduced on 2/26/2007 and passed by the Metropolitan King County Council on 4/2/2007, by the following vote:

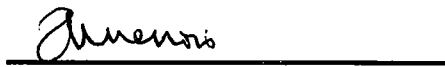
Yes: 8 - Mr. Gossett, Ms. Patterson, Ms. Lambert, Mr. Dunn, Mr. Ferguson,
Mr. Phillips, Ms. Hague and Mr. Constantine
No: 0
Excused: 1 - Mr. von Reichbauer

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



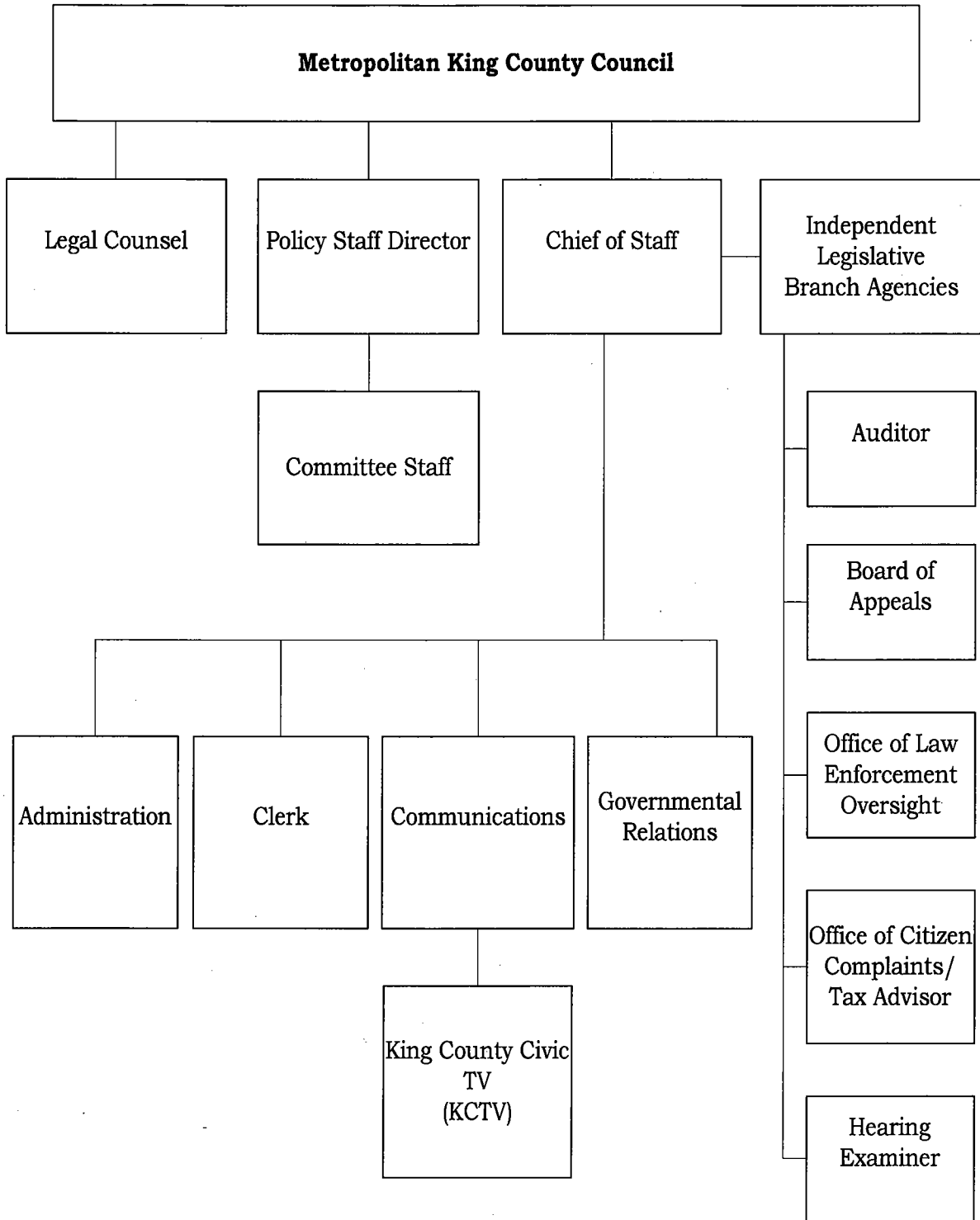
Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments A. Metropolitan King County Council Legislative Branch Organizational Chart, dated 2007, B. Metropolitan King County Council Legislative Branch Policies and Procedures Against Unlawful Harassment and Discrimination, dated March 5, 2007



Legislative Branch Organization Chart
2007

METROPOLITAN KING COUNTY COUNCIL
Legislative Branch

Policies and Procedures Against Unlawful Harassment and Discrimination

I. Policy Statement

The Metropolitan King County Council promotes a respectful, non-discriminatory work environment, free of behavior which is illegal and/or which contributes to interpersonal conflicts, poor performance, or poor morale. Therefore, the Metropolitan King County Council prohibits:

- sexual harassment;
- discrimination or harassment of, or inappropriate conduct toward, any employee on the basis of his or her race, color, sex, marital status, sexual orientation, religion, ancestry, national origin, and/or the presence of any sensory, mental, or physical disability; and
- retaliation.

This policy applies to members of the council, council members' personal staff, and all employees of the legislative branch. Violations of this policy may lead to censure or discipline, up to and including discharge.

This policy is supplemental to other procedures available under federal, state, and county laws, including but not limited to the Whistleblower Ordinance (K.C.C. ch. 3.42), the Ethics Code (K.C.C. ch. 3.04), and the Fair Employment Practices Code (K.C.C. ch. 12.18). Employees are encouraged to report pursuant to this policy, but shall continue to have the right to utilize other formal complaint procedures established by law.

II. Definitions

A. "Discrimination" has the meaning set forth in KCC chapter 12.18, which prohibits any action or failure to act, the effect of which is to adversely affect or differentiate persons on the basis of race, color, age, sex, marital status, sexual orientation, religion, ancestry, national origin, or the presence of any sensory, mental or physical handicap, unless based upon a bona fide occupational qualification.

B. Harassment can take many forms and can include slurs, comments, jokes, innuendoes, unwelcome compliments, cartoons, pranks, and/or other verbal or physical conduct relating to an individual, on the cases of race, color, age, sex, marital status, sexual orientation, religion, ancestry, national origin or the presence of any disability. It is illegal when such harassment:

- (1) has the purpose or effect of creating an intimidating, hostile or offensive working environment;
- (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or
- (3) otherwise unreasonably affects an individual's employment opportunities.

C. "Sexual harassment" is a type of harassment and a form of unlawful discrimination. It includes unwelcome sexual advances, requests for sexual favors, displays of sexually oriented materials, and other verbal or physical conduct of a sexual nature. It is illegal when:

- (1) submission to such conduct, either explicitly or implicitly, is made a term or condition of an individual's employment; or
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creates an intimidating, hostile, or offensive environment.

D. "Inappropriate conduct" is conduct that, while not amounting to unlawful harassment, has a sexual or racial component, or is otherwise based on status as set forth in II(a), and may reasonably have the effect of lowering morale and/or productivity. Inappropriate conduct does not include occasional compliments of a socially acceptable nature, nor conduct or actions that arise out of a personal or social relationship.

E. "Retaliation" means an adverse employment action against an individual because he/she has complained in good faith of discrimination, harassment, inappropriate conduct, and/or sexual harassment, inappropriate conduct of a sexual nature, or retaliation, or assisted or participated in an investigation of such allegations.

III. Issues and Complaint Resolution Procedure

A. Employees who experience, witness, or learn of what may be discrimination, harassment, inappropriate conduct, sexual harassment, and/or retaliation are strongly encouraged to come forward. The employee should tell the alleged harasser to stop the behavior, and/or report the behavior to any of the following individuals:

1. the employee's own supervisor;
2. any other supervisor;
3. the council administrator; or
4. the council's legal counsel.

B. Supervisors who witness or learn of possible discrimination, harassment, sexual harassment, inappropriate conduct, and/or retaliation, or who receive a complaint or concern from an employee regarding such allegations, must report their observations or any complaints or concerns to the council administrator. If the complaint or concern

involves the council administrator, the supervisor shall report to the Council's legal counsel. Supervisors who fail to comply with this responsibility may be subject to censure or discipline, up to and including discharge.

C. The individual to whom any report of possible discrimination, harassment, sexual harassment, inappropriate conduct, and/or retaliation is made shall promptly inform the council administrator of the report. The council administrator shall respond promptly and appropriately, as follows:

1. Determine whether the complaint or concern (a) can be addressed without formal investigation or referral to the Employment and Administration Committee, or (b) requires formal investigation and referral to the Employment and Administration Committee. If (a), the administrator shall document (i) the complaint or concern; (ii) the determination that no formal investigation or referral to the Employment and Administration Committee was necessary; and (3); any steps taken in response. If (b), where further investigation and referral to the Employment and Administration Committee is necessary, the administrator shall proceed as follows:

2. Develop a response plan. The plan may include a proposed investigation outline, proposals to mediate the dispute, and, in cases of a more serious nature, should address whether the complainant and the accused should be separated pending completion of the investigation.

3. Advise the chair of the Employment and Administration Committee of the complaint or concern and the recommended response plan. If the complaint or concerns involve a personal staff member of a council member, the council member employing the staff member shall also be advised. If the complaint or concern involves the Chair of the Employment and Administration Committee, the Council Administrator shall advise the Vice-Chair of the Committee.

4. Conduct a prompt and thorough investigation to determine whether a violation of this policy has occurred based on all facts and circumstances, the nature of the allegation, and context in which the alleged incidents occurred. Based on this determination, make a preliminary recommendation on what, if any, action should be taken.

5. Brief the Employment and Administration Committee on the results of the investigation and recommended disposition of the complaint or concern, and any corrective and/or preventive measures such as discipline, training and monitoring.

6. Implement the recommendations of the Employment and Administration Committee, including discipline, if any, and any corrective and/or preventive measures. If any discipline is appealed to the full council, it should not be imposed until the appeal is decided.

7. Inform the employee who raised the complaint or concern, the accused employee, and the supervisor who received the report of a complaint or concern, of the results of the investigation, whether or not there was a finding of discrimination, harassment, sexual harassment, inappropriate conduct, and/or retaliation.

8. For a reasonable period of time, monitor for retaliation against any person involved in the filing or investigation of a complaint or concern.

9. Maintain all records related to the report.

D. If the complaint or concern involves allegations against the council administrator, the individual to whom the report is made or his or her designee shall respond as set forth in **Part III C (1-9)**.

E. Upon notification of a complaint or concern and submission of a response plan by the council administrator, the chair of the Employment and Administration Committee shall:

1. Approve or modify the response plan recommended by the Council administrator, and where appropriate, as to all employees except Council members' and Council members' personal staff, direct the Council administrator to implement steps in the approved response plan to separate the accused from the complainant;

2. Promptly schedule a briefing by the council administrator for the Employment and Administration Committee;

3. If the complaint or concern involves a member of the Employment and Administration Committee, direct that, unless invited by the chair to address the Committee, that the involved member not attend or participate in that portion of the meeting of the Employment and Administration Committee at which the complaint or concern will be discussed or a recommendation voted upon.

F. The Employment and Administration Committee, upon being briefed by the council administrator per **Part III C (5)** and after due consideration, shall:

1. Vote upon the recommended disposition of the complaint or concern and on any proposed modification thereto;

2. As to all employees except council members and council members' personal staff, direct the council administrator to implement the decision of the Committee.

3. As to council members, the Committee shall decide whether to recommend exoneration or censure. If the committee recommends censure, the Chair of the Metropolitan King County Council, or the Vice-

Chair if the complaint or concern involves the Chair, shall introduce a motion for censure. In accordance with the council rules the chair shall refer the motion to the employment and administration committee. In accordance with KCC 1.24.055 Rule 6, to report the motion out of the employment and administration committee will require a recommendation report signed by a majority of the committee.

4. As to council members' personal staff, the Committee shall vote on a recommended disposition and report its recommendation to the council member.
- G. Information regarding complaints or concerns will be kept confidential to the extent possible, but confidentiality cannot be guaranteed.
- H. A complainant who is dissatisfied with the way his or her complaint is being handled may take his or her concerns to another of the individuals designated in **Part III**.

IV. Responsibilities

- A. The council administrator shall ensure that all employees receive a copy of this policy and are appropriately instructed and/or trained on its contents.
- B. The council administrator shall provide oversight, tracking, monitoring, and guidance to the Employment and Administration Committee to ensure adequate enforcement of the policy.
- C. Employees with supervisory responsibilities shall model appropriate behavior and strive to cultivate and maintain a work environment that is free from discrimination, harassment, sexual harassment, inappropriate conduct, and/or retaliation.
- D. Any member of the Metropolitan King County Council shall have the same responsibilities under this policy as other supervisors.
- E. In carrying out their responsibilities under this policy, staff, members of the Employment and Administration Committee, and the council administrator are encouraged to consult with the Council's legal counsel.

V. At-will employment

Nothing in this policy is intended to alter the at-will employment status of legislative branch employees or give rise to a requirement of termination for just cause.