



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**May 20, 2014**

**Motion 14129**

**Proposed No. 2014-0152.2**

**Sponsors Hague**

1           A MOTION acknowledging receipt of the executive  
2           response to the 2014 Annual Budget Ordinance, Ordinance  
3           17695, Section 18, Proviso P1, office of performance,  
4           strategy and budget, Section 24, Proviso P1, human  
5           resources management, and Section 25, Proviso P1, office  
6           of labor relations; and authorizing the release, respectively,  
7           of \$100,000, \$100,000 and \$100,000 currently held in  
8           reserve.

9           WHEREAS, the 2014 Annual Budget Ordinance 17695 contains a proviso in  
10          Section 18, office of performance, strategy and budget, stating that \$100,000 should not  
11          be encumbered or expended until the executive transmits a report and a motion that  
12          acknowledges receipt of the report and said motion is adopted by council, and

13          WHEREAS, Ordinance 17695 contains a similar proviso in Section 24, human  
14          resources management, stating that \$100,000 shall not be encumbered or expended until  
15          the executive transmits a report and a motion that acknowledges receipt of the report and  
16          said motion is adopted by council, and

17          WHEREAS, Ordinance 17695 contains a similar proviso in Section 25, office of  
18          labor relations, stating that \$100,000 shall not be encumbered or expended until the

19 executive transmits a report and a motion that acknowledges receipt of the report and said  
20 motion is adopted by council, and

21 WHEREAS, the report on a project plan, with milestones, target dates for  
22 achieving those deliverables and measures to determine if the milestones have been met  
23 to update to the county's personnel code and the benefits package provided to employees  
24 is a joint report from the human resources management division, the office of labor  
25 relations and the office of performance, strategy and budget, and

26 WHEREAS, the King County executive has transmitted to the King County  
27 council the requested report, and

28 WHEREAS, the King County council has reviewed the attached report that  
29 addresses the following proviso areas:

30 A. Milestones toward implementing the recommendations and achieving the  
31 goals identified in the executive's report entitled A Look at the Employer of the Future;

32 B. Target dates for reaching those milestones, taking into account the need to  
33 implement some of the recommendations and achieve some of the goals in part through  
34 collective bargaining and legislation; and

35 C. Objective measures for determining whether the milestones have been  
36 reached;

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

38 A. The council acknowledges receipt of the executive's response to the 2014  
39 Annual Budget Ordinance 17695, Section 18, Proviso P1, Section 24, Proviso P1, and  
40 Section 25, Proviso P1, related to the office of performance, strategy and budget, human

41 resources management, and the office of labor relations, respectively, which is  
42 Attachment A to this motion.

43 B. The \$100,000 currently held in reserve in Ordinance 17695, Section 18, office  
44 of performance, strategy and budget, is hereby released.

45 C. The \$100,000 currently held in reserve in Ordinance 17695, Section 24,  
46 human resources management, is hereby released.

47 D. The \$100,000 currently held in reserve in Ordinance 17695, Section 25, office  
48 of labor relations, is hereby released.

49

Motion 14129 was introduced on 5/5/2014 and passed by the Metropolitan King  
County Council on 5/19/2014, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,  
Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski and Mr.  
Upthegrove  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

**Attachments:** A. Creating the Employer of the Future at King County - 2014 Budget Proviso Report



# Creating the Employer of the Future at King County

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*2014 Budget Proviso Report*

As requested by: Ordinance 17695, Sections 18, 24 & 25  
King County's Personnel Code - Action Plan

*April 1, 2014*

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## Executive Summary

### How We Got Here

As part of the 2013 budget adoption, the King County Council enacted a proviso requiring a report on key elements of King County's personnel code and benefit package – reviewing everything from the recruitment tools necessary to bring in a qualified and diverse workforce to the benefits the County provides its employees, including mental health benefits. The Council asked for this review because the County's personnel system, largely created in the early 1970's and not significantly revised since that time, no longer is relevant or responsive to the needs of the emerging labor market. The report summarizing an analysis of the current system and recommendations for changes was transmitted to Council in September 2013, and accepted as part of the 2014 budget adoption.

Budget Ordinance 17695, Sections 18, 24, and 25, enacted as part of the 2014 budget adoption, further required a follow-up report to detail:

- A. *Milestones toward implementing the recommendations and achieving the goals identified in the executive's report entitled A Look at the Employer of the Future;*
- B. *Target dates for reaching those milestones, taking into account the need to implement some of the recommendations and achieve some of the goals in part through collective bargaining and legislation; and*
- C. *Objective measures for determining whether the milestones have been reached.*

This report responds to these requirements. What follows is a review of the recommendations set forth in the report entitled, "A Look to the Employer of the Future" as informed by subsequent research and analysis, a plan from 2014-2019 to implement the recommended goals, including target dates, milestones, and objective measures for determining whether the milestones have been reached.

### Why This Is Urgent and Important Work

#### **Our workforce is changing.**

- Retirements are on the increase with a projected loss of 16.2% (or 2,131 employees) of our overall regular workforce by 2018 just to retirements alone. If we add anticipated regular turnover, we are looking at turning-over approximately 46% of our workforce (or 6,141 employees) by the year 2018.
- What's more, the next generation of public service employees who will be filling those gaps is not only significantly more diverse, they also have different expectations and values for what they want out of their employment experience.

#### **Our funding is constrained.**

- While efforts in recent years have narrowed the County's structural budget gap, there continues to be a projected General Fund gap of approximately \$36 million in 2015-2016.
- This means that the County cannot add new employment benefit options without keeping in mind the total cost of compensation and staying within our limited budget.

**Our goals are set high.**

- In order to become the “best run government in the country,” one that delivers fast, accurate, reliable services to the community, and constantly evolves to meet our region’s changing needs, we have got to do things differently.
- To meet the critical challenges ahead, it’s imperative that we (a) develop the potential of every member of our workforce and create a workplace culture that is predicated on continuous improvement and respect, and (b) become the employer of choice for capable, enthusiastic and committed job seekers because they see in King County an opportunity to make a difference.

**Where We Go From Here**

Making the Human Resource System changes to become the Employer of the Future requires two *simultaneous*, separate but integrated efforts:

1. Near-term changes to improve the functioning of our current system – this includes short-term fixes to address immediate pain points, while moving to the longer-term system changes; and
2. Long-term transformational changes to fundamentally reset our employment experience. This effort will include designing the system that will support a sustainable lean culture in the “best run government in the country.”

A high-level summary with milestones, target dates and measures (as appropriate) of each approach is provided below. Further details can be found in the pages that follow the Executive Summary.

Table 1

**Summary of Near-Term Changes:  
Milestones Target Dates and Measures**

	Goal	Milestone/Measure	Target Date
Near-term	Begin working with Council staff on an approach to draft an overhaul to KCC Chapters 3.12 “personnel system” and 3.15 “pay plan and classification of positions”	<ul style="list-style-type: none"> <li>• KCC Chapters 3.12 and 3.15 Work Plan</li> </ul>	June, 2014



	Develop provisions to increase flexibility and moving expenses, vacation use and accrual options ( <i>per the "A Look at the Employer of the Future" report</i> )	<ul style="list-style-type: none"> <li>• Transmittal to Council</li> <li>• Baseline and on-going measurement of success through a survey of applicants who rejected King County offers</li> </ul>	June, 2014
	Develop a major revision to the County's Family Medical leave policies and procedures, to potentially include other changes to the County's leave provisions ( <i>per the "A Look at the Employer of the Future" report</i> )	<ul style="list-style-type: none"> <li>• Transmittal to Council</li> <li>• Negotiations with labor organizations</li> <li>• Baseline and on-going measurement through an "ease of leave administration" survey</li> </ul>	Sept, 2014
	Continued work on rewriting KCC Chapters 3.12 "personnel system" and 3.15 "pay plan and classifications of positions" in collaboration with Council staff	<ul style="list-style-type: none"> <li>• Transmittals to Council</li> <li>• On-going conversations with labor organizations</li> </ul>	On-going

Table 2

### Summary of Longer-term Changes: Milestones Target Dates and Measures

	Goal	Milestone/Measure	Target Date
Long-term	Identify and develop the resources, infrastructure and planning required to support the project	<ul style="list-style-type: none"> <li>• Completion of project plan, resource plan and business case</li> <li>• Development of governance structure and stakeholder engagement plan</li> </ul>	July, 2014
	More effectively brand King County as a desirable employer and make the application process easier and more standardized ( <i>per the "A Look at the Employer of the Future" report</i> )	<ul style="list-style-type: none"> <li>• Design and launch Hire Well initiative</li> <li>• Measures will include average time-to-hire and first-year turnover</li> <li>• Begin development of strategic workforce plans for critical roles in different lines of business</li> </ul>	Q3, 2014
	Create a human resources analytics program to identify baseline measures for Employer of the Future long-term objectives	<ul style="list-style-type: none"> <li>• Completion of countywide measures and definitions, such as turnover, hiring, workforce diversity and retirement projections</li> <li>• Completion of baseline data for</li> </ul>	Jan, 2015

	measures	
Increase compensation and classification flexibility to promote organizational effectiveness ( <i>per the "A Look at the Employer of the Future" report</i> )	<ul style="list-style-type: none"> <li>• Pilot projects to streamline the county's classification system</li> <li>• Total compensation conversations with labor organizations</li> </ul>	On-going
Re-envision the role of the manager and the team in the County workforce ( <i>per the "A Look at the Employer of the Future" report</i> )	<ul style="list-style-type: none"> <li>• Deployment of Employee Development and Organizational Effectiveness Team to create tools, workshops and a single hub of support</li> </ul>	On-going
On-going work per the work plan above to transform King County as an employer	<ul style="list-style-type: none"> <li>• To-be-determined</li> </ul>	Through 2019

## Background

Budget Ordinance 17476, Sections 19, 26, and 122, called for a report analyzing key provisions of the County's basic employment terms and conditions, many of which are set forth in King County Code Title 3. The proviso was well-timed as the County's personnel code was adopted in large part more than 40 years ago and has remained relatively unchanged. Revisions that have occurred in subsequent years have been reactive, responding to federal or state employment law changes or in response to issues raised in audits or litigation.

The personnel code provides the foundation of the employment experience for employees within the government's executive branch, which covers approximately 89 percent of the County's employees. These impact the County's ability to attract and retain talented employees, and its ability to manage, develop and reward its workforce. These rules matter because they significantly affect the County's ability to provide effective and efficient services to customers. Without a sound foundation, the County puts itself at risk for losing talent, stifling innovation through process improvement, and ultimately failing to provide quality service to King County residents.

The County and the issues facing it as a service provider and an employer have changed significantly since the early 1970's.

- As new generations of people mature and enter the workforce, there is a major shift in needs, values and expectations regarding work life. Each generation (Traditionalist, Boomers, Generation X and Generation Y/Z) has its own characteristic preferences with regard to work environment, motivators, communication style/methods, technology, reasons for staying in a job, and career goals. The County needs a human resources system flexible enough to respond to these multigenerational needs, while recognizing needs change as workers advance through their own life cycle.
- The geographic region of King County has moved from a relatively homogeneous, Caucasian working class region with Boeing as its primary employer to a vibrant, multi-cultural region with a key, competitive hub for information technology professionals and other industries. Serving the diverse communities within King County requires a diverse, agile and highly technically skilled workforce reflective of that emerging community.
- The County has articulated a more focused approach to delivering services to the community firmly grounded in a formal Strategic Plan. The Strategic plan includes internal "how goals" for "Quality Workforce" (develop and empower King County's most valuable asset, our employees) and Financial Stewardship" (exercise sound financial management and build King County's long-term fiscal strength).
- The County has adopted Lean thinking and culture as the means for becoming the "best run government in the country" known for its high productivity in delivering quality services to its residents. Lean culture requires a fundamental change in the roles of managers and employees and the way they produce results; and in the role of human

"Managing multigenerational workforces is an art in itself. Young workers want to make a quick impact, the middle generation needs to believe in the mission, and older employees don't like ambivalence. Your move."

Harvard Business School "Working Knowledge" Newsletter - April 17, 2006: "Can you manage different generations?"

resources in the organization. Managers move from controlling operations to coaching employees and supporting teams. Employees become accountable for identifying and solving problems and working together in teams. Human resources moves from being a "compliance organization" focused on administration such as payroll, benefits etc. to being the "keeper of the values" and owner of processes such as hiring, firing, and promotions, and operates as the "check and balance" of the organization.

A fundamental rethinking of our current system will be necessary to respond to this changing landscape.

In addition to these environmental factors, analysis of our internal data reinforces the need for change. We know from our own demographics significant numbers of incumbents in critical jobs and/or with specific, hard-to-replace experience and expertise, are positioned to leave the workforce in the next three to five years. Those are jobs and knowledge we continue to need for the foreseeable future, and we will have to deploy different talent acquisition strategies to meet those needs. In all, the County projects a turnover of up to 46 percent of its workforce by 2019.

Further, our short and long-term revenue projections make it clear we have to build employment choices with cost growth within a limited total compensation framework. In other words, we must limit the total cost of the growth of compensation to three percent, ensuring we not only have the kinds of employment terms to attract and retain the new workforce to replace those exiting, we have to do so in a way we can sustain. The framework we develop must provide predictable service levels for our residents and stable employment for employees. That data and analysis is set forth in more detail in Appendix A to this report.

## **Summary of “A Look At The Employer Of The Future” Recommendations**

The specific requirements of Budget Ordinance 17476, Sections 19, 26 and 122 called for a report summarizing analysis and recommendations for, at a minimum, the following:

- A. *The level and sufficiency, based upon a needs assessment conducted by the Executive, of the mental health benefits provided to employees;*
- B. *The benefit to employees and the County from implementing additional leave options for long-term illness or disability, such as improved retention of valued employees affected by major illness;*
- C. *The appropriateness of a leave bank for long-term illness or disability to provide a benefit to employees and to reduce administrative costs for the County;*
- D. *The competitiveness of the County's leave policy for attracting and retaining top employees;*
- E. *The efficacy for recruitment of the types of jobs eligible for relocation reimbursements;*
- F. *The efficacy for recruitment of the maximum amount that can be paid for relocation reimbursements;*
- G. *Programs that provide merit or incentive pay above the top salary step and their effectiveness as an incentive tool. Examine whether there is a better tool that could be used;*

- H. *The appropriate number of ranges and steps for classifications currently in the County squared salary table;*
- I. *Conversion to a single type of paid time off;*
- J. *Standardization of workweeks;*
- K. *Standardization or reduction of adds to pay; and*
- L. *Improvements for the administration of the United States Family and Medical Leave Act of 1993 and the King County family and medical leave policies in K.C.C. chapter 3.12.*

In response to Budget Ordinance 17476, the Human Resources Division (HRD), Office of Labor Relations (OLR), Office of Performance, Strategy and Budget (PSB), and many other King County organizations and employees came together to conduct a detailed analysis of four primary aspects of personnel administration: Workforce Management, Total Compensation, Absence Management, and Benefits, specifically, those part of the benefits package addressing stress and well-being. The report of this analysis, "A Look at the Employer of the Future" was delivered to Council September 30, 2013.

The report included (1) a review of the current state of the County's personnel system in these key areas, (2) employees' perceptions of that current state, and what they and prospective employees want in each area, and (3) a review of current competitive practices across all industries in each area. A summary of the original findings is set forth in Appendix B to this report.

Executive staff recommended a fundamental rethinking of the County's core human resources systems. This recommendation resulted from a comprehensive review of much of the basic terms of employment, researching competitive practices across the nation, as well as engaging in stakeholder outreach in a series of focus groups of both existing staff and students at technical, community, and undergraduate and graduate programs in our region. Finally, to realize the goal of becoming a learning organization, having a sustainable Lean culture to result in the "Best Run Government" in the nation, a re-thinking of our fundamental systems of hiring, classifying, compensating, rewarding, and ongoing on-the-job training, development and problem-solving is required.

The specific next steps recommended were as follows:

1. Provide a clear definition of the kind of employer King County wants to be with respect to the areas of workforce management, total rewards, absence management, and employee support services.
2. Transmit legislation to remove barriers to hiring and retaining qualified candidates for hard-to-fill positions, which will include provisions to increase flexibility in offering moving expense, different vacation use and accrual options, and other tools to improve recruitment and increase retention.
3. Transmit legislation to address key pain points related to leave administration. In addition, longer term work was needed to review the County's approach to leave benefits in general to determine the feasibility of moving to a paid time off system with short and long-term disability benefits, thereby providing continued wage insurance when employees face illness and injury yet reducing the administrative burdens and complexities associated with the current leave benefits package.

4. Reviewing and considering if any changes are warranted to the King County Charter and other code sections to provide a more streamlined and flexible approach to employment terms.

Additional steps within the Human Resources Division were recommended and addressed as part of the 2014 budget adoption including:

1. Resourcing the Hire Well Initiative to brand King County employment, and to have a more unified and standardized approach to recruitment.
2. Resourcing the Employee Development and Organizational Effectiveness team to create development tools and provide managers with opportunities to learn and apply the necessary skills to engage their staff in problem-solving, team work/collaboration and development.

## Recommended Approach 2014-2019

Based upon the analysis presented in the first report, Executive staff now recommends two integrated subprojects to achieve both immediate and long-lasting changes to King County’s personnel system to become the “Employer of the Future.” These two sub-projects that will need to be resourced and to move forward simultaneously are:

- Near term – adopt short-term fixes while moving to the longer term systemic change
- Long term – design the system that will support a sustainable Lean culture in the “best run government in the country;” this sub-project has two phases:
  - Phase 1: Develop and pilot changes to the operational human resources system
  - Phase 2: Implement the human resources system countywide

It is important to note that in the long term project above the “human resources system” is intended to encompass the model, infrastructure, and many processes and practices associated with the function of human resources. This is not to be confused with the County’s PeopleSoft enterprise system that is used to make human resources transactions, collect and ultimately report on data. Throughout this document, “human resources system” will refer to the former definition, unless otherwise specified.

Table 3 below summarizes the problem to be solved, the approach, and the model for changing the County’s human resources system

Table 3

### Creating the King County Employer of the Future

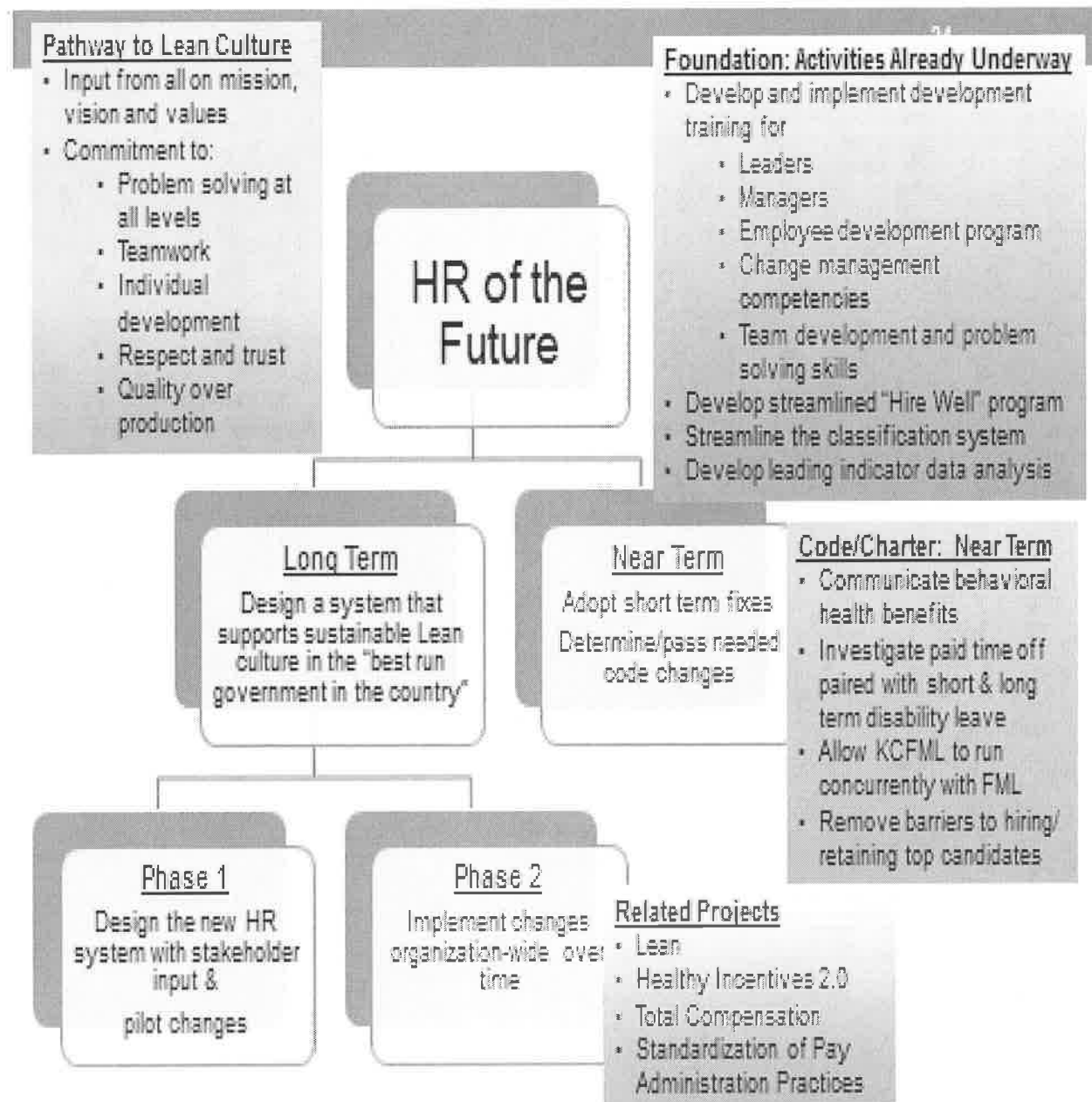
Problem	Approach	Model for Change
<p>King County has an antiquated personnel system that has not been significantly revised in over 40 years and is no longer relevant in the emerging labor market. A fundamental rethinking of our current workforce management system is necessary to:</p> <ul style="list-style-type: none"> <li>• Remain competitive as younger people enter the labor market</li> <li>• Attract workforce reflective of the diversity in our community</li> <li>• Respond to the dual emphasis on quality and sustainability</li> <li>• Support Lean principles in order to provide services to the public in an efficient and effective manner</li> </ul>	<p>Our approach is to integrate revising the personnel system into the County’s larger aim of becoming the “best run government in the country” through adoption of Lean thinking and culture. This larger integrated approach involves gathering leading indicator data about our current state and using it with countywide stakeholder input to develop vision, values, goals and measurements of success, as well as the human resources system itself. The ultimate goal is to achieve a human resources system that supports a vibrant, healthy, productive workforce to serve the residents of King County.</p>	<ul style="list-style-type: none"> <li>• Create the foundation for a new human resources system through data analysis, stakeholder input, training for managers and employees on key skills, and streamlined hiring and job classification processes (2014)</li> <li>• Develop recommended code and charter revisions that support the stakeholder-developed vision, values, goals and measures for the HR system (2014)</li> <li>• Develop and pilot the operational HR system (2014-2015)</li> <li>• Implement the HR system countywide (2015-2019)</li> </ul>

## Larger Context of the “Employer of the Future” Project

Redeveloping the human resources system is a large, complex, long term project, but it is only one of a suite of simultaneous projects need to fully become the Employer of the Future and achieve the status of the “Best Run Government in the Country”. The diagram in Figure 1 below illustrates how efforts like Lean, Total Compensation, Standardization of Pay Administration, and the next generation of Healthy Incentives (Healthy Incentives 2.0) all contribute to the larger goal. All of these are within a framework of equity and social justice.

Figure 1

### Interrelated “Employer of the Future” Projects



Note: Items in red have not yet started

n order to be both successful and lasting, changes in the HR system must be made in response to a long-term vision and strategy, and must align with other organizational initiatives. Failure to present a cohesive whole merely engenders confusion, distrust and lack of commitment. The effort becomes yet another “flavor of the month.” By embedding changes in the HR system inside a larger vision of becoming the “Best Run Government in the Country” and enlarging the change in the HR system embrace the cultural change needed to shift it to become the “Employer of the Future,” King County significantly enhances the opportunity for success.

Figure 2  
**Interrelated Systems & Values**



The various elements of the County’s long term vision and strategy are depicted in Figure 2 above. The red box frame represents the limits on “total compensation” spending that the County is willing and able to spend. This amount covers the cost of all salary and benefits and is determined by the County’s projected long term revenue growth and commitment to financial stewardship. At this time the growth in total compensation is capped at three percent per year.

At the center of the graphic is a blue circle labeled “Culture Based on Equity and Social Justice” that represents the values and culture the County wants to have in order support an engaged, productive workforce. The circles for Lean thinking, Human Resource System, and the Healthy Incentives Program represent are the programs that influence and direct the way the workforce operates on a daily basis.

To achieve the systems changes recommended within this context, both in the short and long-term, the following work plan has been developed.

## **Work Plans for Near Term and Long Term Projects**

### **1. Near Term**

#### ***Description***

A systematic rewrite of the existing King County Code Chapters 3.12 “personnel system” and 3.15 “pay plan and classifications of positions” are in order. The original code, adopted in large part in the early 1970’s and amended in piecemeal fashion since that time, is now hard to follow and costly to administer. To move toward the Employer of the Future, it is recommended that the County create an entirely new Personnel Title, one that is easier to read, and has clearly delineated sections so that managers and employees alike can easily discover the terms and conditions of employment contained in the code. Further, the code should set a basic policy



framework, and delegating rule development to apply in specific circumstances within that policy framework to the Human Resources Division. Finally, those rules should be in keeping with our values to treat employees well, and to deal with those employees who abuse or misuse their benefits directly. Like many employers, the code provisions over the years and our implementing policies were written to deal with those problem employees, rather than setting forth the rules for responsible employees. The recommended revision will be easier to understand, less complicated and costly to administer, and be within our capacity to fund for the foreseeable future without sacrificing service or programs. Also recommended are provisions that allow for employee choice and flexibility, within established frameworks and within total cost parameters.

### ***Deliverables, Milestones & Measures***

During 2014, Executive staff will transmit new sections of code in a streamlined format in keeping with the policy recommendation above. A sample of a key section presented in the new format is attached to this report as Appendix C. A sample of Guidelines supporting the revised code with more detailed information for employees and supervisors is attached as Appendix D. The first step of this process will be to work with Council staff on a "KCC Chapters 3.12 and 3.15" work plan to strategically consider which portions of the code to tackle first and in what order.

Specific code sections to be addressed in the near-term include the following:

- **Recruitment and retention tools**
  - *Description.* Provisions to increase flexibility and moving expenses, alternative vacation use and accrual options, and other tools to improve recruitment and retention, will be transmitted by June 1, 2014.
  - *Milestones.* Human Resources Division staff will give council staff an update by May 1, 2014, on the status of the work item and brief on substantive issues to ensure aligned with the Council's policy direction.
  - *Measures.* To measure the success of these changes, surveys of hiring managers and candidates refusing offers will begin Q1, 2014. These will serve as a baseline. After the aforementioned changes have been made, survey data will help us identify whether implemented solutions addressed root causes of failing to secure candidates for hard-to-fill jobs timely.
- **Leave, and specifically Family Medical Leave**
  - *Description.* This will be a major revision to the County's Family and Medical leave policies and procedures, making it more similar to comparably-sized organizations, and standardizing and streamlining other leave provisions. This leave package may also include other elements of leave, including a move to a paid-time-off program, to streamline the leave benefits altogether. This may be recommended as a pilot program to determine the impacts on unplanned absences, employee morale, and overall costs and complexity of the system before moving to a countywide implementation plan.

- *Milestones.* A package will be transmitted by approximately September 1, 2014, following discussions with the coalition of Unions. Human Resources staff in collaboration with staff from the Office of Labor Relations, the Business Resources Center and the Payroll, Business and Operations section, will give Council staff an update by June 1, 2014 on the status of this item, including a schedule for negotiations and system implementation.
- *Measures.* Leave use, return to work, and ease of administration (perception survey with some detailed sampling of time to administer) will be measured pre and post-implementation.

Executive staff will continue to work with Council staff in additional code revisions pursuant to the “KCC Chapters 3.12 and 3.15” Work Plan. Further, as work continues on the longer term system design, staff will develop additional recommended code and charter revisions needed to support the stakeholder-developed vision, values, goals, and measures for the human resources system. With each deliverable we will measure timelines, milestones, and whether we are meeting our targets, and if those proposed changes, once implemented, are having the intended effect.

## **2. Long Term**

### ***Description***

While the work on the nearer term fixes are being addressed, we must continue the longer term work of designing a system that enables the County to create a sustainable Lean thinking.

### ***Deliverables, Milestones and Measures***

- **Countywide Values and Goals for the Project**
  - *Description.* In order to provide overarching guidance and direction to the longer-term County transformation, Executive staff will work with stakeholders to develop values, goals and factors for success. Stakeholders will include but will not be limited to Executive and Council leadership, labor partners and County employees.
  - *Milestones.* Work will be completed by July 1, 2014.
- **Project Resources, Infrastructure and Planning**
  - *Description.* Project staff will create a business case, resource plan and project plan, including a governance structure, an employee and stakeholder communication and engagement plan.
  - *Milestones.* Aforementioned documents will be completed by July 1, 2014.
- **Human Resources Analytics**
  - *Description.* The Human Resources Division will develop data and an evaluation methodology – in support of a Plan, Do, Check, Act (PDCA) approach through its Human Resources Analytics program to assess the

success of various elements of the Employer of the Future project. This includes developing measure definitions and baseline data for issues like turnover, hiring, retirement projections and workforce diversity.

- *Milestones.* This project will be on-going throughout 2014-2019. Initial measures and baseline data will be complete by January 1, 2015.
- *Measures.* This will be the process by which we develop measures for our transformation to a sustainable LLean culture and to assess our new human resource system.

- **Hiring Well**

- *Description.* In order to ensure that the County is competitive in the talent market for years to come, executive staff will take steps to more consistently brand King County as an employer of choice, as well as simplify, standardize and improve recruitment from the applicant's perspective.
- *Milestones.* A Hire Well Initiative to brand King County employment to project a more unified and standardized approach to recruitment will be designed and launched by the third quarter of 2014.
- *Measures.* With the support of the Human Resources Analytics program, measures will be designed to assess issues like "time-to-hire," "diversity of applicant pool," and "quality of hire."

- **Transform the Role of Supervisors, Managers and Teams**

- *Description.* The Human Resources Division will develop and deploy the Employee Development and Organizational Effectiveness Team to create tools, workshops and new approaches to support the development of managers into coaches, individual contributors into problem solvers and work groups into teams.
- *Milestones.* This work is already under way.
- *Measures.* With the support of the Human Resources Analytics program and building on existing work like the King County employee survey, measures will be designed to assess workplace culture and employee engagement.

- **Compensation and Classification Flexibility to Promote Organizational Effectiveness**

- *Description.* In collaboration with the Office of Labor Relations and our labor partners, the Human Resources Division staff will work to streamline the classification system and process as well as to take a Total Compensation and Standardized Pay Administration approach to how we recognize and reward employees.

- *Milestones.* Preliminary work is in progress now throughout 2014 with pilots in place. Work to begin soliciting stakeholder input and involvement will commence by the first quarter of 2015.
  - *Measures.* With the support of the Human Resources Analytics program and the Office of Performance, Strategy and Budget, measures will be developed to assess the efficacy and efficiency of our compensation approach, as well as whether or not our classification system is improving in flexibility and efficiency.
- **Behavioral and Mental Health Benefits**
    - *Description.* Executive staff will map and communicate behavioral and mental health benefits in order to better facilitate understanding and use of the County's many offerings.
    - *Milestones.* To-be-determined.
    - *Measures.* The Human Resources Division will continue to assess employee health and well being through the Stress Less survey tool.

## High Level Goals and Deliverables

Below is a table summarizing the description, timeframe, goals and deliverables for the proposed phases.

Table 4

### Near Term Work Phase 1: Develop Recommended Code & Charter Changes (2014)

Description	Goals	Deliverables
1. Recommend legislation that will be transmitted in mid-2014 to remove barriers to on-boarding qualified candidates for hard-to-fill positions. This legislative package will include provisions to increase flexibility in offering moving expenses, different vacation use and accrual options, and other tools to improve recruitment and retention.	<ul style="list-style-type: none"> <li>• Increased competitiveness in attracting and hiring top candidates for difficult to fill positions</li> </ul>	<ul style="list-style-type: none"> <li>• A greater array of tools to attract top candidates for hard to fill key positions</li> </ul>

Description	Goals	Deliverables
<p>2. Recommend legislation that will be transmitted in Q3 2014 to address key pain points related to leave administration, specifically (a) a major revision in the County's Family and Medical leave policies and procedures, and (b) standardizing and streamlining bereavement and donated leave provisions.</p>	<ul style="list-style-type: none"> <li>• Simplify, standardize and automate family and medical leave benefits that are more in line with industry standards.</li> </ul>	<ul style="list-style-type: none"> <li>• A common set of family and medical leave policies and administrative practices that apply to all employees</li> </ul>
<p>3. Investigate the desirability and feasibility of moving to a paid time off program with short and long term disability programs in order to provide continued wage insurance when employees face illness and injury yet reducing the administrative burden and costs of the current leave package; recommending legislation to enact a new leave program if appropriate.</p>	<ul style="list-style-type: none"> <li>• A more flexible leave system that is easier to administer, protects employees' need for time off, and creates greater predictability for staffing.</li> </ul>	<ul style="list-style-type: none"> <li>• Simpler, streamlined leave benefits that meet reasonable employee needs, achieve clearer equity for all employees and facilitate accurate tracking and administration.</li> </ul>
<p>4. Develop additional recommended code and charter revisions needed to support the stakeholder-developed vision, values, goals and measures for the HR system.</p>	<ul style="list-style-type: none"> <li>• Define the County's approach to its core and contingent work forces.</li> <li>• Lay the foundation for a pay, recognition and reward system that is flexible enough to meet the needs of a diverse, multigenerational workforce.</li> </ul>	<ul style="list-style-type: none"> <li>• A comprehensive set of policies and guidelines that will be used to frame a flexible, responsive administrative system.</li> </ul>

Table 5

**Near Term Work Phase 2: Create The Foundation for Change  
(Activities already underway in 2014)**

Description	Goals	Deliverables
1. Complete work with stakeholder input on vision, values, goals and measures of success.	<ul style="list-style-type: none"> <li>• Determine direction and framework for creating the “Employer of the Future.”</li> </ul>	<ul style="list-style-type: none"> <li>• A clearly defined set of employer values along with the specific way those values drive the design and operation of the personnel system.</li> </ul>
2. Create an employee and stakeholder communication and engagement plan.	<ul style="list-style-type: none"> <li>• Align employees and other stakeholders with the vision and strategies.</li> <li>• Motivate and inspire, and energize people to overcome major political, bureaucratic and resources barriers to change by satisfying basic, but often unfulfilled, human needs.</li> </ul>	<ul style="list-style-type: none"> <li>• Success in creating the new organizational culture.</li> </ul>
3. Continue to develop leading indicator data analysis to determine critical needs and issues in our workforce planning.	<ul style="list-style-type: none"> <li>• Create an ongoing program to monitor and anticipate workforce changes.</li> </ul>	<ul style="list-style-type: none"> <li>• A dynamic workforce planning program that results in optimal staffing of County services.</li> </ul>
4. Develop a measurement and evaluation methodology.	<ul style="list-style-type: none"> <li>• Determine how we will measure and evaluate success.</li> </ul>	<ul style="list-style-type: none"> <li>• A concrete set of measures to determine success.</li> </ul>
5. Design a Hire Well Initiative to brand King County employment to project a more unified and standardized approach to recruitment.	<ul style="list-style-type: none"> <li>• Create a recruitment marketing “brand” that increases the attractiveness of King County as an employer to a more diverse population of potential employees.</li> <li>• Expedite recruitment and selection process to better serve both applicants and managers, and make more</li> </ul>	<ul style="list-style-type: none"> <li>• A standard set of contacts, resources, tools and messages for recruitment that achieves a unified approach to marketing and branding King County as a desirable, highly sought after employer of choice.</li> <li>• A recruitment system</li> </ul>

Description	Goals	Deliverables
	<p>efficient use of recruitment and selection resources.</p>	<p>that allows applicants to apply once and be considered for multiple positions, and managers to have a ready pool of qualified candidates.</p>
<p>6. Deploy the Employee Development and Organizational Effectiveness Team to create tools and workshops to teach managers how to create and sustain employee and work team development.</p> <ul style="list-style-type: none"> <li>• Define the skill set for the "Manager of the Future" and fill new openings for supervisors and managers with people who have those skill sets</li> <li>• Support and develop managerial Change Management Skills</li> <li>• Support and enhance managerial People Development Skills</li> <li>• Team development and problem solving skills for employees</li> </ul>	<ul style="list-style-type: none"> <li>• Increase cultural tolerance for risk to allow employees more autonomy and control over personal work.</li> <li>• Expand the potential of managers by defining essential characteristics of a competent manager, selecting people with those characteristics and providing focused management skills development.</li> <li>• Expand employee resources and support for employees at all stages of work life including onboarding, personal benefits planning, well-being services, return to work services, and preparation for leaving King County service.</li> </ul>	<ul style="list-style-type: none"> <li>• A definition of essential competencies to be used in recruitment and hiring decisions that will lead to success for employees and managers in the culture of the Employer of the Future.</li> <li>• A robust system of skills and career development accessible to all employees.</li> <li>• A model and support systems for effective teams.</li> </ul>
<p>7. Streamline the classification system and process.</p>	<ul style="list-style-type: none"> <li>• Realign job classes and current pay structures to better reflect general market practices and expectations.</li> </ul>	<ul style="list-style-type: none"> <li>• A job classification system sufficient to assign jobs to general pay level but flexible enough allow for developmental opportunities and assignments.</li> </ul>
<p>8. Map and communicate</p>	<ul style="list-style-type: none"> <li>• Increase access to, and</li> </ul>	<ul style="list-style-type: none"> <li>• A high visibility</li> </ul>

Description	Goals	Deliverables
behavioral and mental health benefits.	needed utilization of, all behavioral and mental health benefits for all employees (and their families).	program that uses multiple ways to connect employees with Making Life Easier, Employee Assistance, health benefits and other resources for addressing behavioral and mental health needs.

Table 6

### Long Term Phase 1: Develop and Pilot Changes to the Operational HR System (2014-2016)

Description	Goals	Deliverables
<p>1. Develop, with stakeholder review and input, a comprehensive proposal for an integrated HR system that supports the County's Strategic Plan goals and workforce values, addresses the needs of employees the County will be seeking in the intermediate and long-term future. This integrated system will address Total Compensation/ Rewards/ Recognition; Workforce Management (recruitment, onboarding, skills and career development, succession planning, and transitions to post County employment); Absence Management/ Minimizing Lost Productivity (identifying and correcting root causes of absences). The proposal will also include recommendations for optimizing the County's human capital management system (PeopleSoft) to support any changes in the</p>	<ul style="list-style-type: none"> <li>• Restructure pay, recognition and reward systems to align with Lean culture.</li> <li>• Streamline personnel administration system for all employees.</li> <li>• Work with unions to establish a collaborative process that will increase the likelihood of success.</li> <li>• Test new operational procedures in pilots (Plan/Do/Check/Act) before wider implementation.</li> <li>• Make lasting change.</li> </ul>	<ul style="list-style-type: none"> <li>• A system of compensation, rewards and recognition that allows flexibility to reflect the needs of a changing demographic of employees while providing more meaningful tools for managers to recognize high performance.</li> <li>• A standard set of options within the compensation system that allows employee choice in the forms of pay and benefits received.</li> <li>• Simplification or elimination of premium and other adds to pay, focusing instead on options for recognition, rewards, and skills</li> </ul>



Description	Goals	Deliverables
<p>personnel system.</p> <p>2. Pilot new HR operational practices to determine feasibility before wider implementation (Plan/Do/Check/Act cycle).</p>		<p>and career development.</p> <ul style="list-style-type: none"> <li>• A set of policies and procedures to administer the new personnel system.</li> <li>• Changes in PeopleSoft/human capital management system to support changes in personnel policies and practices.</li> <li>• A comprehensive outreach, education and employee engagement plan to prepare the organization to understand and embrace the changes in the personnel system.</li> <li>• A comprehensive change management plan to help managers and employees effectively cope with the process of moving to the new personnel system.</li> <li>• An overarching communication plan to coordinate and synchronize messages for key stakeholders.</li> </ul>

Table 7

## Long Term Phase 2: Implement the HR System Countywide (2015-2019)

Description	Goals	Deliverables
<ol style="list-style-type: none"> <li>1. Develop and execute a multi-year plan for implementing the new personnel system across all employees.</li> <li>2. Continue Plan/Do/Check/Act cycle.</li> </ol>	<ul style="list-style-type: none"> <li>• Work with unions to establish a collaborative process that will increase the likelihood of success.</li> <li>• Continue testing new operational procedures (Plan/Do/Check/Act) during wider implementation.</li> <li>• Make lasting change.</li> </ul>	<ul style="list-style-type: none"> <li>• An HR system that is the "keeper of the values" and owner of processes such as hiring, firing, and promotions, and operates as the "check and balance" of the organization.</li> </ul>

### NEXT STEPS

This report is a summary of the work in progress to move the County from its current state to the Employer of the Future, knowing it is facing an unprecedented turnover of staff within the next five years. It is also a high level plan detailing work yet to come. To do this well, it will take focus and resources. We anticipate delivering the following products by July 1, 2014:

- A detailed business case – why this effort is needed, and what will be the result
- A proposed budget to ensure it is resourced
- A governance structure to ensure widespread involvement and accountability for results and process
- A developed measurement, evaluation, communication and implementation plan

We will continue to do the work outlined above for the near term and are currently in the process of hiring a project manager who will be focused on the longer term work. Although separate subprojects, they are inextricably connected, because the near term work has to align with the ultimate directive for the County as an employer.

## Summary of Data

### Changing Demographics – the County is projected to turnover 46 percent of its workforce by 2018

The County’s workforce has an average age of 50 with a median age of approximately 50.5. As the charts below demonstrate, the County is slowly seeing an increase in the number of retirements of employees, and a slight decrease in the average age of employees when they retire from employment. That trend is in line with nationwide surveys of public sector employers as the nation slowly recovers from the Great Recession.

Our workforce projections show a loss of 16.2 percent (or 2,131 employees) of our overall regular workforce by 2018 just to retirements. Additionally, we anticipate from our regular turnover we will lose an additional six percent annually (or 802 per year). By 2018, these two figures combined show a projected loss of 46 percent of our workforce (6,141 employees). It is thus imperative the County plan well how it will replace the skills and expertise of the existing workforce.

In addition to presenting a workforce planning challenge, it is also a unique opportunity to reshape the employment compact for the next generation of public service employees, one that is more diverse than our exiting workforce, and has different employment expectations and needs.

Figure 3

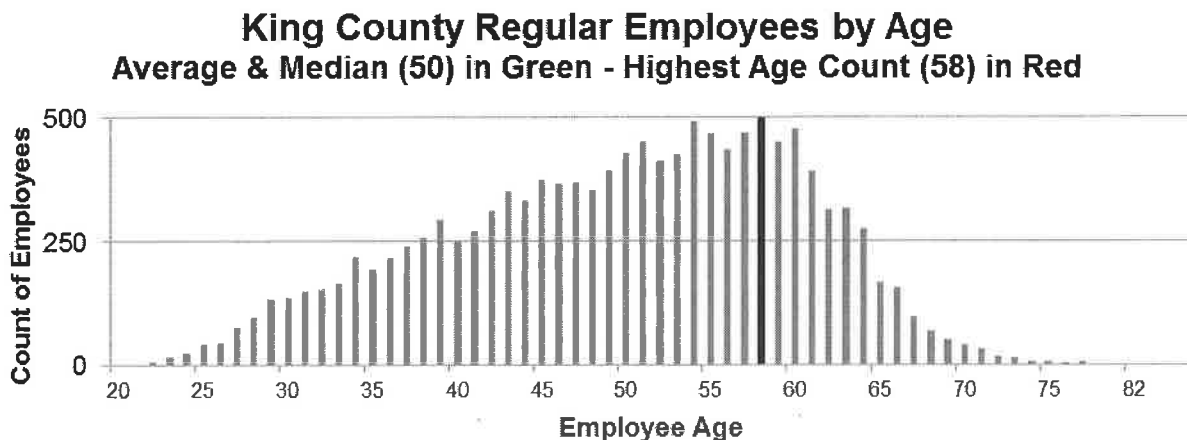


Figure 3 depicts the age of King County employees based on PeopleSoft data as of March 11, 2014. Each vertical line represents the number of employees at each age. The 50 year old band is green, highlighting the average and median age for King County employees and the red band highlights that there are more 58 year-old employees than any other specific age (499 employees age 58). Regular employees include employees in career service, civil service, appointed and career service exempt positions but excludes contingent workers and elected officials. Figure 4 below compares the age of King County employees to all full time employed people within King County.

The 2010 – 2012 American Community Survey (ACS) provided the most recent data set for analysis of the age the available workforce within King County. The ACS provides age data for the workforce in limited bands, as shown above (20-24, 25-44, etc.). King County employee age data was consolidated, from Figure 3 above, into bands matching the ACS.

Figure 4

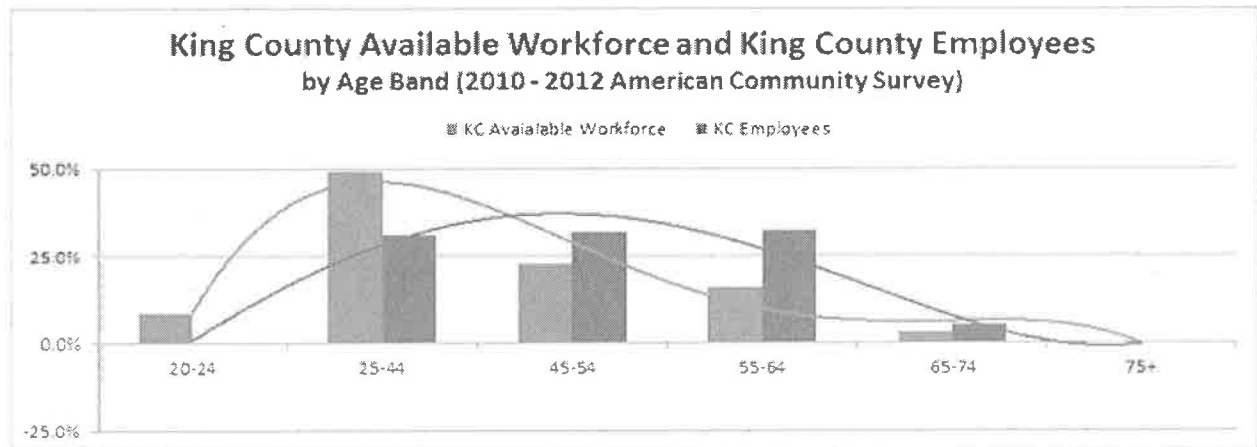


Figure 4 indicates that at King County employees over age 45 are significantly over represented, relative to the available workforce, and employees under 45 are significantly under represented. This is particularly noteworthy because the median age of ethnic groups vary widely within the general population of King County, creating an opportunity for King County more accurately reflect the ethnic diversity of the community by more accurately reflecting age distribution of the local available workforce.

Figure 5

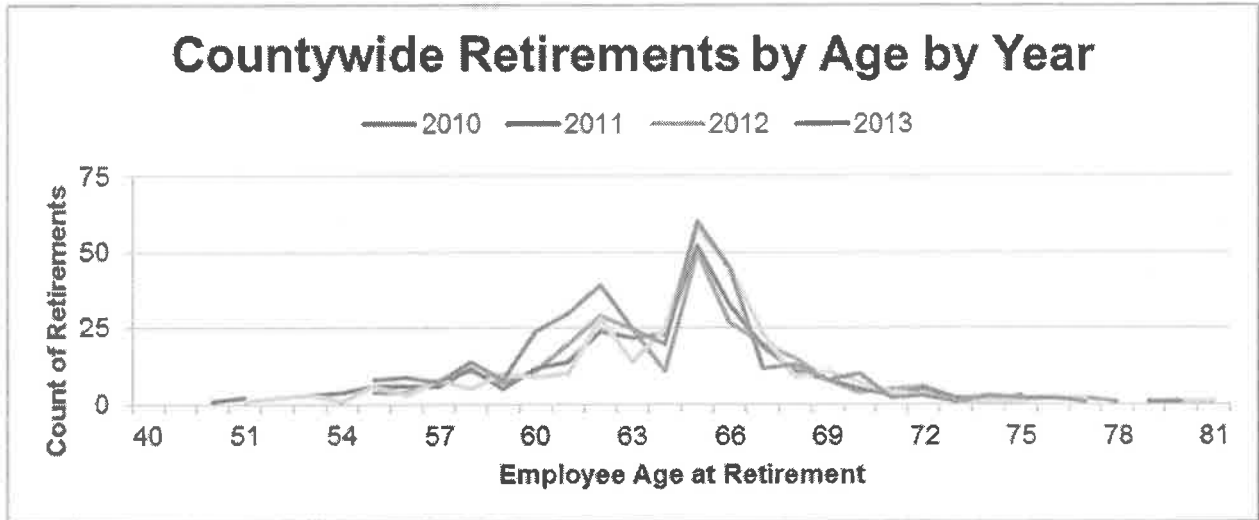
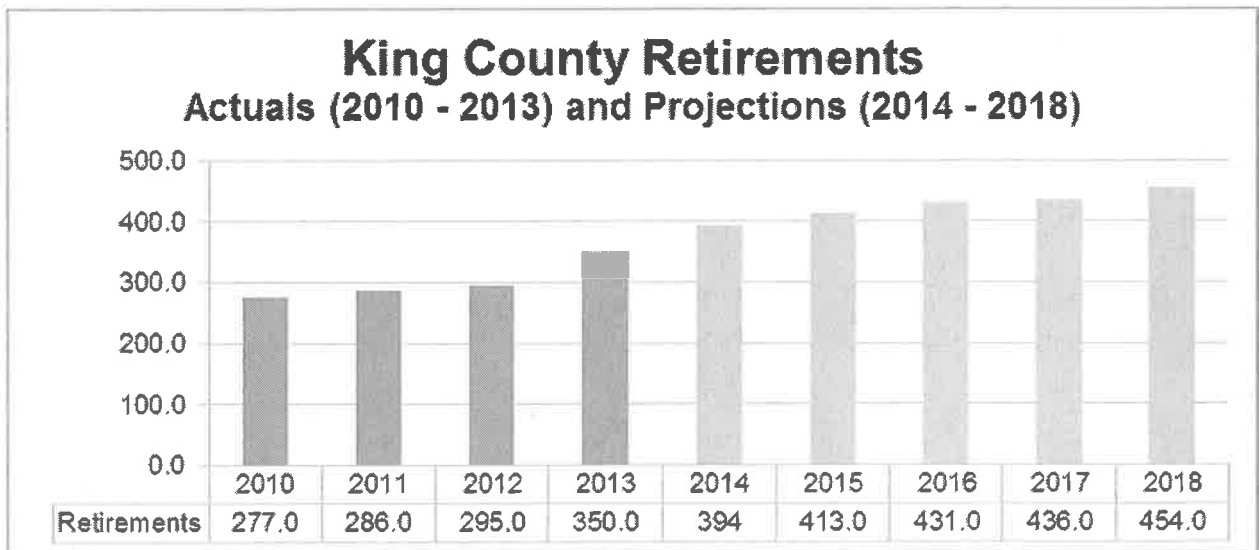


Figure 5 above illustrates King County employee retirements by age for the past four years (2010 – 2013). There are two clear peaks in data for employee retirements, the primary peak at age 65 and a secondary, lower, peak at age 62. The age 62 peak likely represents employees who can utilize COBRA to bridge from medical insurance as a County employee to Medicare. Employees in the 55 to 61 age range retire at a rate of three percent per year, age 62 to 64 at 10 percent, age 65 to 67 at 33 percent and at 68 and over at 25 percent per year.

This four year data was used to develop the projections for future year retirement estimates as shown in green in Figure 6.

Figure 6



The blue bars in Figure 6 provide actual retirement data for King County employees for 2010 to 2013 compared to the forecasted retirements for 2014 to 2018 shown in green. The figures for 2010 to 2013 demonstrate an increase in the numbers of retirements over the four year period

as the County's workforce continues to age and the financial impact of the Great Recession have begun to ebb. The projected 2018 retirements are forecasted to be 64 percent higher than 2010.

As the peak years of County employees (age 58 in Figure 3 above) advance in age, a further increase in retirements is demonstrated in the forecasted retirement estimates for future years. Additionally, the implementation of the Affordable Care Act (ACA) will remove the necessity for employees to wait until age 62 to be able to use COBRA to bridge from County insurance coverage to Medicare, potentially increasing the percentage of pre-age 62 retirements.

Table 8 provides a projection of potential retirement patterns by agency.

Table 8

**Projected Retirements by Agency**  
Regular King County Employees (Excludes Temporary, Elected, etc.)

Agency	2014	2015	2016	2017	2018	5 Year Total	Percent of Workforce
Adult & Juvenile Detention	17.3	19.0	19.7	20.1	21.3	97.4	11.6%
Assessor's Office	9.6	9.0	9.0	9.3	9.5	46.5	22.3%
Community & Human Services	9.8	9.0	9.8	9.8	10.6	49.0	18.6%
Council	4.4	4.5	4.1	4.4	3.9	21.4	17.5%
District Court	4.2	4.7	5.0	4.8	4.6	23.3	10.5%
Elections	1.5	1.6	1.9	1.7	1.9	8.5	11.9%
Executive Services	31.1	32.8	33.3	31.7	31.9	160.9	19.6%
Executive's Office	2.3	2.2	2.6	2.2	2.0	11.4	12.6%
Information Technology	9.9	10.5	10.9	11.3	13.3	56	13.0%
Judicial Administration	4.2	4.9	5.5	5.0	5.1	24.6	12.3%
Natural Resources & Parks	35.6	40.9	45.2	47.8	52.3	221.7	16.2%
Permitting & Environmental Review	3.4	3.9	4.3	4.1	5.1	20.7	23.8%
Prosecuting Attorney	6.8	7.2	7.6	8.3	9.9	39.8	7.9%
Public Defense	11.4	10.6	10.6	12.3	11.2	56.1	14.5%
Public Health	32.4	35.9	38.6	40.9	42.5	190.2	13.7%
Sheriff's Office	14.7	16.1	17.2	18.6	21.0	87.5	8.5%
Superior Court	7.9	7.9	7.9	8.3	8.7	40.7	13.2%
Transportation	187.4	192.7	198.1	196.0	199.3	973.5	7.4%
<b>King County Total</b>	<b>394.3</b>	<b>413.7</b>	<b>431.5</b>	<b>437.2</b>	<b>454.7</b>	<b>2131</b>	<b>16.2%</b>

Table 8 was developed by applying the countywide retirement patterns to each agency based on the age of the agency's employees. Overall, the County can anticipate over 2100 (over 16 percent) of its workforce is likely to retire over the next five years. Permitting and Environmental Review (23.8 percent), the Assessor's Office (22.3 percent) and Executive Service (19.6 percent) are predicted to experience the highest impact. This impact is not simply the loss of a percent of the workforce, but in many cases a loss of highly skilled, experienced employees and a significant portion of the institutional memory of the organization.

It is important to note that this forecast is based on historical data on a countywide basis; individual agencies may have different retirement patterns based on their individual characteristics. Given unique the employment rules and practices covering the majority of their

employees, the Sheriff's Office and Adult and Juvenile Detention require additional analysis. Due to the recent assumption of Public Defense functions by the County and their employees' recent access to the County's retirement system, Public Defense also warrants additional research.

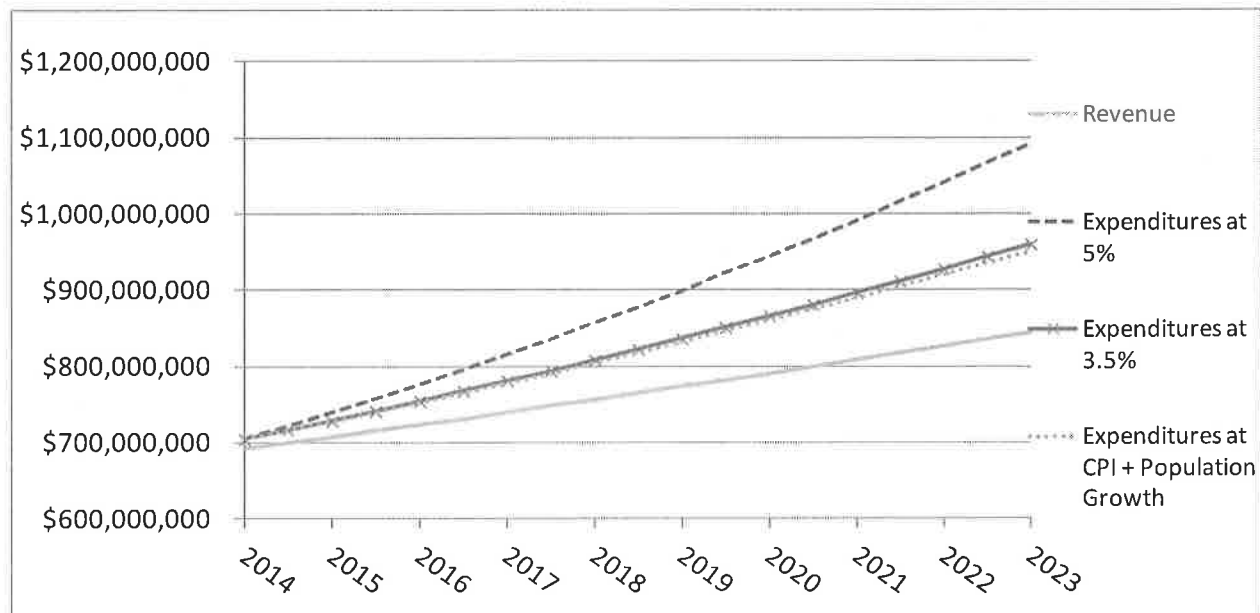
In 2013, retirements made up only 30 percent of all exiting employees. Assuming that non-retirement separations remain consistent over time, retirement will increase to approximately 45 percent of the number of employees who exit County employment.

### Financial Constraints – The County's Total Cost of Compensation Cannot Exceed Three Percent

Since 2010, through the efficiency initiative and in collaboration with labor organizations that represent County employees, the County has reduced the General Fund cost curve from a historical rate of five percent to forecasted growth of approximately three and one half percent. That gap is thus reduced but still exists. The projected gap for 2015 – 2016 is approximately \$36 million. This means the County cannot add new employment benefit options without keeping in mind the total cost of compensation.

Figure 7

### Structural Gap Between Projected Revenue and Expenditures Long Range General Fund Forecast 2014-2023



Source: Performance, Strategy & Budget; Q3 2013



# Summary Of Findings From “A Look to the Employer of the Future” Report

## Response to Proviso Topics

### A. Mental Health benefits

The County offers a broad array of behavior health services to employees and their families. Employees' use of mental health benefits offered through its health insurance packages as well as the supplemental Making Life Easier program indicate employees' use is at higher levels than the providers' standard book of business, demonstrating that employees are aware of and using the offered benefits. However, there is clear evidence that not all employees are aware of these benefits and/or have difficulty finding the right services. Work is underway to create a high visibility program that uses multiple ways to connect employees with Making Life Easier, Employee Assistance, health benefits and other resources for addressing behavioral and mental health needs. (Anticipated completion Q1 2015)

### B. Additional leave options for long-term illness or disability

Many employers are moving to offering a paid time off program that combines vacation and a portion of what was traditionally sick leave, in combination with short and long-term disability options. The County currently offers a long-term disability insurance benefit, and use of accrued leaves as well as donated leave. This issue should be addressed as part of a larger analysis of absence management approaches and the costs associated with different approaches. (Currently underway for 2014)

### C. Appropriateness of a leave bank for long-term illness or disability

On a short-term basis, using a leave bank in lieu of the County's current donated leave program would increase efficiency in administering the program, as well as provide more consistency in how the program benefits are offered to employees. That said, a longer-term, more holistic solution may include providing short-term disability insurance in lieu of providing some or all of sick leave. (Analysis currently underway in 2014)

### D. Competitiveness of the County's leave policy for attracting and retaining top employees.

Analysis of the County's current practices and those of other employers revealed we lag behind other employers in offering vacation leave to new hires. Immediate steps should be taken to enable recruiters to incorporate additional leave into negotiations with job candidates and to remove the current prohibition on allowing employees from taking vacation leave during the first six months of employment. (Currently underway; transmittal anticipated in Q3 2014)

### E. Relocation reimbursement for job recruitment for certain types of jobs

Immediate steps should be taken to allow recruiters to offer relocation expenses for hard-to-recruit positions (such as information technology candidates, physicians, psychiatrists, and other, hard to fill jobs). The County's practices lag behind comparable employers in the public

sector and are no match for when we compete with the private sector. (Currently underway; transmittal anticipated in Q3 2014)

**F. Maximum amount that can be paid for relocation expenses**

The County currently limits the amount it will reimburse for moving expenses to \$6,000. Most agencies of the County's size and complexity pay for actual expenses based upon a three-bid quote. Still others pay in an amount not to exceed a certain percentage of the candidate's starting salary, and pay for temporary housing. Private sector companies go far beyond simply reimbursing expenses. (Currently underway; transmittal anticipated in Q3 2014)

**G. Programs that provide merit or incentive pay above the top salary step, and their effectiveness as an incentive tool; and whether a better tool could be used**

Performance incentives are usually designed to deliver timely rewards and often are not monetary in nature. The County's current system is not working well as an incentive tool for a variety of reasons. Employees receive merit pay co-mingled with their base pay, and thus is perceived as an entitlement. It is not perceived as timely. To determine what will work as a better tool will require more research, costing analysis and some thinking about the County's Employer Values— we want to reward what we value. (Work to begin in Q3 2014).

**H. Appropriate number of ranges and steps for classifications currently paid on the County squared salary table**

Most employers, across all sectors, have different kinds of compensation bands for different kinds of jobs. Many will employ a broader, more flexible salary banding for executive level positions, and fewer steps and less time to get to the market based salary step than what is the County's current system. (Work is underway to obtain comprehensive market information and to build database using web-based tools).

**I. Conversion to a single type of paid time off**

There are many reasons to consider moving to a consolidated paid time off system. Many private sector employers provide this type of leave, particularly in the health care industry. Employers who use the plan report it is more efficient to administer and reduces unplanned absences. Often these are offered in conjunction with short and long-term disability plans. More research and analysis will need to be performed to determine whether this is feasible for the County. (Analysis begun on impacts and use of current leaves structure; anticipate ready to begin detailed discussions with labor organizations by Q4 2014)

**J. Standardization of workweeks**

The Office of Labor Relations has made significant strides in negotiating reductions to the number of work weeks the County offers to employees, moving from dozens to five. This will continue to be an issue to address as part of the Office of Labor Relation's standardization work as each contract is negotiated.

**K. Standardization or reductions of adds to pay**

The County provides a number of premium pays – 149 total in 2013 – that add to the complexity of both the payroll system and administering collective bargaining agreement provisions. Over 60 percent of the premium pays benefit twenty or fewer employees, indicating there is room to negotiate consolidation or reduction in the numbers. The Office of Labor Relations, the Human

Resources Division, the Business Resource Center, and central payroll staff in Finance and Business Operations are collaborating on an approach to standardization.

#### **L. Improvements for the administration benefits provided under the Family and Medical Leave Act and the King County family and medical leave policies in KCC chapter 3.12**

The County's current policies promulgated to supplement the federal Family and Medical Leave Act and the Washington Family Leave Act are difficult to administer. Most employers simply comply with the Family Medical Leave Act. It is recommended the County take immediate steps to streamline the current County Family Medical Leave code provisions and human resources policies to be more consistent with federal law and that of other jurisdictions. (Currently underway for 2014)

### **Summary of Focus Group Process**

Between March and August of 2013, the Employer of the Future team conducted seventeen focus groups with current and prospective employees, in order to better understand how the current personnel system impacts different types of employees, both positively and negatively.

The selection of employee groups was informed by input from leadership groups around the County, including the Executive Cabinet, the Executive Operations Cabinet, the Equal Employment Opportunity/Affirmative Action Committee, Human Resource Service Delivery Managers, and many department and agency leadership teams. Participants for focus groups were identified randomly using PeopleSoft data based upon the identified criteria (i.e. length of tenure).

Focus groups included King County employees with more than 30-years tenure; King County employees with fewer than two years tenure; King County field employees; King County employees in IT-related positions; non-employees in technical college trade programs; non-employees in public administration graduate programs, and many others. Ethnicity, job type, and supervisory responsibilities were also considered to ensure a balance of perspectives, but focus groups were not specifically selected along any of those dimensions.

### **Summary of Focus Group Findings**

In a round-table discussion setting, focus group participants were asked the following questions (questions varied slightly depending on the characteristics of the focus group):

- What led you to apply for employment at King County?
- When you were offered employment with King County, what incentives or disincentives did you consider?
- What would entice you to change jobs (either within or outside of King County)?
- What do you believe employees (current and potential) want or expect regarding diversity?

- In terms of what you receive/gain from your employment, what's most important to you? Least important? *Think everything from job stability to a bus pass to educational opportunities...*
- What ideas do you have on how the County might better hire/train/develop managers, so as to alleviate stress in the workplace and increase productivity?
- Are there any topics we didn't discuss that you think are important? Anything else you'd like to share with us?

Several common themes were heard across the seventeen focus groups. Any emphases unique to a particular group seemed to be at least partially attributable to the stage of life and career of those participants (dependent upon tenure and age, for instance). In addition to attesting to many positive aspects of their employment experience, there were several negative impacts and associated barriers of the current personnel system that were common themes mentioned across several groups (detailed below):

Table 9

### Most Commonly Identified Negative Impacts and Associated Barriers of Current Personnel System

Negative Impact Observed	Associated Barriers in Current Personnel Policy/Code, or Common Practice
<p>Personnel rules, policies and procedures are overly rigid, inconsistently understood and erratically applied, which creates frustration and perceptions of inequity on the part of employees.</p>	<ul style="list-style-type: none"> <li>• <b>POLICY/PRACTICE: Leave Use procedures are not standard</b> across departments. (i.e. whether or not leave is granted within an employee's 6 month probationary period).</li> <li>• <b>POLICY/PRACTICE: Lack of employee autonomy</b> seems to be facilitated by existing policy. Rules and cultural practice observed to be based on the "lowest common denominator" in a system that does not inherently trust or empower employees.</li> </ul>
<p>The most common reason current employees would consider leaving their job is poor management or supervision.</p>	<ul style="list-style-type: none"> <li>• <b>PRACTICE:</b> Only recently has the training program been reinstated at King County and there is a need for management/leadership training.</li> <li>• <b>PRACTICE:</b> Inconsistent manager/supervisor support for their employees' training and development.</li> <li>• <b>PRACTICE:</b> Promotions historically based on experience and technical skills, not on skill for managing people and their work.</li> </ul>

Negative Impact Observed	Associated Barriers in Current Personnel Policy/Code, or Common Practice
	<ul style="list-style-type: none"> <li>• POLICY/PRACTICE: Employees noted that many managers failed at providing them with <b>regular feedback</b>. <b>Recognition</b> for good work was also noted to be lacking.</li> </ul>
<p>Perceived career mobility at King County is not commonly realized.</p>	<ul style="list-style-type: none"> <li>• PRACTICE: Employees observe that there aren't clear pathways to move across the County and <b>many feel "stuck."</b></li> <li>• PRACTICE: <b>Career advancement</b>, in the form of training, development and coaching is getting better but there continues to be <b>inconsistent access</b>.</li> <li>• PRACTICE: <b>Majority of trainings offered in downtown core</b> and sometimes <b>inaccessible to or inapplicable for field staff</b>.</li> </ul>
<p>Recruitment is not as widespread as it could be and the process is often slow and lacks transparency for job candidates.</p>	<ul style="list-style-type: none"> <li>• PRACTICE/POLICY: <b>Lack of entry level positions</b>. Sometimes resultant of: 1) emphasizing the value of experience over other qualification 2) the classification system—i.e. "classification creep" (occurs when a once entry level position has is re-classed and is not re-classed back to entry level when the incumbent leaves).</li> <li>• PRACTICE: <b>Lack of civic education</b> is not addressed strategically through recruitment strategies and outreach to younger potential employees.</li> <li>• PRACTICE: <b>Lack of clear employer branding</b> (unclear what it really means to work for King County). <b>Jobs website noted to be difficult to use</b> and to lack clear information about job positions and King County as an organization.</li> <li>• PRACTICE: <b>Inconsistent onboarding practices</b> in</li> </ul>

Negative Impact Observed	Associated Barriers in Current Personnel Policy/Code, or Common Practice
	<p>timeliness and quality. Centrally provided onboarding does not provide sense of County structure or culture.</p>
<p>Inflexible recruitment and employment practices do not appeal to all prospective or current employees in different stages of their career or lives.</p> <p>(New hires and prospective employees expressed particular dissatisfaction with rigid recruitment packages).</p>	<ul style="list-style-type: none"> <li>• <b>POLICY: Employees unable to negotiate leave, retirement, benefits and salary to suit their needs/stage of life.</b></li> <li>• <b>POLICY: Alternative work schedule</b> options are limited (i.e. moving to part-time).</li> <li>• <b>PRACTICE: Telecommuting</b> options are limited or not consistently granted.</li> <li>• <b>POLICY: Leave use during probation</b> policy dissatisfying for new hires.</li> <li>• <b>POLICY: Difficulties negotiating non-monetary based compensation</b> with new hires results in higher base salaries.</li> <li>• <b>POLICY: “One size fits all” leave policy.</b> Leave allotments not adjusted based on a new hires’ prior employer or level of experience.</li> <li>• <b>POLICY: Moving expenses</b> can only be provided in limited situations.</li> </ul>
<p>Lack of effective succession plan implementation observed.</p>	<ul style="list-style-type: none"> <li>• <b>POLICY/PRACTICE: Inability to double-fill a position</b> to allow for an effective, phased transition.</li> </ul>

# Sample Revised Personnel Code Section

## Background

Chapters 3.12 and 3.15 of the King County Code (KCC) have been revised and amended over the last 40 years in a piecemeal fashion resulting in sections which commingle and confuse distinct subject matter. In addition, many code provisions unnecessarily mirror what is provided for under state and federal law or provided for under personnel procedures.

For example, KCC 3.12.220 commingles provisions for the following subjects which should be codified in stand-alone sections:

- Sick leave (additional sick leave provisions are also located in KCC 3.12.125 leave for workweek adjustments, 3.12.210 bereavement leave, 3.12.215 organ donor leave, 3.12.218 small pox leave, 3.12.223 donated leave, 3.12.225 school volunteer leave, 3.12.247 pregnancy leave, and 3.12.262 uniformed services leave);
- The voluntary beneficiary employee beneficiary plan (which is also partially provided for in KCC 3.12.190 under vacation leave); and
- County family and medical leave (which includes some but not all of the provisions from the federal Family and Medical Leave Act of 1993, as amended, and some but not all personnel procedures).

In light of these issues with the current code, the Executive recommends that Chapters 3.12 and 3.15 be streamlined and rewritten, or some similar type of rewrite process. As rewritten, these chapters would provide for high level policy direction leaving implementation of federal and state law and personnel procedures to be provided via human resources policy. Below is a sample of what a rewritten code section may look like, using the KCC 3.12.220 family and medical leave provisions as an example. Also attached is a sample of a human resources policy which provides personnel procedure direction in implementing the code section together with federal and state law.

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## Draft Text

### Chapter 3.12 PERSONNEL SYSTEM

**3.12.XXX Purpose.** It is the purpose of these personnel rules to provide basic statements of personnel policy. The rules are published to inform employees and supervisors of their rights and responsibilities and to delegate to the human resources division director the responsibility to design rules and policies to administer the personnel system.

**3.12.XXX The human resources division director.** The human resources division director shall have the authority to develop procedures and guidelines as necessary to administer

personnel policy. The procedures and guidelines shall be binding on all employees. The human resources division director shall post all procedures and guidelines to the internet.

**Section 1. (3.12.XXX) Family and medical leave.** Family and medical leave is provided as required by and in accordance with the federal Family and Medical Leave Act, 29 U.S.C. Sec. 2601 et. seq., the Washington Family Leave Act, Chapter 49.78 RCW, and County policy. Unless specifically provided for otherwise in County policy, procedures, or guidelines, County family and medical leave is intended to incorporate provisions of the federal Family and Medical Leave Act and the Washington Family Leave Act. Family and medical leave shall be administered under the county's personnel procedures and guidelines, subject to the following:

A. Eligible employees may take up to eighteen weeks of job protected family and medical leave for circumstances qualifying for leave, except that eligible employees may take up to twenty-six weeks of job protected family and medical leave to care for a service member under subsection B.3. of this section.

B. Eligible employees are those employees who need medical leave for more than three days because of their own serious medical condition or:

1. For the birth or adoption of a child;
2. For the care of an employee's family member with a serious health condition

who is:

- a. the employee's spouse or domestic partner;
- b. the employee's child or a child of the employee's spouse or domestic partner;
- c. the employee's the parent, the employee's spouse or domestic partner's parent, or an individual who stands or stood in loco parentis to the employee or to the employee's spouse or domestic partner;

3. For an employee to care for a service member who is the employee's spouse, child, parent or next of kin to a service member who suffers a serious injury or illness incurred in the line of duty; or

4. Because of a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on active duty or call to active duty status in the uniformed services.

C. Leave taken runs concurrently with leave taken under the federal Family and Medical Leave Act and the Washington Family Leave Act.

D. Leave taken may be continuous, which is consecutive days or weeks, or may be intermittent, which is taken in whole or partial days, for up to twelve weeks. Leave taken beyond twelve weeks must be taken on a continuous basis, except that intermittent military family leave may be taken for up to twenty-six weeks under subsection B.3. of this section.

E. The County shall continue its contribution towards medical, dental, and vision benefits during an employee's leave under this section.

**Section 2.** Implementation of the County family and medical leave benefit shall phase in under the direction of the human resources division director in accordance collective bargaining agreement negotiations and payroll system configuration timelines.



# Sample HR Policy

## King County Family Medical Leave (KCFML) Policy

### OVERVIEW

King County Family and Medical Leave (KCFML) is intended to provide a work-life balance for employees by allowing reasonable leave for medically-related reasons. Most employees requesting KCFML are facing their own or a family member's serious health condition and KCFML provides eligible employees the right to take up to a total of 18 weeks of job-protected leave for that reason.

The 18 weeks of KCFML runs concurrent with the 12 weeks provided under the federal Family and Medical Leave Act, 29 U.S.C. Sec. 2601 et. seq., (FMLA), and the Washington Family Leave Act, Chapter 49.78 RCW (WFLA). Unless specifically provided for otherwise in the King County Code or in this policy, KCFML is intended to incorporate provisions of the FMLA and the WFLA.

If the reason for leave is because of qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status in the uniformed services, employees have the right to take up to a total of 26 weeks of leave under the FMLA. The 18 weeks of KCFML run concurrent with the 26 weeks provided under FMLA.

This KCFML Policy is set forth in FAQ format. It is intended to make this process easier for employees and KCFML administrators.

### What Does this Policy Provide?

- The benefits of KCFML
- Information on when an employee is eligible for KCFML
- Information on KCFML qualifying events
- Instructions on how to apply for KCFML, including what forms to use
- Information on pay, benefits, and employer contact while on KCFML
- Information on how to elevate concerns about family and medical leave rights

## Who Should Read this Policy?

- Employees who need medical leave for more than three days because of their own serious medical condition or:
  - For the birth or adoption of a child
  - For the care of a member of the employee's family with a serious health condition who is:
    1. the employee's spouse or domestic partner;
    2. the employee's child or a child of the employee's spouse or domestic partner;
    3. the employee's parent, the employee's spouse or domestic partner's parent, or an individual who stands or stood in loco parentis to the employee, the employee's spouse or domestic partner
  - For the care of individual who is the employee's spouse, child, parent or next of kin to a service member with a serious injury or illness incurred in the line of duty
  - Because of a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on active duty or call to active duty status in the uniformed services
- Supervisors who manage employees on KCFML
- Human resources and payroll professionals who administer KCFML

## KCFML POLICY FREQUENTLY ASKED QUESTIONS

### ***PART ONE: THE BENEFITS OF KCFML***

#### **Q1: What is KCFML and how does it benefit me?**

A: KCFML provides eligible employees the right to take up to 18 weeks of leave for their own serious medical condition or that of a family member. It benefits you because, while you are on KCFML, your job is protected. That means that when your KCFML has concluded, you have the right to:

1. The same position that you held when your KCFML commenced or a position with equivalent status, benefits, pay and other terms and conditions of employment; and
2. The same seniority accrued before the date on which KCFML commenced.

KCFML also benefits you because you continue to receive medical, dental, and vision benefits during the full 18 weeks. In addition, if you are using your leave accruals and are in a paid status during that time, you also continue to receive life insurance benefits and vacation and sick leave accruals.

### ***PART TWO: KCFML ELIGIBILITY and QUALIFYING EVENTS***

#### **Q2: How do I know if I am eligible for KCFML?**

A: You are eligible to use KCFML if:

1. You worked for the County at least 1,250 hours of actual service in the last 12 months (the 1,250 hours threshold requirement does not include paid leave time); and
2. You were a County employee, in a paid or unpaid status, for at least 52 weeks within the previous 7 years.

**Q3: What if the reason that I did not work for the County 1,250 hours last year was because I was serving in the uniformed services?**

A: That is an exception to the rule. If you are returning to County employment from the uniformed services you will be credited with the hours of service that you would have worked but for the uniformed service time in calculating whether you worked 1,250 hours.

**Q4: What if I am part-time or my workweek is less than 40 hours? Am I still eligible to use KCFML?**

A: Yes. While KCFML is not prorated for part-time employees and is not prorated for employees who work a thirty-five hour workweek, as long as you worked 1,250 hours in the last 12 months, you will be eligible to use KCFML.

**Q5: How is the 12-month period calculated for KCFML use?**

A: King County uses the rolling calendar year method, which looks at the previous 12 months from the date that you are requesting your leave to start to calculate how many eligible hours you have for the next 12 months.

**Q6: Is there a limit to the number of times that I can take KCFML in a 12-month period?**

A: No. If you are eligible and your circumstance qualifies, you are entitled to take up to 18 weeks of leave in a 12-month period for family and medical reasons.

**Q7: What are KCFML qualifying events?**

A: You may use KCFML because of your own serious medical condition as an employee or:

1. For the birth or adoption of your child or for foster care.
2. For the care of a member of your family with a serious health condition who is
  - a. your spouse or domestic partner;
  - b. your child or a child of your spouse or domestic partner; or
  - c. your parent, your spouse or domestic partner's parent, or an individual who stands or stood *in loco parentis* to you (a person who provides day-to-day care *and* financial support for a child), your spouse or domestic partner.
3. For the care of your spouse, child, parent, or next of kin to a service member with a serious injury or illness incurred in the line of duty (this is a type of FMLA that may be taken for up to 26 weeks and runs concurrent with KCFML). The 26 weeks may only be used once by you as an employee to care for the same service member for his or her same serious illness or injury; however, you may use it in future years to care for the same service member for a different serious illness or injury or to care for a different service member with a serious illness or injury.(See Q9 below.)

4. Because of a “qualifying exigency” arising out of the fact that your spouse, child, or parent is on active duty or call to active duty status in the uniformed services. This means that you may take leave to attend to non-medical issues to get ready for your family member’s absence or to attend to issues when they are gone. (See Q9 below.)

**Q8: What is a “serious health condition”?**

A: This is complicated so be sure to consult with your agency KCFML representative if you have additional questions – a good rule of thumb is that you or your family member is ill or injured and incapacitated for more than 3 days and is under the care of a health care provider.

Technically, a “serious health condition” is an illness, injury, impairment, or physical or mental condition that involves either:

1. *Inpatient care* (e.g., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (e.g., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with or consequent to such inpatient care; or
2. *Continuing treatment by a health care provider, which includes:*
  - a. A period of incapacity lasting more than 3 consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:  
treatment two or more times by a health care provider (e.g., in-person visits, the first within 7 days and both within 30 days of the first day of incapacity, absent extenuating circumstances ) or one treatment by a health care provider (e.g., an in-person visit) within 7 days of the first day of incapacity with continuing treatment (e.g., prescription medication, physical therapy); or
  - b. Any period of incapacity due to pregnancy, or for prenatal care; or
  - c. Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity; or
  - d. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
  - e. Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than 3 consecutive days if not treated.

**Q9: Are there any special military family leave rules for employees who are related to individuals serving in the uniformed services?**

A: Yes. As noted in the answer to Q7 above, there are two types of military family leave for those employees.

The first type is called “Exigency Leave” but it is not a medical leave. It provides 18 weeks of military family leave to you as an employee when your spouse, child, or parent is on active duty or will be leaving for active duty. This type of leave is intended to assist you and your family by providing you leave to attend to non-medical needs such as military

informational briefings, childcare or school arrangements, financial or legal arrangements, counseling, post-deployment ceremonies, etc.

The second type is called “Military Caregiver Leave” which is 26 weeks (the 26 weeks is a federal FMLA requirement and may be taken continuously or on an intermittent basis) of military family leave provided to you as an employee when your spouse, child, parent, or next of kin suffers an injury or illness in the line of duty and needs you to care for him or her. If you are not the service member’s spouse, child, or parent, you may be the next of kin. Who is next of kin is determined upon the following priority: blood relatives given legal custody of the service member, siblings, grandparents, aunts and uncles, and first cousins. The service member may also designate you as a blood relative as their next of kin. This leave is not available to care for your family member if they were former members of the uniformed services or members receiving permanent retirement disability.

**Q10: May I use KCFML to care for my adult children?**

A: Not usually. “Child” includes a biological child, adopted child, foster child, legal ward, or stepchild but does not include individuals age 18 or over unless they are incapable of self-care because of a mental or physical disability.

**Q11: My husband and I both work for the County and are having a baby. How does KCFML apply to our situation?**

A: Both you and your husband are entitled to use KCFML and are limited to a combined total of 18 weeks of KCFML for a 12 month period (bonding time) upon the date of your child’s birth; or for placement of a child with you for adoption or foster care, or to care for the child after placement. The County does not require you to provide medical certification in these instances.

As the mother, you may also be entitled to use KCFML for any period of your disability caused by the pregnancy (e.g., bed rest) or birth (e.g., natural birth or cesarean) which is not subject to the combined total. You may choose not to use your KCFML during your period of disability and that is protected leave as well; however, you must use your leave accruals before going into an unpaid status.

**Q12: I am on leave due to a workplace injury and receiving time loss payments under workers’ compensation. Do I use KCFML during this time?**

A: Most likely. When leave is taken for your serious health condition in conjunction with an occupational illness or injury for which you are receiving workers’ compensation time loss payments, the leave is taken as KCFML. That is the case whether or not you are augmenting time loss with your sick leave accruals.

**Q13: Who is considered a health care provider?**

A: All of the following are recognized health care providers, if they are authorized to practice by the state or country in which they practice:

- Doctors of Medicine or Osteopathy
- Podiatrists
- Dentists
- Clinical Psychologists
- Optometrists
- Chiropractors (only manual manipulation of spine to correct subluxation shown to exist by x-ray)
- Nurse Practitioners
- Nurse Midwives, if authorized to practice under state law and consistent with the scope of their authorization
- Clinical Social Workers
- Any health care provider recognized by the County's health plans
- Christian Science practitioners listed with the First Church of Christ Scientist in Boston,

MA

- A health care provider as defined above who practices and is licensed in a country other than the United States

**Q14: May I take KCFML in intermittent blocks of time?**

A: Yes, to some extent. KCFML may be continuous, which is consecutive days or weeks, or intermittently, which is taken in whole or partial days, for up to 12 weeks (except "Military Caregiver Leave" (see Q9) which may be taken intermittently for up to 26 weeks). KCFML taken beyond 12 weeks must be taken on a continuous basis.

If you are an FLSA-exempt employee, meaning that you are not paid on an hourly basis but paid on a salary basis, you may be converted to an hourly employee during your intermittent KCFML.

You may take intermittent KCFML after the birth or placement of a child for adoption or foster care, but only if authorized by your appointing authority.

**Q15: If I am able to work in some capacity, may I work in another position instead of taking KCFML?**

A: Maybe. If you are able to work in some capacity, at the option of the County, you may be required to transfer temporarily to an available alternative position for which you are qualified and which better accommodates recurring periods of leave than does your regular position.

***PART THREE: APPLYING FOR KCFML***

**Q16: What do I do when I think that I may need KCFML?**

A: You may be required to provide the County with 30 days advance notice when your need for KCFML is "foreseeable." When such an advance notice is not possible or the need for

your leave cannot be foreseen, you must give notice as soon as "practicable" which is generally the day you learn of the need for leave or the next business day.

**Q17: How do I request KCFML?**

A: You will be required to submit forms in the order of the steps set forth below. All forms are located on the Benefits Payroll and Retirement Operations web page at:

<http://www.kingcounty.gov/employees/benefits/Forms.aspx>

Step one: You fill out a “Protected Family and Medical Leave Request Form” and provide it to your agency KCFML representative. You may be provided this form when your agency representative learns that you may need KCFML.

Step two: Within 15 days (or at the same time that you submit your request form) you submit a “Protected Family and Medical Leave Medical Certification Form” to your agency KCFML representative. Note: If you fail to provide the medical certification form or other required documentation, your leave may be denied. There are four types of medical certification forms (the first three of which must be completed and signed by a health care provider).

Choose the one that fits your type of requested leave:

- Your own serious health condition
- The serious health condition of a qualified family member
- “Military Caregiver Leave” (see Q7 and Q9 for more information on this)
- “Exigency Leave” under military family leave (no health care provider signature is required for this form; see Q7 and Q9 for more information on this)

Step three: You will be notified by your agency KCFML representative via a “Protected Family and Medical Leave Response Form” as to whether your requested leave will be designated as KCFML. You will receive the notification within 5 business days. If your KCFML is approved and you have leave accruals, you will be notified that you must use your accruals while you are out on KCFML.

Step four: Provide leave of absence request to your agency supervisor in accordance with your agency’s absence management procedures.

***PART FOUR: EMPLOYER CONTACT, PAY, AND BENEFITS, DURING KCFML*****Q18: Does the County have to accept my medical certification without question? Can the County contact my health care provider about its contents?**

A: Not necessarily.

1. You are responsible for submitting a completed medical certification. If you submit a medical certification that is incomplete or insufficient, King County must provide a written list of the additional information needed for a complete and sufficient certification. You generally have 7 calendar days to return a completed and signed form.



2. After you have an opportunity to cure deficiencies and the County receives authorization from you to clarify or authenticate your medical certification, an agency designee, typically your agency KCFML representative or a Human Resources Division disability services representative, may communicate directly with your health care provider to clarify or authenticate your medical certification.

3. Under no circumstances may your direct supervisor communicate with your health care provider.

4. Human Resources Division Safety & Claims officers may also contact your health care provider when you are on workers' compensation time loss whether or not you are using KCFML.

5. The County may request that you recertify your KCFML:

a. Every 6 months; or

b. Every 30 days if:

- Your leave extends beyond the duration described by your health care provider in your medical certification;
- The circumstances described by your health care provider in your medical certification have changed; or
- If you need to extend your KCFML.

6. This is rare but, if the County has concerns about the medical information in your certification, it may request a second opinion, but must cover the cost. If the information in your certification differs from that of the second opinion, the County may request a third opinion, but must cover the cost.

**Q19: Will I be paid when on KCFML?**

A: To the extent that you have leave accruals, you will be paid and must use all of your leave accruals before going into an unpaid status.

**Q20: In what order do I use my leave accruals when I am on KCFML for my own serious health condition?**

A: When you are on KCFML for your own serious health condition you must use your leave accruals in the following order:

1. all accrued sick leave or its equivalent (e.g., special sick leave or benefit time);
2. all accrued vacation leave or its equivalent;
3. all donated sick leave;
4. all donated vacation leave;
5. any executive leave or compensatory time; and
6. leave without pay, at the discretion of the hiring authority; however, leave without pay must be approved for the first 12 months of leave (because that is leave qualifying under federal and state family and medical leave) and disability leave laws.

**Q21: In what order do I use my leave accruals when I am on leave for a serious health condition of a family member? Does that leave count as KCFML?**

A: Leave to care for a qualified family member shall be used in accordance with the Washington Family Care Act, which means that you may use any type of accrued leave that you have to care for:

1. Your child with a health condition that requires treatment or supervision; or
2. Your spouse, parent, parent-in-law, or grandparent who has a serious health condition or an emergency condition.

However, you may not choose to use leave without pay. Your supervisor has discretion to approve leave without pay.

If your leave is to care for a family member, as described in Q7 with a serious health condition, your leave counts toward KCFML.

**Q22: Do I get paid for holidays when I am on KCFML?**

A: Usually. You must be eligible for leave benefits and in a pay status on the day before and the day after a holiday to be eligible for holiday pay. If you are in an unpaid status, you do not get paid for the holiday.

**Q23: If I am on KCFML but in an unpaid status because I used all of my leave accruals, do I still receive the personal holidays that are usually credited to my vacation balance on October 1<sup>st</sup> and November 1<sup>st</sup>?**

A: Yes. If you occupy a position which is eligible for leave benefits, you receive the personal holiday, regardless of pay status.

**Q24: Does a holiday count toward KCFML?**

A: It depends if you are on continuous or intermittent KCFML.

- If you are on continuous KCFML, the week in which a holiday falls is counted as a full week of KCFML.
- If you are on intermittent KCFML and worked the week in which the holiday fell, the holiday does not count towards KCFML. If you are on intermittent KCFML and were scheduled to work on the holiday, then it would count toward KCFML.

**Q25: What benefits do I continue to receive while I am on KCFML?**

A: You receive the same County-paid health benefits (medical, dental, and vision) you had immediately before you began leave. If you pay a portion of your monthly health benefit premiums including enhancements, staff from the Benefits, Payroll and Retirement Operation section will contact you about self-paying to continue coverage. You will also be contacted about self-paying to continue health coverage under COBRA when KCFML ends. If you go on unpaid status, you will be contacted about self-paying to continue any life, accidental death and dismemberment, or long-term disability insurance you may have.

**Q26: May the County require me to repay it the cost of its share of health plan premiums that were provided to me during KCFML?**

A: Sometimes. The County may recover from you its share of health plan premiums but only during unpaid KCFML and only if you fail to return to work after your KCFML is exhausted; however, that sum will not be recovered if the reason that you did not return was because of:

1. The continuation, recurrence, or onset of a serious health condition of you, your family member, or a covered service member (but the County may request a medical certification of the serious health condition which must be provided within 30 days of the request); or
2. Other circumstances beyond your control (e.g., you are caring for an individual with a serious health condition that is not a covered family member or you are laid off during KCFML).

**Q27: May I work in a non-County job while on KCFML?**

A: No. Outside employment is not permitted while you are on KCFML. If you are able to work in some capacity, at the option of the County, you may be required to transfer temporarily to an available alternative position for which you are qualified.

**Q28: Can the County require me to return to work before my KCFML has been exhausted?**

A: Subject to certain limitations, the County may deny the continuation of KCFML if you fail to fulfill your obligation to provide supporting medical certification as required. Also, if your need for KCFML changes and your health care provider determines that you can return to work earlier than expected, you must inform your agency KCFML representative.

**Q29: Can I be laid off or otherwise separated from employment when using KCFML?**

A: The County is not required to reinstate employees who would have been laid off or otherwise had their employment terminated (e.g., employees who were hired for a specific term of employment) had they continued to work during the time period that KCFML was used. Also, there are situations when the County requires a medical certificate of fitness for duty to return to work – if you do not provide that, the County can deny your reinstatement until it is provided.

**Q30: What if my medical condition is permanent and I will not be able to return to work?**

A: If medical documentation indicates that, after 12 weeks of leave, you are unable to return to work on a permanent basis, you are not eligible for additional KCFML and may be medically separated from employment. Should that be the case, you will be informed of various potential resources which may be available to you, such as one year in the County's reassignment program and how to apply for long-term disability, disability under social security, and disability retirement.

**Q31: What happens to my KCFML records?**

A: Any documents related to your KCFML which include any kind of medical information (e.g., diagnosis and prescriptions) are confidential and kept separately from your personnel file in a private location. Information about your medical restrictions (e.g., unable to attend work for 3 weeks, unable to type for 2 months) will be provided to your supervisor so that your supervisor may manage work but your supervisor will not be provided your medical information.

The County is required to keep all KCFML-related records for 3 years.

**Q32: What if I have concerns that my family and medical leave rights have been violated?**

A: You have several avenues to elevate your concerns, including:

- It is highly recommended that you first discuss your concerns with your agency KCFML representative or Human Resources Service Delivery Manager.
- If you are not represented by a labor organization, you may file a grievance pursuant to Section 17 of the Personnel Guidelines which you may access at: <http://www.kingcounty.gov/employees/HumanResources/policies.aspx>
- If you are represented by a labor organization, you may contact your union representative who may provide you with information.
- You may file a complaint with the Washington State Department of Labor and Industries which may be contacted at: <http://www.lni.wa.gov>
- You may file a complaint with the United States Department of Labor's Wage and Hour Division which may be contacted at: [www.dol.gov/whd/america2.htm](http://www.dol.gov/whd/america2.htm)

As an employer, the County is prohibited from interfering, with, restraining, or denying the exercise of your family and medical leave rights. It is also prohibited from retaliating against you for filing a complaint, cooperating with the state or federal enforcement agencies, or bringing a private action to court.

**PART FIVE: CONCLUSION**

This policy is intended to summarize the FMLA and the WFLA, and to provide for the County's specific family and medical leave procedures and guidelines. This policy does not include all provisions of federal and state laws.

In the event that any provision of this Human Resources Bulletin conflicts with an applicable provision of a collective bargaining agreement or binding past practices thereunder, the latter shall prevail.

The effect of the provisions of this HR policy confers no new privilege, right of appeal, right of position, transfer, demotion, nor promotion for any King County employee. This HR policy does not constitute an express or implied contract. It provides general guidance that cannot form the basis of a private right of action.

**QUESTIONS/COMMENTS**

Refer all questions or comments to your agency KCFML representative, Human Resource Manager, or the Human Resources Division.