



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Motion 15446

**Proposed No.** 2019-0278.2

**Sponsors** Balducci, Upthegrove, McDermott,  
Kohl-Welles and Dunn

1           A MOTION relating to the organization of the council;  
2           amending Motion 10651, Section V, as amended, and OR  
3           2-030, Motion 10651, Section VII, as amended, and OR 3-  
4           030 and Motion 14725, Section II, as amended, and OR 3-  
5           035 and adding a new section to the organizational  
6           compilation.

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

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

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

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

15                 **Employment and administration committee.**

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

19                 **B. Duties.**

400 collective bargaining agreement, application of this motion may be subject to collective  
401 bargaining.  
402

Motion 15446 was introduced on 6/26/2019 and passed as amended by the Metropolitan King County Council on 7/10/2019, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci



KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

A handwritten signature in black ink, appearing to read "Rod Dembowski", written over a horizontal line.

Rod Dembowski, Chair

ATTEST:

A handwritten signature in black ink, appearing to read "Melani Pedroza", written over a horizontal line.

Melani Pedroza, Clerk of the Council

**Attachments:** A. King County Legislative Branch Organizational Chart

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

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

27           a. recommend to the council for adoption of administrative and personnel-  
28 related policies;

29           b. recommend to the council for adoption of changes to the organization chart  
30 established in OR 3-030.A.; ~~((and))~~

31           c. recommend to council classification specifications and compensation  
32 ranges; and

33           d. recommend to council job descriptions for all positions in the legislative  
34 branch.

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

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

42           ~~((b. The committee shall make hiring decisions for all other positions not noted~~

43 ~~in subsection B.3.a. of this section, based on the recommendation of the chief officer,~~  
44 ~~chief policy officer or independent agency officer, as appropriate, regarding the candidate~~  
45 ~~or candidates.~~

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

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

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

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

54 ~~e. The committee may extend an offer to any person who applied for a~~  
55 ~~legislative branch position in the six months before the chair of the committee's~~  
56 ~~authorization to begin a new recruitment without undertaking a full requirement process.~~  
57 ~~The committee may allow person meeting the criteria of this subsection to be added to~~  
58 ~~the pool of candidates to be considered for the new requirement, without requiring the~~  
59 ~~person to submit some or all of the applications materials for the new recruitment.~~

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

64 ~~4. Compensation and classification decisions. The committee, in consultation~~  
65 ~~with the responsible chief officer or independent agency officer, shall make decisions~~

66 regarding reclassification, promotion to a higher step within the same classification and  
67 range, or withholding of a step increase of a legislative branch employee.

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

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

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

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

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

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

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

89           8. ~~Performance evaluations.~~

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

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

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

98           9. ~~Discipline.~~

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

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

104           c. ~~Chief officers, directors and independent agency officers, for employees that~~  
105 ~~report to each respectively, shall, when appropriate, issue either written reprimands or~~  
106 ~~performance improvement plans, or both, regarding employee performance issues that~~  
107 ~~persist, following an oral or written statement of expectations or counseling. The council~~  
108 ~~chair shall, when appropriate, issue either written reprimands or performance~~  
109 ~~improvement plans, or both, regarding employee performance issues of a chief officer~~  
110 ~~and independent agency officer that persist, following an oral or written statement of~~  
111 ~~expectations or counseling. An employee who has received a written reprimand may,~~

112 ~~within five business days of receiving the written reprimand, request a hearing before the~~  
113 ~~committee to overturn or amend the written reprimand.~~

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

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

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

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

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

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

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

134 ~~f. If, in the determination of the applicable chief officer or independent agency~~

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

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

149 5. Discipline of chief officers and independent agency officers.

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

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

157 c. Following a suspension without pay of more than ten working days or



158 termination hearing decision, a chief officer or independent agency officer subject to the  
159 committee's suspension without pay or termination decision may, within five business  
160 days of being notified of the decision, appeal the decision to the council. An appeal is  
161 filed by delivering a notice of appeal to the clerk of the council.

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

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

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

172 ((10.)) 6. Motions for censure. The committee shall consider and make  
173 recommendations to the council on motions for censure related to alleged violations by a  
174 councilmember of any antiharassment or discrimination policy.

175 **C. Committee decisions.**

176 1. All committee decisions authorized by this section shall be contained in a  
177 written decision report.

178 2. All committee recommendations authorized by this section shall be contained  
179 in a written recommendation report and, if approved by the committee, shall be  
180 forwarded to the council for consideration on an employment and administration

181 committee consent agenda.

182           3. Upon the request of any member present before the council, any specific  
183 recommendation from the employment and administration committee shall be removed  
184 from the consent agenda and considered separately by the council before adoption of the  
185 employment and administration committee consent agenda.

186           4. The chair of the employment and administration committee shall issue notice  
187 to the affected employee upon final action of the committee or council.

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

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

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

198           1. "Administrative services staff" are those legislative branch employees  
199 assigned to communications, government relations, administration and clerk blocks in the  
200 organization chart, Attachment A to ~~((Motion 14819))~~ this motion.

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

202           3. "Directors" includes the clerk of the council, the communication director,  
203 ~~((the director of council initiatives,))~~ the director of government relations, the director of

204 municipal relations, the director of operations, the (~~(housing coordinator,~~) director of  
205 equity and social justice and the chief policy officer;

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

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

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

215 **Legislative branch organization.**

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

222 B. **Chief of staff.** There shall be a council chief of staff who reports to the chair,  
223 and shall be accountable and responsive to all councilmembers. The chief of staff is  
224 responsible for the efficient overall management and administration of the administrative  
225 and legislative services staff as they are defined in OR 2-030. All directors, as defined in  
226 OR 2-030, shall report to the chief of staff. The chief of staff is also responsible for

227 monitoring the independent agencies of the council. The chief of staff shall be the council's  
228 bargaining lead for all legislative branch bargaining units.

229       **C. Chief policy officer.** There shall be a chief policy officer who, as a director,  
230 reports to the chief of staff and shall be responsive to all councilmembers. As the chief  
231 policy officer is the direct report for the legislative services staff, the chief policy ((staff))  
232 officer is responsible for: the efficient overall management and administration of the  
233 legislative services staff; development and administration of analytic standards; committee  
234 lead and support assignments; and legislative and policy assignments for analysis.

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

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

247       **F. King County Flood Control District executive director.** The King County  
248 Flood Control District executive director shall report to the county councilmember who  
249 serves as the chair of the King County Flood Control District. The executive director

250 shall be accountable and responsive to all councilmembers who serve on the King County  
251 Flood Control District board of supervisors. The executive director is responsible for the  
252 efficient overall management and administration of the King County Flood Control  
253 District and the flood control district administration unit and its employees. The  
254 executive director is subject to the policies and procedures of the legislative branch.

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

257 **Duties and responsibilities of chief officers and independent agency officers.**

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

260 **A. Hiring.**

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

263 a. consult with the council chair and vice chairs before beginning recruitment  
264 of vacated or newly created positions and anticipated vacancies;

265 b. establish hiring processes for each vacancy and newly created position; and

266 c. if interviews of candidates are a part of the hiring process, chief officers

267 shall include at least two representatives from district staff in staff interview panels.

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

270 a. shall consult with the council chair and vice chairs about the hiring decision

271 before extending an offer of employment for director level positions as defined in section

272 OR 2-030.F.3. of this motion;

273           b. shall make hiring decisions for all positions that report to the respective  
274 chief officer or independent agency officer as they appear in the organization chart,  
275 Attachment A to this motion;

276           c. may extend an offer of employment to any person who applied for a  
277 legislative branch position in the prior six months for a current vacancy without  
278 undertaking a full recruitment process;

279           d. may appoint or extend the appointment of interns, and temporary or term  
280 limited employees for up to a total of the maximum period allowed by the King County  
281 code.

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

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

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

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

290           c. Legal staff assignments shall be made by the chief legal counsel or  
291 designee; and

292           d. Administration services staff assignments shall be made by the chief of  
293 staff or designee;

294           2. Reclassifications. Chief officers and independent agency directors shall  
295 make decision regarding reclassification, promotion to a higher step within the same

296 classification and ranger, or withholding of a step increase of a legislative branch  
297 employee;

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

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

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

314           **D. Employee discipline.** When administering employee discipline:

315           1. Chief officers, directors and independent agency officers shall provide oral  
316 and written expectations and counseling regarding employee performance issues as they  
317 may arise;

318           2. Chief officers, directors and independent agency officers, shall, when

319 appropriate for employees that report to each respectively, issue either written reprimands  
320 or performance improvement plans, or both, regarding employee performance issues that  
321 persist, following an oral or written statement of expectations or counseling;

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

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

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

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

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

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

339           9. A written disciplinary action may not be issued before review by legal  
340 counsel or the civil division of the office of the prosecuting attorney. For the purpose of  
341 this subsection D.9., "written disciplinary action" means written expectations and



342 counseling regarding employee performance issues, reprimands, performance  
343 improvement plans and decisions regarding suspension without pay or termination of an  
344 employee.

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

347 **King County Flood Control District administration.**

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

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

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

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

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

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

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

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

377           ~~((5-))~~ 6. Employees within the unit, other than the executive director, are subject  
378 to disciplinary actions as determined by the executive director. Before suspension or  
379 termination, the executive director shall notify the county councilmember who serves as  
380 the chair of the King County Flood Control District. An employee of the unit who has  
381 been either suspended without pay for two weeks or more or terminated may appeal the  
382 decision of the executive director to the council. The appeal must be filed within ten  
383 calendar days of written notice of the suspension or termination being sent to the  
384 employee. An appeal is filed by delivering a notice of appeal to the clerk of the council;

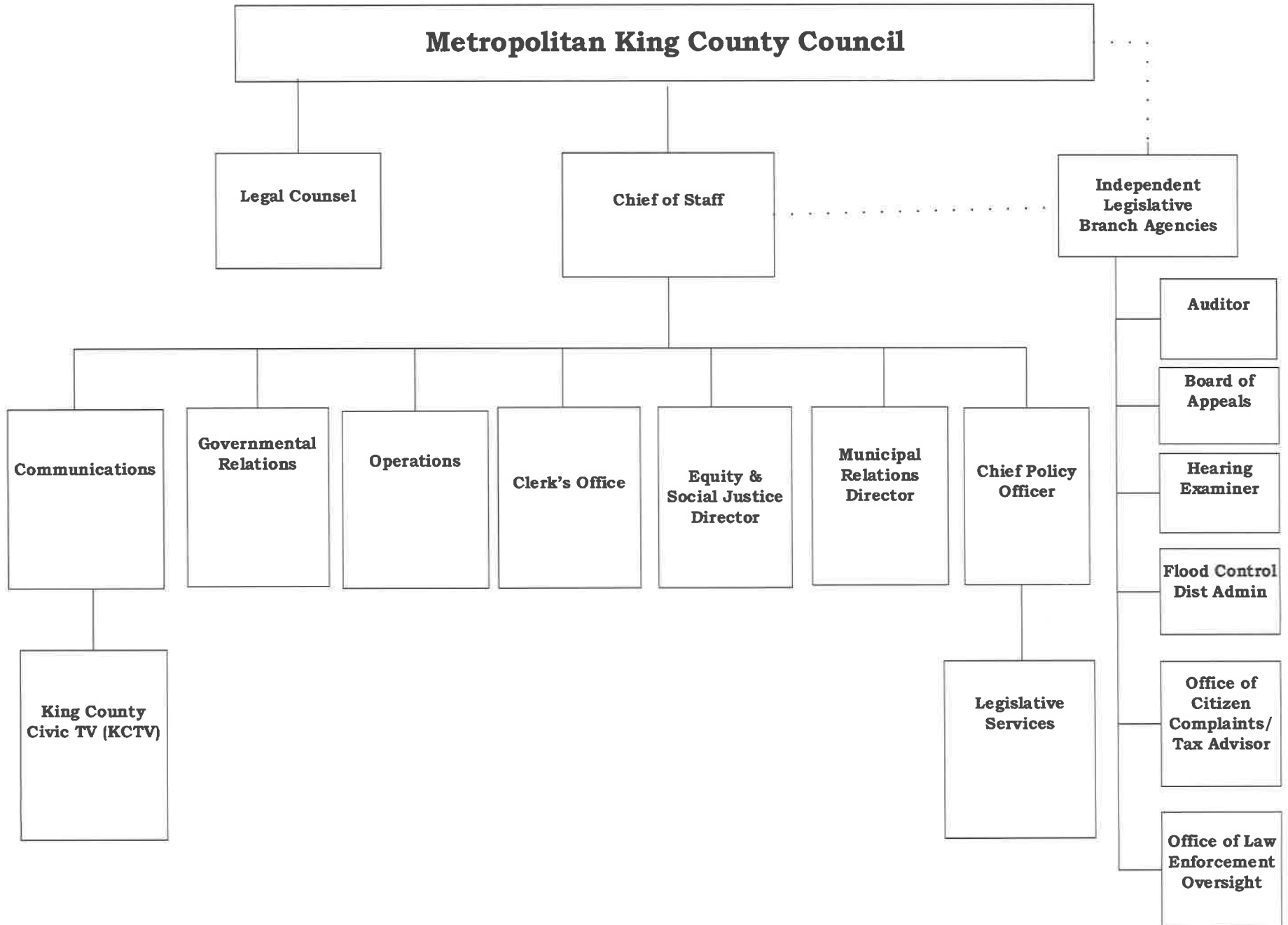
385           ~~((6-))~~ 7. The executive director is subject to disciplinary actions as determined by  
386 the executive committee. The executive director, if either suspended without pay for two  
387 weeks or more or terminated, may appeal the decision to the council. The appeal must be

388 filed within ten calendar days of written notice of the suspension or termination being  
389 sent to the employee. An appeal is filed by delivering a notice of appeal to the clerk of  
390 the council;

391           ~~((7.))~~ 8. In common with all county employees and officials and elected  
392 officials, employees of the unit shall comply with the King County code of ethics, K.C.C.  
393 chapter 3.04. All employees shall familiarize themselves with the code of ethics, and in  
394 the event they identify any issue of possible concern they shall promptly seek advice  
395 from their supervisor, the chief of staff or council's chief legal counsel, or shall seek an  
396 advisory opinion from the board of ethics; and

397           ~~((8.))~~ 9. The chief of staff shall be a resource for the employees of the unit and  
398 responsible for implementing and carrying out OR 3-110.

399           **V. Collective bargaining application.** For those employees subject to a



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