

8/23/90
Civil Rights
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ORDINANCE NO. 2647

AN ORDINANCE creating an Affirmative Action Committee; detailing its composition and functions; amending Ordinance 422, Section 4 and KCC 3.12.030; amending Ordinance 422, Section 6, and KCC 3.12.050; proposing a new chapter to Title 3, KCC.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 422, Section 2, and KCC 3.12.030 are hereby amended as follows:

Employees covered.

(a) This chapter shall apply to all county employees except those exempted from career service as in Article 5, Section 550, of the County Charter.

(b) Additionally, KCC 3.12.060, Employee benefits, shall apply to all county employees except elected officials and Section 3.12.070, Salary schedule, shall apply to all county employees except legislative branch personnel and elected officials.

(c) Additionally, Section 3.12.050(g), shall apply to all county employees except elected officials.

SECTION 2. Ordinance 422, Section 6, and KCC 3.12.050:

Conditions of employment.

(a) GENERAL CONDITIONS OF EMPLOYMENT.

(1) All employees shall hold their positions subject to the rules and regulations established by the county council and as provided by the King County Charter.

(2) No regular employee of the county shall engage in any occupation or outside activity which is incompatible with his employment by the county. All employees are referred to Chapter 3.04 for conflict of interest provisions.

(3) The employment of members of the same family or other close relatives shall not be limited except where required by business or job related necessity. "Same family or close relatives" means: mother, father, son, daughter, brother, sister, husband,

1 wife, aunt, uncle, niece, nephew, grandfather, grandmother,
2 grandson, granddaughter, and in-laws. For purposes of this
3 section "business or job related necessity" includes those
4 circumstances where an employer's actions are based upon a
5 compelling and essential need to avoid business or job related
6 conflicts of interest, or to avoid the reality or appearance of
7 improper influence or favor.

8 (4) Nothing in Section 3.12.050(a)(3) shall be construed to
9 prevent or impede the advancement or promotion of any person
10 employed by the county on the effective date of the ordinance
11 codified in this chapter on the same basis as any other employee
12 employed by the county on the effective date of the ordinance
13 codified in this chapter.

14 (b) APPOINTMENT AUTHORITY. All appointments shall be made
15 in accordance with the provisions of Section 340 of the Charter.

16 (c) PROBATIONARY PERIOD.

17 (1) There shall be a probationary period in which time the
18 employee will be evaluated to determine whether or not he can
19 become a member of permanent employment in the career service.
20 The probationary period shall be established by the
21 administrative procedures manual of the career services.

22 This probationary period shall be served by those employees
23 who are newly hired, reemployed persons, transferred employees
24 and employees that have been promoted or demoted.

25 (2) A probationary employee may be separated from the
26 service at any time during the probation period without right of
27 appeal or hearing. Notwithstanding any other provisions of this
28 section, an employee rejected during this probation period from a
29 position to which he had been promoted or transferred, may be
30 restored to his former position. Such restoration is not
31 mandatory, but is optional at the discretion of the former
32 department head, within the limits of available authorized
33 positions. Such restoration includes restoration of the

1 employee's former salary, merit increase eligibility date, and
2 all other benefits to which he would have been entitled if the
3 promotion or transfer had not occurred. If restoration to the
4 former position is not feasible, the employee is entitled to a
5 career service position which has a comparable salary or wage
6 within county government.

7 (d) WORK CONDITIONS.

8 (1) GENERAL. Nothing contained in this chapter shall
9 prevent, relieve or otherwise excuse any county officer or
10 employee from the performance of any duty imposed upon him by law
11 or ordinance of this county, or from the rendering of service at
12 such times and places as are necessary in order to properly
13 perform the functions of his office or employment.

14 (2) WORK WEEK. Except as may be otherwise provided, the
15 official work week shall be five working days.

16 (3) WORK DAY. Except as may be otherwise provided by the
17 county council, eight hours of work shall constitute a day's
18 work for all regular and probationary full-time employees. The
19 lunch period shall not be considered part of the eight hours of
20 work.

21 (4) FAIR LABOR STANDARDS ACT. The county shall be governed
22 by the provisions of the Federal Fair Labor Standards Act.

23 (5) OVERTIME.

24 (A) Overtime is recognized as work performed beyond a
25 normal work day or work week. Overtime work shall be compensated
26 as may be hereinafter provided for in appropriate ordinances or
27 personnel rules.

28 (B) Overtime accrued by employees who are required to work
29 on a paid holiday, in order that vital county services may be
30 maintained, shall be paid at the rate of one and one-half the
31 regular rate in addition to the holiday pay normally due. An
32 exception being those departments which normally work holidays in
33 which case compensatory time off will be granted.

1 (C) Off-duty time spent as a witness in court in connection
2 with regular duties as a county employee shall be considered
3 overtime.

4 (D) Overtime shall not be compensated unless it has been
5 specifically ordered or authorized in writing, except in
6 emergencies, by the department head or his deputy.

7 (E) Any employee separating from the county service shall
8 be paid for accumulated overtime at the time of such separation.

9 (F) Time worked as overtime shall not be used to earn
10 employee benefits or to serve out probation or merit increase
11 periods. Compensatory time off may be used as part of the
12 established work week to earn employee benefits and to serve out
13 probation and merit increase periods.

14 (G) Regular part-time employees required to work in excess
15 of a regular work schedule during any week to cover seasonal peak
16 work loads, emergency extra work loads of limited duration,
17 necessary vacation relief and other similar situations, shall not
18 be paid overtime. Regular part-time employees become eligible
19 for overtime pay upon completion of a regular work day or work
20 week.

21 (H) Employees in extra help positions are not considered to
22 have a regular work schedule but shall be paid overtime pursuant
23 to Section 3.12.050(d)(5)(A).

24 (I) No department head may employ a person from outside the
25 department as a substitute for an employee who is on compensatory
26 time off. No department head shall assign an employee within the
27 department as a substitute for another employee who is on
28 compensatory time off, where such employee assigned receives an
29 increase in pay, as a result of such assignment.

30 (6) CALL DUTY. The county recognizes that there is an
31 occasional need for an employee to return to work outside his
32 normal work day. This circumstance shall be covered with
33 appropriate personnel rules.

1 (e) ON THE JOB INJURY. The county recognizes a
2 responsibility for action regarding on the job injuries. This
3 circumstance shall be covered by appropriate personnel rules.

4 (f) DISCIPLINE, SEPARATIONS AND APPEALS. Discipline is the
5 responsibility of management. Disciplinary action guidelines and
6 procedure for appeals will be established through the adoption of
7 personnel rules. Notice of appeal shall be filed with the King
8 County personnel office within fourteen calendar days of the
9 employee's being notified of any action deemed appropriate for
10 hearing by the personnel board. At the time of disciplinary
11 action, the employee shall be notified in writing of his right to
12 appeal and the applicable time limit.

13 (g) EQUAL EMPLOYMENT OPPORTUNITY. (~~(Race, religion, creed,~~
14 ~~sex and national origin may not be considered as a factor of~~
15 ~~employment or discharge. King County is an equal opportunity~~
16 ~~employer.)) King County is an equal employment opportunity
17 employer, as defined in the provisions of RCW 49.60, as amended.~~

18 (h) RESTORATION RIGHTS. Any career service employee that
19 accepts a transfer or promotion to exempt service shall be
20 assured re-entry to career service in a position with a
21 comparable salary or wage, if the employee desires to return to
22 the career service.

23 SECTION 3. Creation. There is hereby created a King County
24 Affirmative Action Committee, hereinafter referred to as the
25 Committee.

26 SECTION 4. Composition. The Committee shall be composed of
27 seven individuals, four of whom shall be appointed by the County
28 Executive and confirmed by the County Council. At a minimum, one
29 of the four appointed members shall be a non-King County employee.
30 At a minimum, two of the four appointed members shall be
31 minorities. The remaining three members, one of whom shall be
32 designated as chairperson by the executive, shall be a
33 Councilmember, appointed by the Council, the Deputy County

1 Executive, and the manager of the Personnel Division.

2 SECTION 5. Purpose. The Committee shall serve in an
3 advisory capacity to the County Executive on matters concerning
4 equal employment opportunity to ensure the consistent
5 application of all county ordinances, rules and regulations
6 concerning equal employment. The functions of the Committee
7 shall include, but not be limited to, the following:

8 (a) Review the Affirmative Action Plan and make
9 recommendations concerning its adoption and subsequent amendment
10 to the County Executive;

11 (b) Draft amendments to the Administrative Procedures and
12 Rules for the Career Service to reflect the objectives of the
13 equal employment opportunity ordinances, rules and regulations of
14 King County;

15 (c) Review the progress of all county departments under the
16 terms of the approved Affirmative Action Plan;

17 (d) Receive and review all written equal employment
18 opportunity grievances filed with the Committee.

19 SECTION 6. Grievance Procedure.

20 (a) Any applicant for county employment or any career or
21 non-career service employee deeming himself/herself denied the
22 protection of King County's equal employment opportunity
23 ordinances, rules or regulations may submit a written grievance
24 to the Committee outlining the specific nature and circumstances
25 of the alleged violation.

26 (b) The Committee shall review all properly submitted
27 grievances in accordance with such rules and regulations as are
28 adopted by the Committee. Committee review shall include a
29 recommendation on the merit of each grievance which shall be
30 forwarded to the County Executive for his consideration.

31 (c) In conducting its review the Committee may hold an
32 informal hearing on the grievance. If the Committee determines
33 that an informal hearing is appropriate, an impartial hearing

1 examiner may conduct said hearing on behalf of the Committee
2 forwarding his/her findings and recommendation to the Committee
3 for their approval.

4 (d) In the case of grievances from career service employees,
5 the findings of the Committee shall be considered by the
6 Personnel Board in hearing the equal employment opportunity
7 grievance, together with all other relevant material.

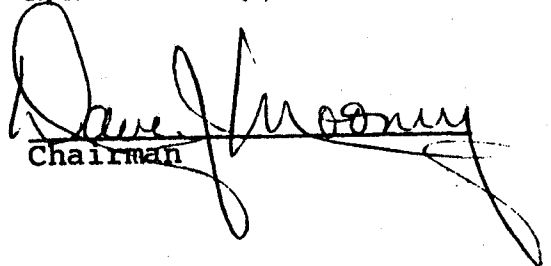
8 SECTION 7. Committee Rules. The Committee is empowered to
9 adopt such procedures as deemed necessary to ensure its proper
10 functioning and to handle all grievances.

11 SECTION 8. Staff. The equal employment officer of the
12 Division of Personnel will serve as staff to the Committee.

13 INTRODUCED AND READ for the first time this 29th day of
14 December, 1975.

15 PASSED this 15th day of March, 1976.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

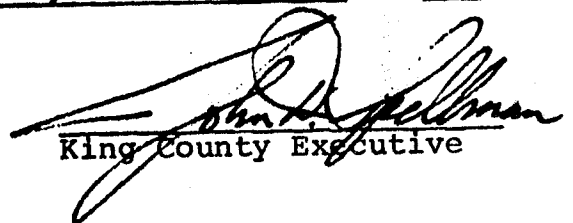

Chairman

ATTEST:



Clerk of the Council

24 APPROVED this 16th day of March, 1976


King County Executive