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ORDINANCE NO. 4324

AN ORDINANCE implementing the personnel system mandated by Article 5 of the County Charter; declaring the standards and policies of the King County Council relating to the personnel system; establishing provisions for administration of the personnel system, conditions of employment, employee benefits, employee salaries and administrative guidelines to carry out the standards and policies of this ordinance and repealing Ordinances 422, 650, 681, 748, 1436, 1618, 1976, 2569, 2647, 2894, 3234, 3337, and KCC 3.12.010 through 3.12.100.

Section 1+2
of 2647 only,
were repealed

PREAMBLE:

This ordinance implements Sections 510 and 520 of the Charter by creating a personnel system for the county and by establishing personnel rules for administration of the personnel system. Policies and standards contained in this ordinance constitute the personnel rules of the county and are designed to assure development of a county career service; recruitment, selection, promotion and retention of career service employees on the basis of merit and demonstrated ability; and compensation and personnel practices which will keep the county system competitive.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinances 422, 650, 681, 748, 1436, 1618, 1976, 2569, 2647, ²2894, 3234, 3337, and KCC 3.12.010 through 3.12.100 are hereby repealed.

SECTION 2. DEFINITIONS--A THROUGH M.

1. ADMINISTRATIVE GUIDELINES shall mean only those operational procedures promulgated by the manager necessary to implement personnel policies or requirements previously stipulated by ordinance or the Charter.

2. APPOINTING AUTHORITY shall mean the County Council, County Executive, department heads, or division managers having lawful authority to appoint or to remove persons from positions in the county service, or persons designated by such appointing authority to perform those duties which legally may be delegated.

1 3. BASIS OF MERIT shall mean the value, excellence or
2 superior quality of an individual's work performance, as
3 determined by a structured process comparing the employee's
4 performance against defined standards and, where possible, the
5 performance of other employees of the same or similar class.

6 4. BOARD means the King County Personnel Board established
7 by Section 540 of the Charter.

8 5. CAREER SERVICE EMPLOYEE shall mean a county employee
9 employed in a career service position.

10 6. CAREER SERVICE POSITION shall mean all positions in the
11 county service except for those which are designated by Section
12 550 of the Charter as follows: All elected officers; the
13 county auditor, the clerk and all other employees of the county
14 council; the county administrative officer; the chief officer of
15 each executive department and administrative office; the members
16 of all boards and commissions; administrative assistants for the
17 county executive and one administrative assistant each for the
18 county administrative officer, the county auditor, the county
19 assessor, the chief officer of each executive department and
20 administrative office and for each board and commission; a chief
21 deputy for the county assessor; one confidential secretary each
22 for the county executive, the chief officer of each executive
23 department and administrative office, and for each administrative
24 assistant specified herein; all employees of those officers who
25 are exempted from the provisions of this charter by the state
26 constitution; persons employed in a professional or scientific
27 capacity to conduct a special inquiry, investigation or
28 examination; part-time and temporary employees; administrative
29 interns; election precinct officials; all persons serving the
30 county without compensation; physicians; surgeons; dentists;

1 medical interns; and student nurses and inmates employed by
2 county hospitals, tuberculosis sanitariums and health departments
3 of the county.

4 A departmental division as determined by the county council
5 shall be considered to be executive departments for the purpose
6 of determining the applicability of Section 550 of the Charter;
7 therefore, the chief officer of each departmental division, one
8 administrative assistant each for the chief officer, and one
9 confidential secretary each for the chief officer shall not be
10 career service positions.

11 7. CHARTER shall mean the King County Charter, as amended.

12 8. CLASS shall mean a position or group of positions,
13 established under authority of this ordinance, sufficiently
14 similar in respect to the duties, responsibilities and authority
15 thereof, that the same descriptive title may be used to designate
16 each position allocated to the class; that essentially similar
17 requirements as to education, experience, ability and other
18 qualifications should be required of the incumbents; that
19 similar tests of fitness may be used to choose qualified
20 employees; and that similar schedules of compensation can be
21 made to apply with equity.

22 9. COMPENSATORY TIME shall mean time off granted with pay
23 in lieu of pay for work performed either on an authorized
24 overtime basis or work performed on a holiday which is normally
25 scheduled as a day off. Such compensatory time shall be granted
26 on the basis of time and one-half.

27 10. COUNCIL shall mean the King County Council as
28 established by Article 2 of the Charter.

29 11. COUNTY shall mean the County of King and any other
30 organization that is legally governed by the county with respect
31 to personnel matters.

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1 12. EMPLOYEE shall mean any person who is employed in a
2 career service position or exempt position. Employees may serve
3 in a regular full-time, regular part-time, or extra-help status.

4 13. EXECUTIVE shall mean the King County Executive, as
5 established by Article 3 of the Charter, or his designee.

6 14. EXEMPT EMPLOYEE shall mean an employee employed in an
7 exempt position. Exempt employees serve at the pleasure of the
8 appointing authority.

9 15. EXEMPT POSITION shall mean any position not included in
10 the career service. Exempt positions are positions to which
11 appointment may be made directly.

12 16. EXTRA-HELP EMPLOYEE shall mean an employee employed in
13 an extra-help position.

14 17. EXTRA-HELP POSITION shall mean a position intended to
15 be occupied on less than a year-round basis (maximum duration of
16 four consecutive months unless specifically extended by the
17 manager for an additional thirty days with less than ninety hours
18 in the fifth month) to cover seasonal peak work loads, emergency
19 work loads of limited duration, necessary vacation relief and
20 other situations involving fluctuating staff.

21 18. GRIEVANCE shall mean an issue raised by one employee
22 relating to the interpretation of rights, benefits, or condition
23 of employment as contained in the Administrative Rules and/or
24 Procedures for the career service.

25 19. MANAGER shall mean the Manager of the Personnel
26 Division of King County or his designee.

27 SECTION 3. DEFINITIONS--N THROUGH Z.

28 1. POSITION shall mean a group of current duties and
29 responsibilities assigned by competent authority requiring the
30 employment of one person.

31 2. PROBATIONARY EMPLOYEE shall mean a potential career
32 service employee who is serving a probationary period.

33 3. PROBATIONARY PERIOD shall mean a period of time

1 constituting the final step in the competitive screening process
2 for career service. An appointment to the career service as a
3 regular employee is not final unless the employee successfully
4 completes this period.

5 4. PROVISIONAL APPOINTMENT shall mean an appointment made
6 in the absence of a list of candidates certified as qualified by
7 the manager. Only the manager may authorize a provisional
8 appointment. An appointment to this status is limited to thirty
9 days after the manager certifies qualified candidates, or a
10 maximum of six months, whichever occurs sooner.

11 5. PROVISIONAL EMPLOYEE shall mean an employee holding a
12 position under provisional appointment.

13 6. RECRUITING STEP shall mean the first step of the salary
14 range allocated to a class unless otherwise authorized by the
15 Executive.

16 7. REGULAR EMPLOYEE shall mean an employee who is not on
17 probation and is employed in either a regular full-time or
18 regular part-time position.

19 8. REGULAR FULL-TIME POSITION shall mean a position
20 established on a permanent year-round basis requiring work on a
21 regular schedule of not less than thirty-five hours per week.

22 9. REGULAR PART-TIME POSITION means a position established
23 on a permanent year-round basis requiring work on a regular
24 schedule of less than thirty-five hours per week.

25 SECTION 4. EMPLOYER-EMPLOYEE RELATIONS. Employer-employee
26 relations shall be maintained and conducted in a manner which
27 will assure the rights of employees, through, or independent of,
28 their organizations, to communicate their desires to the agencies
29 and officers of county government, and at the same time, to
30 insure the orderly process of governmental operations.

1 SECTION 5. EQUALITY OF COUNTY EMPLOYMENT.

2 A. The county is an equal opportunity employer and shall
3 carry out federal, state and local laws and regulations
4 prohibiting discrimination in employment on the basis of race,
5 color, creed, religion, national origin, age, sex, marital status
6 or the presence of a sensory or physical handicap (not
7 constituting a bona fide occupational qualification). Further,
8 it is the intent of the county to insure that employment is based
9 on the principle of equal opportunity and that such principle
10 shall be implemented in all county personnel-related actions
11 including, but not limited to, recruitment, hiring, testing,
12 training, promotion, compensation, transfer and all other terms
13 and conditions of employment in all job classification.

14 B. It is the policy of the county that, until the effects
15 of inequality in employment opportunity are eliminated, all
16 county departments shall establish and maintain an effective
17 affirmative action plan of employment, as adopted by the council
18 by ordinance. Such affirmative action plan shall promote the
19 objectives of public policy set forth in applicable federal and
20 state law, including constitutions, statutes, regulations, and
21 executive orders, relating to nondiscrimination, equal employment
22 opportunity, affirmative action, and civil rights. Specifically,
23 the plan shall promote the objectives of the State Law Against
24 Discrimination, RCW title 49 (applicable parts), and provisions
25 of the Washington Administrative Code adopted thereunder. As
26 part of the county's affirmative action plan, the executive shall
27 submit by March 1, of each year corrective employment programs
28 pertaining to the appropriate county departments and agencies to
29 be approved by the council by ordinance; provided that, where
30 applicable, corrective employment programs shall include
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1 performance results of the prior year's corrective employment
2 program.

3 SECTION 6. EFFECT OF COLLECTIVE BARGAINING. When a
4 collective bargaining agreement establishes a condition of
5 employment, benefit or procedure which conflicts with a
6 condition, benefit or procedure established by this ordinance,
7 the collective bargaining agreement shall take precedence with
8 respect to those employees covered by the agreement, so long as
9 the following conditions are met: (1) the condition of
10 employment, benefit or procedure created by the agreement is
11 lawful; (2) the agreement has been adopted by the council by
12 ordinance. Adoption of the agreement by ordinance shall be
13 deemed an amendment of this ordinance only with respect to the
14 effected employees and subject condition, benefit or procedure.

15 SECTION 7. CLASSES OF EMPLOYEES. County employees shall
16 either be members of the career service or be exempt from the
17 career service. All employees shall serve in a regular
18 full-time, regular part-time or extra-help status. Potential
19 career service employees shall serve a probationary period.

20 SECTION 8. CAREER SERVICE SYSTEM. All career service
21 employees shall be members of the county career service mandated
22 by Section 510 of the Charter. The recruitment, selection and
23 promotion of such employees shall be competitive and shall be
24 based on merit and demonstrated ability. Career service
25 employees shall have such rights, working conditions and benefits
26 as are specified by this ordinance.

27 SECTION 9. TENURE. The tenure of each employee shall be
28 subject to the rendering of efficient service. Career service
29 employees may be removed only for cause, as specified by this
30 ordinance; provided, that such cause need not be demonstrated
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1 where an employee is retired or is laid off in accordance with
2 the provisions of this ordinance. Exempt employees serve at the
3 pleasure of the appointing authority. Nothing in this section
4 shall derogate from the county's power to abolish positions and
5 lay off employees because of lack of work, lack of funds, or
6 considerations of efficiency.

7 SECTION 10. RESPONSIBILITY FOR ADMINISTRATION. The
8 executive shall be responsible for the administration of the
9 county personnel system in accordance with the policies and
10 standards established by this ordinance, which shall constitute
11 the personnel rules of the county. The manager as the
12 executive's designee shall be responsible to administer the
13 personnel system and directly-related affairs of the county to
14 include collective bargaining; provided that, such a role will
15 not infringe on the authority of the county administrative
16 officer to exercise supervisory authority on those matters not
17 directly relating to the formal administration of the county's
18 personnel system; provided further that, the equal employment
19 officer and program, to include the affirmative action program,
20 shall be directly responsible to the county administrative
21 officer in all applicable affairs in which there has not been a
22 formally defined relationship, by virtue of council action or
23 administrative guideline, between said office and the manager.

24 SECTION 11. ADMINISTRATIVE GUIDELINES.

25 A. The manager is directed to promulgate administrative
26 guidelines for the purpose of implementing the directives,
27 policies and standards contained in this ordinance and in
28 Article 5 of the Charter. Such administrative guidelines shall
29 be subject to approval by the executive.
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1 B. The administrative guidelines shall include, but not be
2 limited to, the following subjects:

- 3 (1) Purpose, Objectives and Intent;
- 4 (2) Definitions;
- 5 (3) Pre-employment administration;
- 6 (a) Role of the manager and personnel division
- 7 (b) Recruitment procedures
- 8 (c) Application procedures
- 9 (d) Examinations
- 10 (e) Employment lists
- 11 (f) Certification
- 12 (g) Appointment
- 13 (h) Equal employment opportunity, process requirements
- 14 (4) Post-employment administration;
- 15 (a) Role of personnel division and appointing authority
- 16 (b) Probationary periods
- 17 (c) Classification system
- 18 (d) Employee performance evaluation
- 19 (e) Disciplinary procedures
- 20 (f) Separation, including reductions in force
- 21 (g) Employee relations
- 22 (h) Equal employment opportunity, process requirements
- 23 (5) Grievance and appeals procedures
- 24 (a) Role of division and department, including relationship
25 and processes of the equal employment program
- 26 (b) Role of manager
- 27 (c) Grievance procedures
- 28 (d) Appeals procedures
- 29 (e) Role of board
- 30 (6) Conditions of employment
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1 (7) Employee benefits

2 (8) Procedures for leaves of absence

3 (9) Procedures for salary and administration

4 SECTION 12. CLASSIFICATION OF POSITIONS.

5 A. The manager shall develop and maintain a classification
6 plan for all positions within the career service which shall
7 provide that:

8 (1) all positions which are substantially similar and
9 comparable as to kind, difficulty, and responsibility of work are
10 included in the same class;

11 (2) similar means of recruitment and appropriate
12 examination methods are used in filling positions within a class;
13 and

14 (3) similar schedules of pay are applied with equity to
15 all positions within a class.

16 B. The classification plan shall set forth for each career
17 service class a title, definition, distinguishing
18 characteristics, representative examples of work, knowledge,
19 abilities, qualifications, and special requirements that are
20 necessary for satisfactory performance in the class.

21 C. The manager shall periodically review the classification
22 plan, and may add, combine, abolish, or revise the
23 specifications or establish new classes.

24 D. Whenever reorganization, change in job content or
25 council action causes the duties of a position to change, or such
26 position appears to have been incorrectly classified, the manager
27 shall, at the request of the appointing authority or a regular
28 full-time employee, investigate the duties of the position in
29 question. After conferring with the appointing authority and
30 employee involved and reviewing recommendations and suggestions,
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1 the manager may reclassify the position to a class deemed more
2 appropriate by the manager.

3 SECTION 13. SELECTION PROCEDURE.

4 A. The manager shall establish examination selection
5 procedures for filling existing and anticipated vacant positions
6 in the career service. Examinations may be open or promotional,
7 depending upon which will best serve the interests of the county.

8 B. All examinations for career service positions shall be
9 competitive. Examinations may consists of:

- 10 (1) Written examination;
11 (2) Oral appraisal;
12 (3) Evaluation of education and experience;
13 (4) Performance of tasks required.

14 SECTION 14. APPOINTING AUTHORITIES. Appointment of county
15 employees within the executive branch shall be accomplished by
16 the executive, department directors and division managers. In
17 all cases, the appointing authority shall have the power to
18 remove. The appointing authority shall be responsible for the
19 merit evaluation of all employees under that authority.

20 SECTION 15. PROBATIONARY PERIOD.

21 A. There shall be a probationary period during which time a
22 potential career service employee shall be evaluated by the
23 appointing authority to determine qualification for entry into
24 the career service. The probationary period shall be not less
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1 than six months or more than one year, and shall be served by
2 those employees who are newly-hired, re-employed persons,
3 transferred employees, and employees who have been promoted or
4 demoted.

5 B. A probationary employee may be separated from county
6 service at any time during the probation period without right of
7 appeal to the board. Notwithstanding any other provisions of
8 this section, an employee rejected during the probationary
9 period from a position to which he or she had been promoted or
10 transferred may be restored to his or her former position. Such
11 restoration is not mandatory, but is optional at the discretion
12 of the former appointing authority within the limits of available
13 authorized positions. Such restoration shall include
14 restoration of the employee's former salary and all other
15 benefits to which he or she would have been entitled if the
16 promotion or transfer had not occurred.

17 SECTION 16. REDUCTIONS IN FORCE. In the event of a
18 reduction in force due to lack of work, lack of funds or
19 considerations of efficiency, layoffs shall be conducted by
20 department or division. The order of layoff shall be conducted
21 by class on the basis of merit. Where two or more employees
22 within a class are of equal merit, county seniority shall
23 determine the order of layoff as between those employees. Where
24 there is an applicable collective bargaining agreement, the order
25 of layoff shall be determined by the collective bargaining
26 agreement. In lieu of laying off an employee, the manager may
27 reassign such employee to a comparable, vacant position, when the
28 manager determines such reassignment to be in the best interests
29 of the county.
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1 SECTION 17. GRIEVANCE PROCEDURES.

2 A. The county recognizes the importance and desirability of
3 settling grievances of career service employees promptly and
4 fairly in the interest of continued good employee relations and
5 morale. To accomplish this, every effort will be made to settle
6 grievances at the lowest possible level of supervision.

7 B. Employees shall be unimpeded and free from restraint,
8 interference, coercion, discrimination or reprisal in seeking
9 adjudication of their grievances.

10 C. Appropriate grievance procedures designed to accomplish
11 the intent of this section shall be developed and incorporated
12 by the manager into the administrative guidelines authorized by
13 this ordinance. Such grievance procedures shall apply to career
14 service employees only.

15 SECTION 18. DISCIPLINARY ACTION.

16 A. An employee may be disciplined by the appointing
17 authority for any of the following causes, or for any other
18 justifiable cause;

19 (1) Dishonesty (including but not limited to dishonesty in
20 securing appointment;

21 (2) Incompetency;

22 (3) Inefficiency;

23 (4) Unauthorized absence (including patterns of continual
24 tardiness);

25 (5) Neglect of duty;

26 (6) Insubordination;

27 (7) Consumption of alcoholic beverages or use of illegal
28 drugs while on duty during the workday;

29 (8) Conviction of or being charged with a crime;

30 (9) Disorderly conduct while on duty;

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1 (10) Negligent, reckless or knowing damage to or waste of
2 public property;

3 (11) Violation of any of the provisions of applicable
4 federal or state law relating to political activities;

5 (12) Negligent, reckless or knowing violation of any of the
6 provisions of the administrative guidelines;

7 (13) Violation of any lawful order, directive, or policy of
8 a superior, including but not limited to the executive,
9 department directors and division managers, or a violation of the
10 employee code of ethics, King County Code chapter 3.04.

11 B. Disciplinary action shall be the primary responsibility
12 of the appointing authority and may include but is not limited to
13 reduction in rank or pay, suspension without pay, and/or removal
14 of the employee from county employment. The appointing
15 authority shall consult with the manager prior to the imposition
16 and processing of any disciplinary action.

17 C. In any disciplinary action against a career service
18 employee, pertinent information shall be reduced to written form
19 by the appointing authority and a copy provided to the employee
20 and to the manager. Such written notice shall state the
21 following:

22 (1) The cause for discipline;

23 (2) The specific reasons and/or facts supporting the cause;

24 (3) The form of discipline to be imposed;

25 (4) The effective date of the discipline

26 (5) The right of the career service employee to appeal
27 disciplinary action resulting in (1) a suspension of more than
28 sixty days, (2) reduction in rank or pay, or (3) removal, to the
29 board within thirty calendar days of the action. Such
30 disciplinary action does not include any of the foregoing
31 actions;

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1 (6) The right of the career service employee to appeal any
2 disciplinary action to appropriate authorities through the
3 initiation of grievance procedures, as authorized by this
4 ordinance.

5 (7) The career service employee's right to seek assistance
6 for resolution of any problems that may exist, as provided for
7 in the administrative guidelines.

8 D. Written notice of the discipline shall be filed with the
9 manager and a copy shall be delivered personally to the career
10 service employee or mailed to the employee's last known address
11 by certified mail, return receipt requested. An employee shall
12 be deemed notified of the disciplinary action upon the happening
13 of either of the two aforementioned events.

14 SECTION 19. PERSONNEL BOARD APPEALS. In the case of an
15 appeal by a career service employee to the board, written notice
16 of appeal shall be filed by the employee with the chairman of the
17 board and the manager within fourteen calendar days of the
18 employee having been notified of the disciplinary action as
19 provided for by this ordinance. For appeals not involving
20 disciplinary action, the applicable period shall be fourteen days
21 from the action from which the appeal is taken, or fourteen days
22 from the time the employee should reasonably have known of the
23 action, whichever is longer. The written notice of appeal shall
24 contain a statement of the following: (1) the action or alleged
25 action from which the appeal is taken; (2) the grounds for
26 appeal; (3) the relief requested. The board may only hear
27 appeals which are within its jurisdiction, as set forth by
28 Section 540 of the Charter.

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1 SECTION 20. ASSUMPTION OF FUNCTIONS AND PERSONNEL OF
2 ANOTHER GOVERNMENTAL ENTITY. If the functions of another
3 governmental entity are assumed by the county, and if former
4 employees of that entity become county employees, then the
5 manager shall determine whether such employees will be members of
6 or exempt from the career service. In making this determination,
7 the manager shall apply the standards contained in Section 550 of
8 the Charter. The status of each employee shall be equivalent to
9 that which the employee would have had, had he or she been a
10 county employee during the term of the former employment. If the
11 former salary of an employee was higher than that established for
12 the equivalent class in the career service, the salary of such
13 employee shall be frozen until such time as it is equaled or
14 exceeded by the salary for that class. Nothing in this section
15 shall derogate from the county's power to eliminate positions and
16 lay off employees because of lack of work, lack of funds or
17 considerations of operational efficiency.

18 SECTION 21. GENERAL CONDITIONS.

19 A. All county employees shall hold their position subject
20 to the conditions stated in the Charter, this ordinance and the
21 administrative guidelines.

22 B. No county employee may engage in any occupation or
23 outside activity which is incompatible with the proper discharge
24 of official county duties or which would impair independence of
25 judgment or action in the performance of such official duties.
26 All employees are specifically referred to the employee code of
27 ethics, King County Code chapter 3.04.

28 C. The employment of members of the same family or other
29 close relatives of county employees shall not be limited except
30 where required by business or job-related necessity. For
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1 purposes of this section "same family or close relatives" shall
2 mean the mother, father, son, daughter, brother, sister, husband,
3 wife, aunt, uncle, niece, nephew, grandfather, grandmother,
4 grandson, granddaughter, and in-laws of a county employee. For
5 purposes of this section, "business or job-related necessity"
6 shall include those circumstances where an employer's actions are
7 based upon a compelling and essential need to avoid business or
8 job-related conflicts of interest, or to avoid the reality or
9 appearance of improper influence or favor. Nothing in this
10 subsection shall be construed to prevent or impede the
11 advancement or promotion of any person employed by the county
12 prior to the effective date of this ordinance.

13 SECTION 22. WORKING CONDITIONS.

14 A. General. Nothing contained in this ordinance shall
15 prevent, relieve, or otherwise excuse any county officer or
16 employee from the performance of any duty imposed upon him or her
17 by any other law of this county, or from the rendering of service
18 at such times and places as are necessary in order to properly
19 perform the functions of his or her office or employment

20 B. Workday. Except as otherwise provided by ordinance, the
21 official workday shall consist of eight hours of work for all
22 regular and probationary full-time employees. The lunch hour
23 shall not be considered as part of the workday.

24 C. Workweek. Except as otherwise provided by ordinance,
25 the official workweek shall consist of five working days for all
26 regular and probationary full-time employees.

27 D. Call Duty. The county recognizes that there is an
28 occasional need for an employee to return to work outside his or
29 her normal workday. The administrative guidelines shall contain
30 procedures relating to call duty.

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1 E. On-the-Job Injury. The county recognizes a
2 responsibility for action regarding on-the-job injuries. The
3 administrative guidelines shall contain procedures relating to
4 on-the-job injury.

5 F. Discipline and Appeals. Discipline and appeals to the
6 board shall be administered in accordance with the provisions of
7 this ordinance.

8 G. Restoration to Career Service. Any career service
9 employee who accepts a transfer or promotion to an exempt
10 position prior to the effective date of this ordinance shall,
11 upon separation from the exempt position, be allowed to re-enter
12 career service at a position comparable in terms of
13 responsibilities and salary or wage (including normal cost-of-
14 living increases) to the career service position formerly held by
15 the employee. Employees accepting such a transfer or promotion
16 on or after the effective date of this ordinance shall have
17 such a right to restoration; PROVIDED THAT:

18 (1) The right to restoration is exercised within four
19 calendar years from the effective date of the transfer or
20 promotion to an exempt position; and

21 (2) The former appointing authority, at his or her
22 discretion, approves such restoration within the limits of
23 available authorized positions; or

24 (3) A different appointing authority, having jurisdiction
25 over comparable authorized positions, at his or her discretion
26 approves such restoration within the limits of available
27 authorized positions.

28 H. Wages and Hours. Matters involving wages and hours,
29 including but not limited to minimum wage and overtime
30 compensation, shall be determined according to the State Minimum
31 Wage Act, RCW chapter 49.46.

32 I. Overtime.

33 (1) Overtime work may be authorized by the department

1 director or division manager where necessary to maintain or
2 perform vital county services.

3 (2) Overtime accrued by employees on official holidays
4 shall be compensated at the rate of one and one-half the regular
5 rate, in addition to the holiday pay normally due. Exceptions to
6 this provision are those departments which normally work
7 holidays, in which case compensatory time off shall be granted.

8 (3) Off-duty time spent as a witness in court in connection
9 with regular duties as a county employee shall be compensated as
10 overtime.

11 (4) Any employee separating from the county service shall
12 be paid for any accumulated overtime at the time of such
13 separation.

14 (5) Time worked as overtime shall not be used to earn
15 employee benefits or to serve out a probationary period.
16 Compensatory time off may be used as part of the established work
17 week to earn employee benefits and to serve out a probationary
18 period.

19 (6) Regular part-time employees and extra-help employees
20 shall be eligible for overtime on the same basis as regular
21 full-time employees.

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

29 SECTION 23. ELIGIBILITY. All regular employees shall be
30 eligible for the benefits provided by this chapter. Extra-help
31 employees shall not be eligible for such benefits.

32 SECTION 24. HOLIDAYS.

33 A. The following days are hereby designated as official

1 county holidays:

- 2 (1) January 1, New Year's Day;
- 3 (2) February 12, Lincoln's Birthday;
- 4 (3) Third Monday in February, Washington's Birthday;
- 5 (4) Last Monday in May, Memorial Day;
- 6 (5) July 4, Independence Day;
- 7 (6) First Monday in September, Labor Day;
- 8 (7) November 11, Veteran's Day
- 9 (8) Thanksgiving Day and the day immediately following;
- 10 (9) December 25, Christmas Day;
- 11 (10) Special or limited holidays as declared by the

12 president or governor, and as approved by the council.

13 (11) Such other days in lieu of holidays as the council may
14 determine.

15 (12) Employees shall be granted two personal holidays to be
16 administered through the vacation plan. One day shall be granted
17 on the first of October and one day on the first of November.

18 B. For holidays falling on a Saturday, the Friday before
19 shall be a paid holiday. For holidays falling on a Sunday, the
20 Monday following shall be a paid holiday.

21 C. An employee must be in a pay status on the day prior to
22 and the day following a holiday to be eligible for holiday pay.

23 SECTION 25. VACATIONS.

24 A. All regular full-time and part-time employees shall
25 accrue vacation benefits according to the following table on the
26 basis that one "day" equals .00384615 times the normally
27 scheduled annual hours of the employee's position.

28 Examples of conversions from yearly hours to hours per day
29 are as follows:

30	40 hr/week, 2080 hours/year	.00384615 x 2080 = 8 hours/day
31	37½ hr/week, 1950 hours/year	.00384615 x 1950 = 7.5 hrs/day
32	35 hr/week, 1820 hours/year	.00384615 x 1820 = 7 hours/day

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1	Years of Service	Monthly Vacation Credit	Equivalent Annual Vacation Credit	Maximum Vacation Accumulation Allowed
3	Upon completion of one year service		10 days (80 hours)	
5	More than one but less than three years service	.833 days (6.66 hours)*	10 days (80 hours)	20 days (160 hours)
7	More than three but less than twelve years of service	1.25 days (10 hours)	15 days (120 hours)	30 days (240 hours)
9	More than twelve years service	1.66 days (13.33 hours)	20 days (160 hours)	40 days (320 hours)

*The table includes examples in parentheses of hours accrued for an employee working 2080 hours per year. In the first "Monthly Vacation Credit" example, .833 days x 8 hours/day = 6.66 hours.

B. Employees with one or more years of continuous service shall accrue vacation benefits monthly. Employees shall be granted vacation credit for one year of service at the end of their first year of continuous service. For purposes of this section, employees who leave county employment in good standing and are rehired within two years shall have their service date adjusted to reflect previous county service.

C. No employee shall work for compensation for the county in any capacity during the time that the employee is on vacation.

D. Vacation may be used in one-half hour increments, at the discretion of the department director or division manager.

E. Upon termination for any reason, an employee shall be paid for unused vacation up to the maximum allowed accumulation.

F. No employee shall earn the equivalent of a month's vacation credit during a month when the employee is absent without pay more than three working days. An employee shall not be granted vacation benefits if not previously accrued.

G. In cases of separation by death, payment of unused

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1 vacation benefits shall be made to the employees estate, or, in
2 applicable cases, as provided for by state law, RCW Title 11.

3 H. Employees may accrue additional vacation beyond the
4 maximum specified herein when, as a result of cyclical workloads
5 or work assignments, accrued vacation will be lost. Otherwise
6 employees shall use or forfeit the excess accrual prior to
7 December 31, of the year in which the excess was accrued.

8 SECTION 26. SICK LEAVE.

9 A. Every regular full-time and part-time employee shall
10 accrue sick leave benefits at a monthly rate equal to .00384615
11 times the normally scheduled annual hours of the employee's
12 position; except that sick leave shall not begin to accrue until
13 the first of the month following the month in which the employee
14 commenced employment. The employee is not entitled to sick leave
15 if not previously earned.

16 As an example of the above formula, an employee whose annual
17 work schedule is 2080 hours shall accrue sick leave monthly at
18 the rate of .00384615 times 2080, or 8 hours per month.

19 B. No employee shall earn sick leave credit during a month
20 in which the employee is absent without authorization or absent
21 without pay more than three days.

22 C. After the first six months of full-time service, a
23 regular employee may, at the division manager's discretion, be
24 permitted to use up to five days of vacation as an essential
25 extension of used sick leave. If an employee does not work a
26 full twelve months, any vacation credit used for sick leave must
27 be reimbursed to the county upon termination.

28 D. Sick leave may be used in one-half hour increments, at
29 the discretion of the division manager or department director.

30 E. There shall be no limit to the hours of sick leave
31 benefits accrued by an employee.

1 F. Sick leave benefits are provided in order that the
2 employee's wages may be protected during periods when health is
3 poor or medical attention is required. Department management is
4 responsible for the proper administration of this benefit.
5 Verification of illness from a licensed physician may be required
6 for any requested sick leave absence.

7 G. Separation from county employment, except by reason of
8 retirement or layoff due to lack of work or funds or efficiency
9 reasons, shall cancel all sick leave currently accrued to the
10 employee. Should the employee resign in good standing and return
11 to the county within two years, accrued sick leave shall be
12 restored.

13 H. Accrued sick leave may be used for absence due to
14 temporary disability caused by pregnancy.

15 I. Sick leave because of an employee's physical incapacity
16 shall not be approved where the injury is directly traceable to
17 employment other than with the county.

18 J. County employees who have at least five years county
19 service or who terminate by reason of death shall be paid an
20 amount equal to twenty-five per cent of their unused, accumulated
21 sick leave, to a maximum of thirty days. All payments shall be
22 based on the employee's base rate.

23 K. Employees injured on the job may not simultaneously
24 collect sick leave and workers' compensation payments in a total
25 amount greater than the net regular pay of the employee.

26 SECTION 27. FAMILY CARE AND DEATH.

27 A. Regular full-time employees shall be entitled to three
28 working days of bereavement leave a year due to death of members
29 of their immediate family. For purposes of this section,
30 "immediate family" shall be limited to the children, parents,
31 siblings and spouse of the employee.

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1 B. Regular full-time employees who have exhausted their
2 bereavement leave shall be entitled to use sick leave in the
3 amount of three days for each instance when death occurs to a
4 member of the employee's immediate family.

5 C. Regular full-time employees shall be entitled to use
6 sick leave in the maximum amount of three days for each instance
7 where such employee is required to care for immediate family
8 members who are seriously ill. Up to one day of sick leave may
9 be used by a regular full-time employee for the purpose of being
10 present at the birth of his child.

11 D. In cases of family care or death where no sick leave
12 benefit is authorized or exists, an employee may be granted leave
13 without pay.

14 E. In the application in any of the foregoing provisions,
15 holidays or regular days off falling within the prescribed
16 period of absence shall not be charged.

17 SECTION 28. LEAVE OF ABSENCE WITHOUT PAY.

18 A. Leaves of absence without pay for periods of thirty
19 calendar days or less may be authorized in writing by the
20 employee's division manager.

21 B. Leaves of absence without pay for periods of more than
22 thirty calendar days may be authorized in writing by the
23 employee's division manager and the manager.

24 C. Leaves of absence without pay shall be for periods not
25 to exceed one year except that the manager may, in special
26 circumstances, grant an extension beyond one year.

27 D. Other employee benefits shall not accrue to the
28 employee while on leave of absence without pay.

29 E. If a leave of absence without pay was granted for
30 purposes of recovering health, the employee may be required by
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1 the manager to submit a physician's statement concerning the
2 employee's ability to resume duties prior to return to work.

3 F. An employee on leave of absence without pay may return
4 from the leave before its expiration date if the subject
5 employee provides the division manager with a written request to
6 that effect fifteen days prior to resuming duties.

7 G. Failure to return to work by the expiration date of a
8 leave of absence without pay shall be cause for removal and
9 shall result in automatic termination of the employee from
10 county service.

11 H. A leave of absence may be revoked by the manager upon
12 evidence submitted to the manager by the department director
13 indicating that the leave of absence was requested and granted
14 under false pretenses, or that the need for such leave of
15 absence has ceased to exist.

16 SECTION 29. TRAINING.

17 A. It shall be the policy of the county to provide, within
18 budgeted appropriations, training opportunities for any eligible
19 employee. The training policy shall be guided by, but not
20 limited to; the overall objectives of encouraging and motivating
21 employees, supervisors and management to improve their personal
22 capabilities in performance of their assigned duties.

23 B. The manager shall be responsible for planning and
24 executing an adequate training program for employees of the
25 county.

26 C. The county shall not reimburse employees for
27 unauthorized additional training.

28 D. Employees wishing to complete educational programs may
29 request a leave of absence for this purpose.
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1 SECTION 30. TIME OFF FOR EXAMINATIONS. All career service
2 employees shall be entitled to necessary time off with pay for
3 the purpose of taking county qualifying or promotional
4 examinations. This shall include time required to complete any
5 required interviews.

6 SECTION 31. MILITARY LEAVE OF ABSENCE.

7 A. The appointing authority, with the approval of the
8 manager, shall grant, for a period not exceeding fifteen days
9 during each calendar year, leaves of absence with pay to regular
10 employees for the purpose of taking part in active military
11 training duty as provided by state law, RCW 38.40.060, provided,
12 that a request for such leave shall be submitted in writing by
13 the employee and accompanied by a validated copy of military
14 orders ordering such active training duty.

15 B. The appointing authority and the manager shall abide by
16 applicable federal law in granting any military leave of absence
17 for a period in excess of fifteen consecutive calendar days.

18 SECTION 32. JURY DUTY. Any regular employee ordered on a
19 jury shall be entitled to his or her regular county pay,
20 provided, that fees for such jury duty are deposited, exclusive
21 of mileage, with the county comptroller. Employees shall report
22 back to their work supervisor when dismissed from jury service.

23 SECTION 33. RETIREMENT. Retirement from county employment
24 shall be administered in accordance with the provisions set forth
25 in state law, RCW chapter 41.40. For employees hired on or
26 before September 30, 1977, retirement from regular county
27 employment shall occur on the first month following the
28 occurrence of the employee's seventieth birthday. For employees
29 hired after September 30, 1977, and for elected officials, there
30 shall be no mandatory retirement age. Former employees who have
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1 retired from county employment shall be eligible for extra-help
2 employment on the same basis as other applicants, but in no event
3 to exceed five hundred twenty hours in any one calendar year.

4 SECTION 34. UNEMPLOYMENT COMPENSATION. All services
5 performed for the county by county employees subsequent to
6 December 31, 1977, shall be deemed to be services in employment
7 subject to the provisions of the State Unemployment Compensation
8 Law, RCW Title 50, as amended. The unemployment compensation
9 program of the county shall be administered, with respect to such
10 services in employment, in accordance with the mandatory
11 provisions of RCW Title 50, as amended. In the event that the
12 mandatory coverage feature of state law ceases, through judicial
13 decision or otherwise, to be in compliance with valid and
14 constitutional federal law, the county may legislate a self-
15 insured form of unemployment compensation.

16 SECTION 35. SALARY ORDINANCE. The Executive shall prepare
17 and submit a recommended salary ordinance to the Council, which
18 shall adopt a salary ordinance. The salary ordinance shall
19 establish a standardized salary schedule for all regular county
20 employees, excluding elected officials and employees of the
21 Council.

22 SECTION 36. EQUAL PAY FOR EQUAL WORK. It is the policy of
23 the county that compensation for all county employees shall be
24 equitably provided on the basis of equal pay for equal work.
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SECTION 37. COMPENSATION OTHER THAN SALARY AND WAGES.

Compensation may include items other than salary and wages, including but not limited to rent subsidized housing, utility costs, meals at reduced rates.

SECTION 38. COST-OF-LIVING INCREASE. Cost-of-living

increases as passed by the Council annually for county employees shall include elected officials whose salaries are not set by the state.

SECTION 39. EFFECTIVE DATE. The provisions of this

ordinance shall not take affect until rules of practice and procedure, the administrative guidelines, have been filed with the clerk of the council, as required in the provisions of KCC 2.98; PROVIDED THAT, rules of practice and procedure, the administrative guidelines, shall be filed with the clerk of the council, in such time frame, as to become effective by December 1, 1979.

SECTION 40. SEVERABILITY. Should any chapter, section,

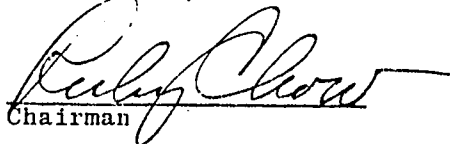
subsection, paragraph, sentence clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

INTRODUCED AND READ for the first time this 4th day of

June, 1979.

PASSED this 11th day of June, 1979.

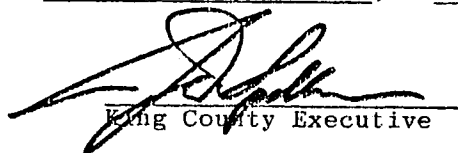
KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Chairman

ATTEST:


Deputy Clerk of the Council

APPROVED this 21st day of June, 1979.


King County Executive