

ORDINANCE NO. 7956

AN ORDINANCE relating to the King County personnel system providing for family leaves; adding new sections to K.C.C. 3.12.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Unless the context clearly requires otherwise, the following terms have the following meanings:

1. "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is (a) under eighteen years of age, or (b) eighteen years of age or older and incapable of self-care because of mental or physical disability.

2. "Employee" means a person employed in a permanent position on a full-time or part-time basis and who is not on an initial period of probation. The term "employee" shall not include part-time workers employed less than twenty hours per week, or intermittent, seasonal, or temporary workers.

3. "Serious health condition" means an illness, injury, impairment, or physical or mental condition, whether or not preexisting, which requires: (a) inpatient care in a hospice or residential medical care facility, or (b) continuing treatment or continuing supervision by a health care provider.

4. "Health care provider" means a person whose services are of a type which are compensated under any county health care plan.

5. "Reduced leave schedule" means leave scheduled for fewer than an employee's usual number of hours per workweek or hours per workday.

Section 2. A. Up to eighteen weeks of unpaid leave will be granted in a twenty-four-month period to care for:

- 1. an employee's birth child or adoptive child;
 - a. Leave must be taken within twelve months of the birth or placement for adoption.
 - b. Leave should be taken in consecutive weeks, unless

1 the employee's division manager agrees to more than one leave
2 period; in any case, the leave periods may not exceed eighteen
3 weeks in the twelve-month period.

4 2. an employee's child, spouse, dependent parent or
5 parent-in-law who has a serious medical condition.

6 a. Leave to care for an ill member of the employee's
7 family may be taken only when the serious health condition
8 requires the employee's presence.

9 b. King County may require that a claim for family
10 member with a serious health problem be supported by a medical
11 certification issued by the appropriate health care provider
12 which states: (1) the date on which the health problem
13 commenced and its probable duration, and (2) that an employee
14 claiming such family leave obtain the opinion of a second health
15 care provider as to any of the information required in a medical
16 certification;

17 c. Leave may be taken on an intermittent basis if the
18 health care condition is expected to last more than two weeks;

19 d. King County may limit family leave to three such
20 health conditions during any twenty-four-month period for
21 conditions expected to last two weeks or less.

22 B. Family leave may be taken on a reduced schedule if:

23 1. the total allowable eighteen-week period does not
24 exceed thirty-six consecutive workweeks, and

25 2. the leave is scheduled so as not to unduly disrupt
26 the employing unit's operations.

27 C. An employee may substitute accrued vacation leave for
28 the corresponding portion of unpaid family leave.

29 Section 3. A. An employee planning to take family leave
30 to care for a birth or adoptive child must provide prior written
31 notice to his/her division manager of the expected birth or
32 adoption in a time which is reasonable and practical.

1 B. If foreseeable, an employee planning to take family leave
2 to care for a family member with a serious health problem must
3 make a reasonable effort to schedule the leave so as not to
4 unduly disrupt the employing unit's operations, and provide prior
5 written notice of the expected leave in a time which is
6 reasonable and practical.

7 SECTION 4. A. An employee who exercises any right to family
8 leave is entitled, upon return from leave or during any period of
9 reduced leave schedule, subject to bona fide layoff provisions,
10 to:

11 1. the same position he/she held when the leave commenced,
12 or

13 2. a position with equivalent status, benefits, pay and
14 other terms and conditions of employment, and

15 3. the same seniority accrued before the date on which
16 family leave commenced.

17 B. King County will maintain its contribution for health
18 benefits for the employee during the period of family leave.

19 SECTION 5. Failure of the employee to return to work from
20 family leave on the specified date shall normally constitute a
21 quit.
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King County Executive
TIM HILL

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February 26, 1987

The Honorable Gary Grant
Chair, King County Council
Room 402
C O U R T H O U S E

RE: Ordinance 7956, Family Leave

Dear Councilmember Grant:

I am returning to you, without my signature, Ordinance 7956, providing for family leave for King County employees.

While I am supportive in concept of the leave outlined in this ordinance, I have a number of technical and some substantive concerns about the ordinance, as drafted. I am aware that this County ordinance is modeled after and consistent with similar bills now pending before the U.S. Congress and our State Legislature. However, the County is limited by certain collective bargaining rights and by provisions in the King County Code which are not applicable to these other jurisdictions. Before I can give my full assent to an ordinance such as this one, I need to be certain that the following criteria have been met:

1. The provisions of the ordinance should not conflict with existing sections of the King County Code.

The title of Ordinance 7956 states that new sections are being added to Section 3.12 of the King County Code. If all the provisions of this ordinance are to go into effect, certain sections of the Code will need to be amended. The other alternative, of course, is to amend certain sections of the ordinance. In any case, consistency is needed.

2. The provisions of the ordinance should not leave the County open to charges of unfair labor practices.

Certain benefits and working conditions, traditionally the purview of the bargaining table, are unilaterally granted by this ordinance. This may be an intrusion into collective bargaining rights.

3. The provisions of the ordinance should not put employees taking family leave in a "superior leave status;" i.e., grant them more rights and privileges than employees on other types of unpaid leave.


Unless I can be convinced that circumstances surrounding family leave call for unique considerations that do not apply to other types of leave, I question whether the County should maintain health benefits for these employees. Under the existing Code, employees on unpaid leave for reasons of their own illness or for other circumstances, must maintain their own health benefits.

4. The provisions of the ordinance should not sanction the use of sick leave for uses other than illness.

Should the County desire to grant employees time off from work for volunteer service in their child's school, some other form of leave could be given. I do not believe it is appropriate to use sick leave in this manner. An additional question might be raised regarding the use of public funds for service in a private or parochial school. Would this constitute a gift of public funds or violate the separation of church and state?

In summary, I would have preferred to have had time to work out the potential problems created by Ordinance 7956. But since the basic concepts of this ordinance speak to the recognition that our workplace needs to accommodate the increasing number of two-wage earner families, single-parent families and working women, I am letting this ordinance go into law without my signature. In turn, I ask you to recognize my concerns. I have asked my staff to prepare another ordinance to correct the contradictions between the provisions of this ordinance and the current Code and to work with you to address the other concerns I have raised. I ask for your consideration of such an ordinance when it comes before you.

Sincerely,



Tim Hill
King County Executive

TH:bi

cc: Jerry Saulter, Director, Executive Administration
Attn: Al Ross, Manager, Personnel Division