

6/17/96
CAJ:cj
vac-cor

Introduced By: LARRY GOSSETT

Proposed No.: 96-510

ORDINANCE NO. **12422**

AN ORDINANCE related to personnel policies, correcting the vacation leave accrual schedule, clarifying vacation leave accrual for certain employees, continuing vacation leave restoration provisions for employees who resign or are laid off, correcting the sick leave accrual rate, and clarifying eligibility for military leaves of absence; and amending Ordinance 12014, Sections 19, 21 and 26.

PREAMBLE:

By Ordinance 12014, Section 19, the council adopted, *inter alia*, a vacation leave schedule for certain employees with the understanding that said schedule was the same as the vacation leave schedule previously adopted for the department of metropolitan services.

Subsequent to adoption of Ordinance 12014, the executive determined that the council had unintentionally been misinformed that the vacation leave schedule adopted by said ordinance was the same as the vacation leave schedule previously adopted for the department of metropolitan services and recommended that the council adopt an ordinance to correct the vacation leave schedule to correspond to the schedule that was represented to the council.

Adoption by the council of Ordinance 12014, Section 19, was based on representations that were not reflected in the provisions of said ordinance and said act of the council must be corrected to correspond to said representations and to accurately reflect the council's intent.

In correcting said vacation leave schedule as of the effective date of said schedule, the council intends that affected employees will have vacation leave benefits as of January 1, 1996 consistent with the representations made to the council during its consideration of Ordinance 12014.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 12014, Section 19, is hereby amended to read as follows:

Vacation leave. A. Beginning January 1, 1996, full-time regular employees shall accrue vacation leave benefits as described in and further qualified by this section.

((Length of Service))	((Annual Leave in Days Accrued per Year of Service))
((Upon hire through end of 4 years))	((12))
((5 through end of 7 years))	((15))
((8 through end of 9 years))	((16))
((10 through end of 15 years))	((20))

((Length of Service))	((Annual Leave in Days Accrued per Year of Service))
((16 through end of 16 years))	((21))
((17 through end of 17 years))	((22))
((18 through end of 18 years))	((23))
((19 through end of 19 years))	((24))
((20 through end of 20 years))	((25))
((21 through end of 21 years))	((26))
((22 through end of 22 years))	((27))
((23 through end of 23 years))	((28))
((24 through end of 24 years))	((29))
((25 or more years))	((30))

Full Years of Service	Annual Leave in Days
Upon hire through end of Year 5	12
Upon beginning of Year 6	15
Upon beginning of Year 9	16
Upon beginning of Year 11	20
Upon beginning of Year 17	21
Upon beginning of Year 18	22
Upon beginning of Year 19	23
Upon beginning of Year 20	24
Upon beginning of Year 21	25
Upon beginning of Year 22	26
Upon beginning of Year 23	27
Upon beginning of Year 24	28
Upon beginning of Year 25	29
Upon beginning of Year 26 and beyond	30

1 B. Notwithstanding the vacation leave schedule set forth in paragraph A of this
2 section, the following full-time regular employees, excluding employees in the former
3 department of metropolitan services, shall accrue vacation leave as follows:

4 1. Said employees who were employed on or before December 31, 1995 and
5 ((have)) by that date had completed at least three but less than five full years of service
6 shall begin to accrue fifteen days of vacation leave per year effective January 1, 1996:

1 2. Said employees who were employed on or before December 31, 1995 and
2 subsequent to that date complete three full years of service shall begin to accrue fifteen
3 days of vacation leave per year effective on the first day of their fourth full year of service.

4 ((~~At the end of the fifth~~)) Beginning on the first day of their sixth full year of service,
5 all such employees shall accrue vacation leave as set forth in paragraph A of this section.

6 C. Part-time regular employees shall accrue vacation leave in accordance with the
7 vacation leave schedule set forth in paragraph A of this section, provided, however, such
8 accrual rates shall be prorated to reflect his/her normally scheduled work week.

9 D. Employees eligible for vacation leave shall accrue vacation leave from their date
10 of hire.

11 E. Full-time regular employees may accrue up to sixty days vacation leave. Part-
12 time regular employees and temporary employees who are employed at least half-time and
13 receive vacation and sick leave may accrue vacation leave up to sixty days prorated to
14 reflect their normally scheduled workweek. Such employees shall use vacation leave
15 beyond the maximum accrual amount prior to December 31 of each year. Failure to use
16 vacation leave beyond the maximum accrual amount will result in forfeiture of the vacation
17 leave beyond the maximum amount unless the appointing authority has approved a
18 carryover of such vacation leave because of cyclical workloads, work assignments or other
19 reasons as may be in the best interests of the county. The maximum vacation accrual
20 amount established in this paragraph shall apply to vacation accruals as of December 31,
21 1995.

22 F. Exempt employees in regular positions may take and upon leaving county
23 employment be paid for accrued vacation leave as approved by their appointing authorities.
24 Employees other than exempt employees in regular positions shall not be eligible to take or
25 be paid for vacation leave until they have successfully completed their first six months of
26 county service, and if they leave county employment prior to successfully completing their
27 first six months of county service, shall forfeit and not be paid for accrued vacation leave.
28 Temporary employees who are employed at least half-time and receive vacation and sick
29 leave, full-time regular employees, and part-time regular employees shall be paid for
30 accrued vacation leave to their date of separation up to the maximum accrual amount if

1 they have successfully completed their first six months of county service and are in good
2 standing; provided that, except with the written approval of the executive, the position, if
3 vacated by a non-represented employee, shall not be filled until salary savings for such
4 position are accumulated in an amount sufficient to pay the cost of the cashout. Payment
5 shall be the accrued vacation leave multiplied by the employee's rate of pay in effect upon
6 the date of leaving county employment less mandatory withholdings.

7 G. Employees shall not use or be paid for vacation leave until it has accrued and
8 such use or payment is consistent with the provisions of this section.

9 H. No employee shall work for compensation for the county in any capacity during
10 the time that the employee is on vacation leave.

11 I. For employees covered by the overtime requirements of the Fair Labor Standards
12 Act, vacation leave may be used in one-half hour increments, at the discretion of the
13 appointing authority.

14 J. In cases of separation from county employment by death of an employee with
15 accrued vacation leave and who has successfully completed his/her first six months of
16 county service, payment of unused vacation leave up to the maximum accrual amount shall
17 be made to the employee's estate, or, in applicable cases, as provided for by state law,
18 RCW Title 11; provided that, except with the written approval of the executive, the
19 position, if vacated by a non-represented employee, shall not be filled until salary savings
20 for such position are accumulated in an amount sufficient to pay the cost of the cashout.

21 K. If an employee resigns from county employment in good standing or is laid off
22 and subsequently returns to county employment within two years from such resignation or
23 lay off, as applicable, the employee's prior county service shall be counted in determining
24 the vacation leave accrual rate under paragraph A of this section.

25 **SECTION 2.** Ordinance 12014, Section 21, is hereby amended to read as follows:

26 **Sick leave.** A. Except for employees covered by paragraph H of this section, full-
27 time regular employees, part-time regular employees, and temporary employees who are
28 employed at least half-time and receive vacation and sick leave shall accrue sick leave
29 benefits at the rate of ((0.046)) 0.04616 hours for each hour in pay status exclusive of
30 overtime up to a maximum of eight hours per month; except that sick leave shall not begin

1 to accrue until the first of the month following the month in which the employee
2 commenced employment. The employee is not entitled to sick leave if not previously
3 earned.

4 B. During the first six months of service, employees eligible to accrue vacation
5 leave may, at the appointing authority's discretion, use any accrued days of vacation leave
6 as an extension of sick leave. If an employee does not work a full six months, any vacation
7 leave used for sick leave must be reimbursed to the county upon termination.

8 C. For employees covered by the overtime requirements of the Fair Labor Standards
9 Act, sick leave may be used in one-half hour increments, at the discretion of the appointing
10 authority.

11 D. There shall be no limit to the hours of sick leave benefits accrued by an eligible
12 employee.

13 E. Department management is responsible for the proper administration of the sick
14 leave benefit. Verification of illness from a licensed physician may be required for any
15 requested sick leave absence.

16 F. Separation from or termination of county employment except by reason of
17 retirement or layoff due to lack of work, funds or efficiency reasons, shall cancel all sick
18 leave accrued to the employee as of the date of separation or termination. Should the
19 employee resign in good standing or be laid off and return to county employment within
20 two years, accrued sick leave shall be restored.

21 G. Except employees covered by paragraph H of this section, employees eligible to
22 accrue sick leave and who have successfully completed at least five years of county service
23 and who retire as a result of length of service or who terminate by reason of death shall be
24 paid, or their estates paid or as provided for by RCW Title 11, as applicable, an amount
25 equal to thirty-five percent of their unused, accumulated sick leave multiplied by the
26 employee's rate of pay in effect upon the date of leaving county employment less
27 mandatory withholdings. This provision is predicated on the requirement that, except with
28 the written approval of the executive, the position, if vacated by a non-represented
29 employee, shall not be filled until salary savings for such position are accumulated in an
30 amount sufficient to pay the cost of the cashout.

1 H. Uniformed employees covered under the LEOFF Retirement System-Plan I shall
2 apply for disability retirement under the provisions of RCW 41.26.120.

3 I. Accrued sick leave may be used for the following reasons:

4 1. The employee's bona fide illness; provided, that an employee who suffers an
5 occupational illness may not simultaneously collect sick leave and worker's compensation
6 payments in a total amount greater than the net regular pay of the employee;

7 2. The employee's incapacitating injury, provided that:

8 a. An employee injured on the job may not simultaneously collect sick leave
9 and worker's compensation payments in a total amount greater than the net regular pay of
10 the employee;

11 b. An employee may not collect sick leave for physical incapacity due to any
12 injury or occupational illness which is directly traceable to employment other than with the
13 county.

14 3. Exposure to contagious diseases and resulting quarantine.

15 4. A female employee's temporary disability caused by or contributed to by
16 pregnancy and childbirth.

17 5. The employee's medical or dental appointments, provided that the employee's
18 appointing authority has approved the use of sick leave for such appointments.

19 6. To care for the employee's child or the child of an employee's domestic
20 partner if the following conditions are met:

21 a. The child is under the age of eighteen;

22 b. The employee is the natural parent, stepparent, adoptive parent, legal
23 guardian or other person having legal custody and control of the child;

24 c. The employee's child or the child of an employee's domestic partner has a
25 health condition requiring the employee's personal supervision during the hours of his/her
26 absence from work;

27 d. The employee actually attends to the child during the absence from work.

28 7. Employees shall be entitled to use sick leave in the maximum amount of three
29 days for each instance where such employee is required to care for immediate family

1 members who are seriously ill. There shall be no limit on the use of sick leave to care for
2 children under paragraph I.6 of this section.

3 8. Up to one day of sick leave may be used by a male employee for the purpose
4 of being present at the birth of his child.

5 J. An employee who has exhausted all of his/her sick leave may use accrued
6 vacation leave as sick leave before going on leave of absence without pay, if approved by
7 his/her appointing authority.

8 SECTION 3. Ordinance 12014, Section 26, is hereby amended to read as follows:

9 **Leave of absence -- Military.** ~~((A. Except as otherwise required by state or federal~~
10 ~~law, the appointing authority shall grant, for a period not exceeding fifteen work days~~
11 ~~during each calendar year, leaves of absence with pay to full-time regular employees and~~
12 ~~part-time regular employees for the purpose of taking part in)) A leave of absence for
13 active military duty or active military training duty ((as provided by state law, RCW
14 38.40.060)) shall be granted to eligible employees in accordance with applicable provisions
15 of state and/or federal law; provided, that a request for such leave shall be submitted to the
16 appointing authority in writing by the employee and accompanied by a validated copy of
17 military orders ordering such active duty or active training duty.~~

18 ~~((B. The appointing authority and the director shall abide by applicable state or~~
19 ~~federal law in granting any military leave of absence for a period in excess of fifteen work~~
20 ~~days.))~~

21 SECTION 4. Applicability. The vacation and sick leave provisions set forth in
22 Sections 1 and 2 of this ordinance shall apply to the covered employees effective January
23 1, 1996 notwithstanding the date of enactment of this ordinance. Section 1 represents the
24 vacation leave schedule the council intended to adopt based on representations from the
25 executive in Ordinance 12014, Section 19. Ordinance 12014, Section 19, was not
26 consistent with such representations and, therefore, did not reflect the intent of the council.
27 Section 2 corrects the sick leave accrual rate to reflect the council's intent to use of 2,080,
28 rather than 2,088, working hours per year. No covered employees shall be deemed or
29 construed to have gained any vacation or sick leave benefits greater than those set forth in

1 Sections 1 and 2 of this ordinance by adoption by the council of Ordinance 12014, Sections
2 19 and 21.

3 SECTION 5. Severability. The provisions of this ordinance shall be effective in all
4 cases unless otherwise provided by federal law. The provisions of this ordinance are
5 separate and severable. The invalidity of any clause, sentence, paragraph, subdivision,
6 section or other portion of this ordinance or the invalidity of the application thereof to any
7 person or circumstance shall not affect the validity of the remainder of this ordinance or the
8 validity of the application to other persons or circumstances.

9 SECTION 6. Continuation of ordinances. The provisions of this ordinance, so far
10 as they are substantially the same as those of ordinances existing at the time of the
11 enactment of this ordinance, shall be construed as continuations thereof.

12 INTRODUCED AND READ for the first time this 24th day of
13 June, 1996.

14 PASSED by a vote of 12 to 0 this 19th day of August,
15 1996.

16 KING COUNTY COUNCIL
17 KING COUNTY, WASHINGTON

18 Jane Hague
19 Chair

20 ATTEST:

21 Gerald A. Peter
22 Clerk of the Council

23 APPROVED this 30th day of August, 1996

24 Ray Fiske
25 King County Executive

26 Attachments:
27 None