



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

December 16, 2008

Ordinance 16339

Proposed No. 2008-0626.2

Sponsors Gossett

1 AN ORDINANCE relating to code revisions and additions
2 necessary to preserve certain county services and reduce
3 the necessity for additional reductions in force, by placing
4 nonessential county employees on an unpaid furlough; and
5 amending Ordinance 376, Section 1, and K.C.C. 2.08.010,
6 Ordinance 12014, Section 5, as amended, and K.C.C.
7 3.12.010, Ordinance 12014, Section 13, and K.C.C.
8 3.12.100, Ordinance 12014, Section 15, and K.C.C.
9 3.12.120, Ordinance 12077, Section 3, as amended, and
10 K.C.C. 3.12.125, Ordinance 12014, Section 19, as
11 amended, and K.C.C. 3.12.190, Ordinance 12052, Section
12 1, as amended, and K.C.C. 3.12.210, Ordinance 12014,
13 Section 20, and K.C.C. 3.12.215, Ordinance 14591, Section
14 2, and K.C.C. 3.12.218, Ordinance 12014, Section 21, as
15 amended, and K.C.C. 3.12.220, Ordinance 12014, Section
16 22, as amended, and K.C.C. 3.12.223, Ordinance 7956,
17 Section 6, and K.C.C. 3.12.225, Ordinance 12014, Section

18 23, as amended, and K.C.C. 3.12.230, Ordinance 12077,
19 Section 5, as amended, and K.C.C. 3.12.240, and adding a
20 new chapter to K.C.C. Title 3.

21

22 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

23 **SECTION 1. Findings:**

24 A. The county is experiencing an unprecedented financial emergency
25 resulting in a significant shortfall in the amount of funding needed to sustain the
26 current level of general operations through 2009. In order to address the shortfall,
27 program cuts and reductions in force are being implemented.

28 B. In order to preserve certain services and reduce the necessity for
29 additional reductions in force, the county for ten days in 2009 will shut down all
30 but certain designated services and place eligible employees on an unpaid
31 furlough, also known as an emergency budget furlough. In order to provide for
32 the furlough, certain code revisions are necessary.

33 C. Areas affected are office hours, workweeks and personnel provisions.

34 D. On December 10, 2008, the executive proclaimed that a budget
35 emergency crisis exists for the 2009 budget year.

36 E. The executive has negotiated an agreement relating to the emergency budget
37 crisis with represented employees.

38 F With reduced revenues, King County is working hard to find innovative ways
39 to gain efficiencies in all county functions in order to minimize service reductions to the
40 public. The council expresses its gratitude and appreciation to county employees who are

41 taking up to ten unpaid furlough days in order to close the budget shortfall while
42 minimizing additional layoffs.

43 SECTION 2. Ordinance 376, Section 1, and K.C.C. 2.08.010 are each
44 hereby amended to read as follows:

45 A. All county (~~and precinct~~) offices shall remain open for the transaction of
46 public business as follows:

47 1. Open on Monday through Friday of each week from eight-thirty a.m. to four-
48 thirty p.m., except where accommodations can be made, as determined necessary by the
49 county executive, to provide services to the public during the hours of eight a.m. to five
50 p.m. through the use of staggered work shifts agreeable to employees and not in conflict
51 with union contracts((-));

52 2. Closed on Saturdays, Sundays and all legal holidays; and

53 3. Closed on furlough days in the case of an emergency budget crisis.

54 B. If an emergency budget crisis is proclaimed and ratified under section 18 of
55 this ordinance and a budget furlough has been ordered, the executive shall notify the
56 public that county offices are closed by posting the information on the county buildings
57 or offices that are closed, by posting a notice on the Internet, by advertising in the official
58 county newspaper and by issuing press releases.

59 SECTION 3. Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010 are
60 each hereby amended to read as follows:

61 All words shall have their ordinary and usual meanings except those defined in
62 this section which shall have, in addition, the following meanings. In the event of

63 conflict, the specific definitions set forth in this section shall presumptively, but not
64 conclusively, prevail.

65 A. "Administrative interns" are employees who are also enrolled full-time during
66 the regular school year in a program of education, internship or apprenticeship. All
67 administrative internships in executive departments shall be approved by the manager.
68 Administrative interns are exempt from the career service under Section 550 of the
69 charter.

70 B. "Appointing authority" means the county council, the executive, chief officers
71 of executive departments and administrative offices, or division managers having
72 authority to appoint or to remove persons from positions in the county service.

73 C. "Basis of merit" means the value, excellence or superior quality of an
74 individual's work performance, as determined by a structured process comparing the
75 employee's performance against defined standards and, where possible, the performance
76 of other employees of the same or similar class.

77 D. "Board" means the county personnel board established by Section 540 of the
78 charter.

79 E. "Career service employee" means a county employee appointed to a career
80 service position as a result of the selection procedure provided for in this chapter, and
81 who has completed the probationary period.

82 F. "Career service position" means all positions in the county service except for
83 those ~~((which))~~ that are designated by Section 550 of the charter as follows: ~~((A))~~ all
84 elected officers; the county auditor, the clerk and all other employees of the county
85 council; the county administrative officer; the chief officer of each executive department

86 and administrative office; the members of all boards and commissions; administrative
87 assistants for the executive and one administrative assistant each for the county
88 administrative officer, the county auditor, the county assessor, the chief officer of each
89 executive department and administrative office and for each board and commission; a
90 chief deputy for the county assessor; one confidential secretary each for the executive, the
91 chief officer of each executive department and administrative office, and for each
92 administrative assistant specified herein; all employees of those officers who are
93 exempted from the provisions of this chapter by the state constitution; persons employed
94 in a professional or scientific capacity to conduct a special inquiry, investigation or
95 examination; part-time and temporary employees; administrative interns; election
96 precinct officials; all persons serving the county without compensation; physicians;
97 surgeons; dentists; medical interns; and student nurses and inmates employed by county
98 hospitals, tuberculosis sanitariums and health departments of the county. Divisions in
99 executive departments and administrative offices as determined by the county council
100 shall be considered to be executive departments for the purpose of determining the
101 applicability of Section 550 of the charter. All part-time employees shall be exempted
102 from career service membership except, all part-time employees employed at least half
103 time or more, as defined by ordinance, shall be members of the career service.

104 G. "Charter" means the King County Charter, as amended.

105 H. "Child" means a biological, adopted or foster child, a stepchild, a legal ward
106 or a child of an employee standing in loco parentis to the child, who is:

107 1. Under eighteen years of age; or

108 2. Eighteen years of age or older and incapable of self care because of a mental
109 or physical disability.

110 I. "Class" or "classification" means a position or group of positions, established
111 under authority of this chapter, sufficiently similar in respect to the duties, responsibilities
112 and authority thereof, that the same descriptive title may be used to designate each
113 position allocated to the class.

114 J. "Classification plan" means the arrangement of positions into classifications
115 together with specifications describing each classification.

116 K. "Compensatory time" means time off granted with pay in lieu of pay for work
117 performed either on an authorized overtime basis or work performed on a holiday
118 ((which)) that is normally scheduled as a day off. Such compensatory time shall be
119 granted on the basis of time and one-half.

120 L. "Competitive employment" means a position established in the county budget
121 and which will require at least twenty-six weeks of service per year as the work schedule
122 established for the position.

123 M. "Council" means the county council as established by Article 2 of the charter.

124 N. "County" means King County and any other organization that is legally
125 governed by the county with respect to personnel matters.

126 O. "Developmental disability" means a developmental disability, as defined in
127 RCW 71A.10.020(2), as amended, attributable to mental retardation, cerebral palsy,
128 epilepsy, autism or other neurological or other condition of an individual found by the
129 secretary of the Washington state Department of Social and Health Services, or designee
130 to be closely related to mental retardation or to require treatment similar to that required

131 for individuals with mental retardation, which disability originates before the individual
132 attains age eighteen, which has continued or can be expected to continue indefinitely, and
133 which constitutes a substantial handicap for the individual.

134 P. "Direct cost" means the cost aggregate of the actual weighted average cost of
135 insured benefits, less any administrative cost therefor((e)). Any payments to part-time
136 and temporary employees under this chapter shall not include any administrative
137 overhead charges applicable to administrative offices and executive departments.

138 Q. "Director" means the manager of the human resources division.

139 R. "Division" means the human resources division or its successor agency.

140 S. "Domestic partners" are two people in a domestic partnership, one of whom is
141 a county employee.

142 T. "Domestic partnership" is a relationship whereby two people:

143 1. Have a close personal relationship;

144 2. Are each other's sole domestic partner and are responsible for each other's
145 common welfare;

146 3. Share the same regular and permanent residence;

147 4. Are jointly responsible for basic living expenses which means the cost of
148 basic food, shelter and any other expenses of a domestic partner ((which)) that are paid at
149 least in part by a program or benefit for which the partner qualified because of the
150 domestic partnership. The individuals need not contribute equally or jointly to the cost of
151 these expenses as long as they agree that both are responsible for the cost;

152 5. Are not married to anyone;

153 6. Are each eighteen years of age or older;

154 7. Are not related by blood closer than would bar marriage in the state of
155 Washington;

156 8. Were mentally competent to consent to contract when the domestic
157 partnership began.

158 U. "Emergency budget furlough," also referred to as "mandated leave," means
159 placing an employee for one or more furlough days in a temporary status without duties
160 and without pay due to an emergency budget crisis proclaimed and ratified under section
161 18 of this ordinance.

162 V. "Employed at least half time or more" means employed in a regular position
163 which has an established work schedule of not less than one-half the number of hours of
164 the full-time positions in the work unit in which the employee is assigned, or when
165 viewed on a calendar year basis, nine hundred ten hours or more in a work unit in which
166 a work week of more than thirty-five but less than forty hours is standard or one thousand
167 forty hours or more in a work unit in which a forty hour work week is standard. If the
168 standard work week hours within a work unit varies (for instance, employees working
169 both thirty five and forty hours), the manager, in consultation with the department, is
170 responsible for determining what hour threshold will apply.

171 ~~((V-))~~ X. "Employee" means any person who is employed in a career service
172 position or exempt position.

173 ~~((W-))~~ Y. "Executive" means the county executive, as established by Article 3 of
174 the charter.

175 ~~((X-))~~ Z. "Exempt employee" means an employee employed in a position that is
176 not a career service position under Section 550 of the charter. Exempt employees serve at
177 the pleasure of the appointing authority.

178 ~~((Y-))~~ AA. "Exempt position" means any position excluded as a career service
179 position by Section 550 of the charter. Exempt positions are positions to which
180 appointment may be made directly without a competitive hiring process.

181 ~~((Z-))~~ BB. "Full-time regular employee" means an employee employed in a full-
182 time regular position and, for full-time career service positions, is not serving a
183 probationary period.

184 ~~((AA-))~~ CC. "Full-time regular position" means a regular position which has an
185 established work schedule of not less than thirty-five hours per week in those work units
186 in which a thirty-five hour week is standard, or of not less than forty hours per week in
187 those work units in which a forty-hour week is standard.

188 DD. "Furlough day" means a day for which an employee shall perform no work
189 and shall receive no pay due to an emergency budget crisis necessitating emergency
190 budget furloughs.

191 EE. "Furloughed employee" means an employee who is placed in a temporary
192 status without duties and without pay due to a financial emergency necessitating budget
193 reductions.

194 ~~((BB-))~~ FF. "Grievance" means an issue raised by an employee relating to the
195 interpretation of rights, benefits, or condition of employment as contained in either the
196 administrative rules or procedures, or both, for the career service.

197 ~~((CC-))~~ GG. "Immediate family" means spouse, child, parent, son-in-law,
198 daughter-in-law, grandparent, grandchild, sibling, domestic partner and the child, parent,
199 sibling, grandparent or grandchild of the spouse or domestic partner.

200 ~~((DD-))~~ HH. "Incentive increase" means an increase to an employee's base salary
201 within the assigned pay range, based on demonstrated performance.

202 ~~((EE-))~~ II. "Integrated work setting" means a work setting with no more than eight
203 persons with developmental disabilities or with the presence of a sensory, mental or
204 physical handicap as specified in K.C.C. 3.12.180. This definition refers to all county
205 offices, field locations and other work sites at which supported employees work (~~along~~
206 ~~side~~) alongside employees who are not persons with development disabilities employed
207 in permanent county positions.

208 ~~((FF-))~~ JJ. "Life-giving and life-saving procedures" means a medically-
209 supervised procedure involving the testing, sampling, or donation of blood, organs,
210 fluids, tissues and other human body components for the purposes of donation without
211 compensation to a person for a medically necessary treatment.

212 ~~((GG-))~~ KK. "Manager" means the manager of the human resources division or
213 its successor agency.

214 ~~((HH-))~~ LL. "Marital status" means the presence or absence of a marital
215 relationship and includes the status of married, separated, divorced, engaged, widowed,
216 single or cohabiting.

217 ~~((H-))~~ MM. "Part-time employee" means an employee employed in a part-time
218 position. Under Section 550 of the charter, part-time employees are not members of the
219 career service.

220 (~~JJ~~). NN. "Part-time position" means an other than a regular position in which
221 the part-time employee is employed less than half time, that is less than nine hundred ten
222 hours in a calendar year in a work unit in which a thirty-five hour work week is standard
223 or less than one thousand forty hours in a calendar year in a work unit in which a forty-
224 hour work week is standard, except as provided elsewhere in this chapter. Where the
225 standard work week falls between thirty-five and forty hours, the manager, in
226 consultation with the department, is responsible for determining what hour threshold will
227 apply. Part-time position excludes administrative intern.

228 (~~KK~~) OO. "Part-time regular employee" means an employee employed in a
229 part-time regular position and, for part-time career service positions, is not serving a
230 probationary period. Under Section 550 of the charter, such part-time regular employees
231 are members of the career service.

232 (~~LL~~) PP. "Part-time regular position" means a regular position in which the
233 part-time regular employee is employed for at least nine hundred ten hours but less than a
234 full-time basis in a calendar year in a work unit in which a thirty-five hour work week is
235 standard or for at least one thousand forty hours but less than a full-time basis in a
236 calendar year in a work unit in which a forty-hour work week is standard. Where the
237 standard work week falls between thirty-five and forty hours, the manager, in
238 consultation with the department, is responsible for determining what hour threshold will
239 apply.

240 (~~MM~~) QQ. "Pay plan" means a systematic schedule of numbered pay ranges
241 with a minimum, maximum and intermediate steps for each pay range, a schedule of
242 assignment of each classification to a numbered pay range and rules for administration.

243 (~~NN~~) RR. "Pay range" means one or more pay rates representing the minimum,
244 maximum and intermediate steps assigned to a classification.

245 (~~OO~~) SS. "Pay range adjustment" means the adjustment of the numbered pay
246 range of a classification to another numbered pay range in the schedule based on a
247 classification change, competitive pay data or other significant factors.

248 (~~PP~~) TT. "Personnel guidelines" means only those operational procedures
249 promulgated by the manager necessary to implement personnel policies or requirements
250 previously stipulated by ordinance or the charter. Such personnel guidelines shall be
251 applicable only to employees assigned to executive departments and administrative
252 agencies.

253 (~~QQ~~) UU. "Position" means a group of current duties and responsibilities
254 assigned by competent authority requiring the employment of one person.

255 (~~RR~~) VV. "Probationary employee" means an employee serving a
256 probationary period in a regular career service. Probationary employees are temporary
257 employees and excluded from career service under Section 550 of the charter.

258 (~~SS~~) WW. "Probationary period" means a period of time, as determined by the
259 manager, constituting the final step in the competitive screening process for career
260 service or for promotion from one career service position to another. An appointment to
261 the career service, whether following successful completion of an initial probationary
262 period of county employment or a promotional probationary period, shall not be final
263 unless the employee successfully completes this probationary period.

264 (~~TT~~) XX. "Probationary period salary increase" means a within-range salary
265 increase from one step to the next highest step upon satisfactory completion of the
266 probationary period.

267 (~~UU~~) YY. "Promotion" means the movement of an employee to a position in a
268 classification having a higher maximum salary.

269 (~~VV~~) ZZ. "Provisional appointment" means an appointment made in the
270 absence of a list of candidates certified as qualified by the manager. Only the manager
271 may authorize a provisional appointment. An appointment to this status is limited to six
272 months.

273 (~~WW~~) AAA. "Provisional employee" means an employee serving by
274 provisional appointment in a regular career service. Provisional employees are temporary
275 employees and excluded from career service under Section 550 of the charter.

276 (~~XX~~) BBB. "Recruiting step" means the first step of the salary range allocated
277 to a class unless otherwise authorized by the executive.

278 (~~YY~~) CCC. "Regular position" means a position established in the county
279 budget and identified within a budgetary unit's authorized full time equivalent (FTE)
280 level as set out in the budget detail report.

281 (~~ZZ~~) DDD. "Salary or pay rate" means an individual dollar amount (~~which~~)
282 that is one of the steps in a pay range paid to an employee based on the classification of
283 the position occupied.

284 (~~AAA~~) EEE. "Serious health condition" means an illness or injury, impairment
285 or physical or mental condition that involves one or more of the following:

286 1. An acute episode that requires more than three consecutive calendar days of
287 incapacity and either multiple treatments by a licensed health care provider or at least one
288 treatment plus follow-up care such as a course of prescription medication; and any
289 subsequent treatment or period of incapacity relating to the same condition;

290 2. A chronic ailment continuing over an extended period of time that requires
291 periodic visits for treatment by a health care provider and that has the ability to cause
292 either continuous or intermittent episodes of incapacity;

293 3. In-patient care in a hospital, hospice or residential medical care facility or
294 related out-patient follow-up care;

295 4. An ailment requiring multiple medical interventions or treatments by a health
296 care provider that, if not provided, would likely result in a period of incapacity for more
297 than three consecutive calendar days;

298 5. A permanent or long-term ailment for which treatment might not be effective
299 but that requires medical supervision by a health care provider; or

300 6. Any period of incapacity due to pregnancy or prenatal care.

301 ((~~BBB.~~) FFF. "Temporary employee" means an employee employed in a
302 temporary position and in addition, includes an employee serving a probationary period
303 or is under provisional appointment. Under Section 550 of the charter, temporary
304 employees shall not be members of the career service.

305 ((~~CCC.~~) GGG. "Temporary position" means a position ((~~which~~)) that is not a
306 regular position as defined in this chapter and excludes administrative intern. Temporary
307 positions include both term-limited temporary positions as defined in this chapter and
308 short-term (normally less than six months) temporary positions in which a temporary

309 employee works less than nine hundred ten hours in a calendar year in a work unit in
310 which a thirty-five hour work week is standard or less than one thousand forty hours in a
311 calendar year in a work unit in which a forty hour work week is standard, except as
312 provided elsewhere in this chapter. Where the standard work week falls between thirty-
313 five and forty hours, the manager, in consultation with the department, is responsible for
314 determining what hour threshold will apply.

315 ~~((DDD-))~~ HHH. "Term-limited temporary employee" means a temporary
316 employee who is employed in a term-limited temporary position. Term-limited
317 temporary employees are not members of the career service. Term-limited temporary
318 employees may not be employed in term-limited temporary positions longer than three
319 years beyond the date of hire, except that for grant-funded projects capital improvement
320 projects and information systems technology projects the maximum period may be
321 extended up to five years upon approval of the manager. The manager shall maintain a
322 current list of all term-limited temporary employees by department.

323 ~~((EEE-))~~ III. "Term-limited temporary position" means a temporary position with
324 work related to a specific grant, capital improvement project, information systems
325 technology project or other nonroutine, substantial body of work, for a period greater
326 than six months. In determining whether a body of work is appropriate for a term-limited
327 temporary position, the appointing authority will consider the following:

328 1. Grant-funded projects: These positions will involve projects or activities that
329 are funded by special grants for a specific time or activity. These grants are not regularly
330 available to or their receipt predictable by the county;

331 2. Information systems technology projects: These positions will be needed to
332 plan and implement new information systems projects for the county. Term-limited
333 temporary positions may not be used for ~~((on-going))~~ ongoing maintenance of systems
334 that have been implemented;

335 3. Capital improvement projects: These positions will involve the management
336 of major capital improvement projects. Term-limited temporary positions may not be
337 used for ~~((on-going))~~ ongoing management of buildings or facilities once they have been
338 built;

339 4. Miscellaneous projects: Other significant and substantial bodies of work may
340 be appropriate for term-limited temporary positions. These bodies of work must be either
341 nonroutine projects for the department or related to the initiation or cessation of a county
342 function, project or department;

343 5. Seasonal positions: These are positions with work for more than six
344 consecutive months, half-time or more, with total hours of at least nine hundred ten in a
345 calendar year in a work unit in which a thirty-five hour work week is standard or at least
346 one thousand forty hours in a calendar year in a work unit in which a forty hour work
347 week is standard, that due to the nature of the work have predictable periods of inactivity
348 exceeding one month. Where the standard work week falls between thirty-five and forty
349 hours, the manager, in consultation with the department, is responsible for determining
350 what hour threshold will apply; and

351 6. Temporary placement in regular positions: These are positions used to back
352 fill regular positions for six months or more due to a career service employee's absence
353 such as extended leave or assignment on any of the foregoing time-limited projects. All

354 appointments to term-limited temporary positions will be made by the appointing
355 authority in consultation with the manager before the appointment of term-limited
356 temporary employees.

357 ~~((FFF-))~~ JJJ. "Volunteer intern" means volunteers who are also enrolled full-time
358 during the regular school year in a program of education, internship or apprenticeship
359 who are receiving scholastic credit or scholastic recognition for participating in the
360 internship.

361 ~~((GGG-))~~ KKK. "Work study student" means a student enrolled or accepted for
362 enrollment at a post-secondary institution who, according to a system of need analysis
363 approved by the higher education coordinating board, demonstrates a financial inability,
364 either parental, familial or personal, to bear the total cost of education for any semester or
365 quarter.

366 SECTION 4. Ordinance 12014, Section 13, and K.C.C. 3.12.100 are each hereby
367 amended to read as follows:

368 A. There shall be a probationary period during which time a probationary
369 employee shall be evaluated by the appointing authority to determine qualification for
370 entry into the career service. The probationary period shall be determined by the director,
371 but shall be not less than six months or more than one year of actual service, and shall be
372 served by those employees who have been newly-hired, re-employed, transferred to a
373 different position, or promoted or demoted. A furloughed employee's probationary
374 period shall not be extended as a result of emergency budget furlough days.

375 B. A probationary employee may be separated from county service at any time
376 during the probationary period without right of appeal to the personnel board.

377 Notwithstanding any other provisions of this section, an employee who does not
378 successfully complete the probationary period in a position to which he or she had been
379 promoted or transferred may be restored to his or her former position. Such restoration is
380 not mandatory, but is optional at the discretion of the former appointing authority within
381 the limits of available authorized positions. Such restoration shall include restoration of
382 the employee's former salary and all other benefits to which he or she would have been
383 entitled if the promotion or transfer had not occurred.

384 SECTION 5. Ordinance 12014, Section 15, and K.C.C. 3.12.120 are each hereby
385 amended to read as follows:

386 A. (~~General~~) Nothing contained in this chapter shall prevent, relieve, or
387 otherwise excuse any county officer or employee from the performance of any duty
388 imposed upon him or her by any other law of this county, or from the rendering of service
389 at such times and places as are necessary in order to properly perform the functions of his
390 or her office or employment.

391 B. (~~Workday~~) Except as otherwise provided by ordinance, the official
392 workday shall consist of eight hours of work for all full-time regular and full-time
393 probationary employees. The lunch hour shall not be considered as part of the workday.
394 The official workday for other employees shall be determined by the director. In the case
395 of an emergency budget furlough, work hours may be reduced or county offices may be
396 closed.

397 C. (~~Workweek~~) Except as otherwise provided by ordinance, the official
398 workweek shall consist of five working days for all full-time regular and full-time
399 probationary employees. The official workweek for other employees shall be determined

400 by the director. In the case of an emergency budget furlough, county offices may be
401 closed, resulting in the reduction of the workweek.

402 D. In the event of an emergency budget furlough, a furloughed employee
403 regularly scheduled to work on those days must take the designated furlough days off
404 without pay. If any designated furlough day falls on an employee's regularly scheduled
405 day off, the affected employee will take an alternate furlough day off without pay. An
406 employee who regularly works less than a standard work week for his or her agency shall
407 observe a furlough day or days on a prorated basis.

408 E. ((Call Duty.)) The county recognizes that there is an occasional need for an
409 employee to return to work outside his or her normal workday. The personnel guidelines
410 shall contain procedures relating to call duty.

411 ((E. On-the-Job-Injury.)) F. The county recognizes a responsibility for action
412 regarding on-the-job injuries. The personnel guidelines shall contain procedures relating
413 to on-the-job injury.

414 ((F. Continuation of Career Service.)) G. A career service employee who accepts
415 an appointment to an exempt position effective on or after January 1, 1996, and which
416 position and appointment resulted from the reorganization of the executive branch as
417 reflected in the creation of certain new positions contained in Attachment A to Ordinance
418 12013 shall retain ((his/her)) his or her career service status and rights while holding such
419 exempt position and have the restoration rights set forth in this section. This provision is
420 not intended to provide the career service employee with a right to the exempt position.
421 But, such employee, if selected for the exempt position, could be terminated from the
422 position only for just cause.

423 (~~G. Restoration to Career Service.~~) H. A career service employee who accepts
424 a transfer or promotion to an exempt position prior to December 1, 1979, shall, upon
425 separation from the exempt position, be allowed to re-enter career service at a position
426 comparable in terms of responsibilities and salary or wage (including normal cost-of-
427 living increases) to the career service position formerly held by the employee. A career
428 service employee accepting such a transfer or promotion on or after December 1, 1979,
429 shall have such a right to restoration; provided, that:

- 430 1. The right to restoration is exercised within four calendar years from the
431 effective date of the transfer or promotion to an exempt position; and
- 432 2. The former appointing authority, at his or her discretion, approves such
433 restoration within the limits of available authorized positions; or
- 434 3. A different appointing authority, having jurisdiction over comparable
435 authorized positions, at his or her discretion approves such restoration within the limits of
436 available authorized positions.

437 (~~H. Wages and Hours.~~) I. Matters involving wages and hours, including but not
438 limited to minimum wage and overtime compensation, shall be determined in accordance
439 with applicable state and federal laws and regulations.

440 (~~I. Overtime.~~) J. Overtime work may be authorized by the department director
441 where necessary to maintain or perform vital county services and shall be paid in
442 accordance with appropriate state and federal law.

443 SECTION 6. Ordinance 12077, Section 3, as amended, and K.C.C. 3.12.125 are
444 each hereby amended to read as follows:

445 A. Notwithstanding any other provision of this chapter, in the event the number
446 of hours in the standard work week of a position occupied by a full-time regular
447 employee, part-time regular employee or, term-limited temporary employee is increased,
448 the sick leave and vacation leave accruals of such employee at the time of the increase
449 shall be adjusted upward so as to insure that the equivalent number of sick leave and
450 vacation leave days accrued does not change. ((~~35~~)) For example, if the standard work
451 week of such a position is increased from ((~~35~~)) thirty-five to ((~~40~~)) forty hours, and if at
452 the time of such change the employee occupying the position had accrued seven hours of
453 sick leave, the sick leave accrual of that employee would be adjusted upward to eight
454 hours.((~~3~~)) This section shall apply to all employees eligible for leave benefits occupying
455 positions where the standard work week of the position was increased on or after July 1,
456 1991. After such increase, such employees shall accrue vacation and sick leave in
457 accordance with the otherwise applicable provisions of K.C.C. chapter 3.12.

458 B. Separate accounts shall be maintained for any vacation or sick leave accrued
459 prior to an increase in the number of work-week hours. The "adjusted leave account"
460 shall be used for leave accrued prior to an increase in the number of work-week hours.
461 The "unadjusted leave account" shall be used for leave accrued subsequent to an increase
462 in the number of work-week hours. Leave in the adjusted leave account shall be used
463 first.

464 C. In the event the number of work-week hours is reduced for any employee
465 whose vacation and sick leave accruals have been adjusted upward under the terms of this
466 section, the remaining hours in the adjusted leave account shall be reduced in the same
467 proportion as the work-week hours are reduced. Under no circumstances shall the

468 adjusted leave account be reduced by a greater proportion than the proportion of the
469 previous upward adjustment. Any leave accrued in the unadjusted leave account shall not
470 be affected by this reduction.

471 D. No adjustment to reduce sick leave or vacation accruals for a furloughed
472 employee shall be made as a result of an emergency budget furlough.

473 SECTION 7. Ordinance 12014, Section 19, as amended, and K.C.C. 3.12.190 are
474 each hereby amended to read as follows:

475 A. Beginning January 1, 1996, employees eligible for leave benefits shall accrue
476 vacation leave benefits as described in and further qualified by this section.

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

477 B. Notwithstanding the vacation leave schedule set forth in paragraph A of this
478 section, employees eligible for leave benefits, excluding employees in the former
479 department of metropolitan services, shall accrue vacation leave as follows:

480 1. ~~((Said))~~ Those employees who were employed on or before December 31,
481 1995, and by that date had completed at least three but less than five full years of service
482 shall begin to accrue fifteen days of vacation leave per year effective January 1, 1996;

483 2. ~~((Said))~~ Those employees who were employed on or before December 31,
484 1995, and subsequent to that date complete three full years of service shall begin to
485 accrue fifteen days of vacation leave per year effective on the first day of their fourth full
486 year of service.

487 Beginning on the first day of their sixth full year of service, all such employees
488 shall accrue vacation leave as set forth in ~~((paragraph))~~ subsection A. of this section.

489 C. Vacation accrual rates for an employee who works other than the full time
490 schedule standard to his or her work unit shall be prorated to reflect his or her normally
491 scheduled work week. No adjustment to reduce vacation accruals rates for a furloughed
492 employee shall be made as a result of an emergency budget furlough.

493 D. Employees eligible for vacation leave shall accrue vacation leave from their
494 date of hire into a benefit eligible position.

495 E. Employees eligible for vacation leave may accrue up to sixty days vacation
496 leave, prorated to reflect their normally scheduled work day. Such employees shall use
497 vacation leave beyond the maximum accrual amount prior to December 31 of each year.
498 Failure to use vacation leave beyond the maximum accrual amount will result in

499 forfeiture of the vacation leave beyond the maximum amount unless the appointing
500 authority has approved a carryover of such vacation leave because of cyclical workloads,
501 work assignments or other reasons as may be in the best interests of the county.

502 F. Exempt employees in regular positions, other than provisional or probationary
503 employees, may take and upon leaving county employment be paid for accrued vacation
504 leave as approved by their appointing authorities.

505 G. Career service employees, provisional, probationary and term-limited
506 temporary employees, shall not be eligible to take or be paid for vacation leave until they
507 have successfully completed their first six months of county service, and if they leave
508 county employment prior to successfully completing their first six months of county
509 service, shall forfeit and not be paid for accrued vacation leave.

510 H. A furloughed employee shall not be eligible to take or be paid for vacation on
511 an emergency budget furlough day. A furlough administrator may designate that paid
512 vacation leave is available for use by specific groups of employees as may be necessary,
513 as set forth in section 20 of this ordinance.

514 I. Employees eligible for leave benefits shall be paid for accrued vacation leave
515 to their date of separation up to the maximum accrual amount if they have successfully
516 completed their first six months of county service and are in good standing; provided
517 that, except with the written approval of the executive, the position, if vacated by a ((~~non-~~
518 ~~represented~~)) nonrepresented employee, shall not be filled until salary savings for such
519 position are accumulated in an amount sufficient to pay the cost of the ((~~cashout~~)) cash
520 out. Payment shall be the accrued vacation leave multiplied by the employee's rate of
521 pay in effect upon the date of leaving county employment less mandatory withholdings.

522 ~~((I-))~~ J. Employees shall not use or be paid for vacation leave until it has accrued
523 and such use or payment is consistent with the provisions of this section.

524 ~~((J-))~~ K. No employee shall work for compensation for the county in any capacity
525 during the time that the employee is on vacation leave.

526 ~~((K-))~~ L. For employees covered by the overtime requirements of the Fair Labor
527 Standards Act, vacation leave may be used in one-half hour increments, at the discretion
528 of the appointing authority.

529 ~~((L-))~~ M. In cases of separation from county employment by death of an
530 employee with accrued vacation leave and who has successfully completed his or her first
531 six months of county service, payment of unused vacation leave up to the maximum
532 accrual amount shall be made to the employee's estate, or, in applicable cases, as
533 provided for by state law, ~~((RCW))~~ Title 11 RCW; provided that, except with the written
534 approval of the executive, the position, if vacated by a ~~((non-represented))~~
535 nonrepresented employee, shall not be filled until salary savings for such position are
536 accumulated in an amount sufficient to pay the cost of the cash out.

537 ~~((M-))~~ N. If an employee resigns from a full-time regular or part-time regular
538 position with the county in good standing or is laid off and subsequently returns to county
539 employment within two years from such resignation or layoff, as applicable, the
540 employee's prior county service shall be counted in determining the vacation leave
541 accrual rate under ~~((paragraph))~~ subsection A. of this section.

542 SECTION 8. Ordinance 12052, Section 1, as amended, and K.C.C. 3.12.210 are
543 each hereby amended to read as follows:

544 A. Employees eligible for leave benefits shall be entitled to three working days of
545 bereavement leave a year due to death of members of their immediate family. A
546 furloughed employee shall not be eligible to take or be paid for bereavement leave on a
547 furlough day.

548 B. Employees who have exhausted their bereavement leave shall be entitled to
549 use sick leave in the amount of three days for each instance of death when death occurs to
550 a member of the employee's immediate family. A furloughed employee shall not be
551 eligible to take or be paid for bereavement sick leave on a furlough day.

552 C. In cases of family death where no sick leave benefit is authorized or exists, an
553 employee may be granted leave without pay.

554 D. In the application of any of (~~the foregoing provisions~~) subsections A., B. and
555 C. of this section, holidays or regular days off falling within the prescribed period of
556 absence shall not be charged.

557 SECTION 9. Ordinance 12014, Section 20, and K.C.C. 3.12.215 are each hereby
558 amended to read as follows:

559 A. The appointing authority shall allow employees eligible for family leave, sick
560 leave, vacation leave or leave of absence without pay who are voluntarily participating as
561 donors in life-giving or life-saving procedures such as, but not limited to, bone marrow
562 transplants, kidney transplants, or blood transfusions to take five days paid leave without
563 having such leave charged to family leave, sick leave, vacation leave or leave of absence
564 without pay; provided that the employee shall:

565 1. Give the appointing authority reasonable advance notice of the need to take
566 time off from work for the donation of bone marrow, a kidney, or other organs or tissue

567 where there is a reasonable expectation that the employee's failure to donate may result in
568 serious illness, injury, pain or the eventual death of the identified recipient.

569 2. Provide written proof from an accredited medical institution, organization or
570 individual as to the need for the employee to donate bone marrow, a kidney, or other
571 organs or tissue or to participate in any other medical procedure where the participation
572 of the donor is unique or critical to a successful outcome.

573 3. A furloughed employee shall not be eligible to take or be paid for organ
574 donor leave on a furlough day.

575 B. Time off from work for the purposes set out above in excess of five working
576 days shall be subject to existing leave policies contained in K.C.C. chapter 3.12 or in any
577 applicable collective bargaining agreement.

578 SECTION 10. Ordinance 14591, Section 2, and K.C.C. 3.12.218 are each hereby
579 amended to read as follows:

580 A. Any employee who is immunized for smallpox and who subsequently misses
581 work for medical reasons related to the smallpox immunization shall be granted paid
582 leave without having such charged to vacation or sick leave for the period the employee
583 is unable to work due to medical complications from the immunization. Paid leave shall
584 be granted if:

585 ~~((A-))~~ 1. The employee is a member of one or more categories of individuals
586 covered by a declaration by the United States Secretary of Health and Human Services
587 specifying the administration of smallpox countermeasures.

588 ~~((B.))~~ 2. The employee has been authorized by the county to receive the
589 immunization in order to participate in the county's response under Section 304 of the
590 Homeland Security Act.

591 ~~((C.))~~ B. Any part of the leave that is covered by worker's compensation time loss
592 shall be paid from that fund. If the amount of worker's compensation time loss payment
593 is less than the employee's regular net pay, the county will supplement the time loss
594 payment up to the level needed to equal the employee's regular net pay.

595 C. A furloughed employee shall not be eligible to take or be paid for smallpox
596 vaccination leave on a furlough day. However, any part of the leave that is covered by
597 worker's compensation time loss shall be paid from that fund.

598 SECTION 11. Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220
599 are each hereby amended to read as follows:

600 A. Except for employees covered by ~~((K.C.C. 3.12.220.G))~~ subsection G. of this
601 section, employees eligible for leave benefits shall accrue sick leave benefits at the rate of
602 0.04616 hours for each hour in pay status exclusive of overtime up to a maximum of
603 eight hours per month; except that sick leave shall not begin to accrue until the first of the
604 month following the month in which the employee commenced employment. No
605 adjustment to reduce sick leave accruals for furloughed employee shall be made as a
606 result of emergency budget furlough. The employee is not entitled to sick leave if not
607 previously earned.

608 B. During the first six months of service, employees eligible to accrue vacation
609 leave may, at the appointing authority's discretion, use any accrued days of vacation leave

610 as an extension of sick leave. If an employee does not work a full six months, any
611 vacation leave used for sick leave must be reimbursed to the county upon termination.

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

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

617 E. Separation from or termination of county employment except by reason of
618 retirement or layoff due to lack of work, funds, efficiency reasons or separation for
619 nondisciplinary medical reasons, shall cancel all sick leave accrued to the employee as of
620 the date of separation or termination. Should the employee resign in good standing, be
621 separated for nondisciplinary medical reason or be laid off, and return to county
622 employment within two years, accrued sick leave shall be restored, but the restoration
623 shall not apply where the former employment was in a term-limited temporary position.

624 F.1. Except for employees covered by (~~K.C.C. 3.12.220.G~~) subsection G. of
625 this section, employees eligible to accrue sick leave and who have successfully
626 completed at least five years of county service and who retire as a result of length of
627 service or who terminate by reason of death shall be paid, or their estates paid or as
628 provided for by Title 11 RCW, as applicable, an amount equal to thirty-five percent of
629 their unused, accumulated sick leave multiplied by the employee's rate of pay in effect
630 upon the date of leaving county employment less mandatory withholdings. This
631 provision is predicated on the requirement that, except with the written approval of the
632 executive, the position, if vacated by a nonrepresented employee, shall not be filled until

633 salary savings for such position are accumulated in an amount sufficient to pay the cost
634 of the (~~cashout~~) cash out. For the purposes of this subsection F.1, "retire as a result of
635 length of service" means an employee is eligible, applies for and begins drawing a
636 pension from the Law Enforcement Officers and Firefighters (LEOFF), Public
637 Employees' Retirement System (PERS), Public Safety Employees' Retirement System
638 (PSERS) or the city of Seattle Retirement (~~(P)~~)Plan immediately upon terminating county
639 employment.

640 2.a. In lieu of the remuneration for unused sick leave at retirement, the manager
641 of the human resources division, or the manager's designee, may, with equivalent funds,
642 provide eligible employees with a voluntary employee beneficiary association plan that
643 provides for reimbursement of retiree and other qualifying medical expenses.

644 b. The manager shall adopt procedures for the implementation of all voluntary
645 employee beneficiary association plans. At a minimum, the procedures shall provide that:

646 (1) each group of employees hold an election to decide whether to implement
647 a voluntary employee beneficiary association plan for a defined group of employees. The
648 determination of the majority of voting employees in a group shall bind the remainder.
649 Elections for represented employees shall be conducted by the appropriate bargaining
650 representative. Elections for (~~non-represented~~) nonrepresented employees shall be
651 conducted in accordance with procedures established by the manager;

652 (2) the manager has discretion to determine the scope of employee groups
653 voting on whether to adopt a voluntary employee beneficiary association plan. The
654 manager shall consult with bargaining representatives and elected officials in determining
655 the scope of voting groups;

656 (3) any voluntary employee beneficiary association plan implemented in
657 accordance with this subsection F.2. complies with federal tax law. Disbursements in
658 accordance with this subsection F.2. shall be exempt from withholdings, to the extent
659 permitted by law; and

660 (4) employees shall forfeit remuneration under subsections F.1. and 2. of this
661 section if the employee belongs to a group that has voted to implement a voluntary
662 employee beneficiary association plan and the employee fails to execute forms that are
663 necessary to the proper administration of the plan within twelve months of retirement by
664 reason of length of service, as defined in subsection F.1. of this subsection.

665 G. Uniformed employees covered under the LEOFF Retirement System-Plan I
666 shall apply for disability retirement under RCW 41.26.120.

667 H.1. An employee must use all of his or her accrued sick leave and any donated
668 sick leave before taking unpaid leave for his or her own health reasons. If the injury or
669 illness is compensable under the county's workers compensation program, then the
670 employee has the option to augment or not augment time loss payments with the use of
671 accrued sick leave. A furloughed employee shall not be eligible to take or be paid for
672 sick leave on a furlough day.

673 2. For a leave for family reasons, the employee shall choose at the start of the
674 leave whether the particular leave would be paid or unpaid; but when an employee
675 chooses to take paid leave for family reasons he or she may set aside a reserve of up to
676 eighty hours of accrued sick leave. A furloughed employee who is on county family
677 medical leave as provided for in this section shall retain county benefits while
678 furloughed.

679 3. An employee who has exhausted all of his or her sick leave may use accrued
680 vacation leave before going on leave of absence without pay, if approved by his or her
681 appointing authority. A furloughed employee shall not be eligible to take or be paid for
682 vacation leave in lieu of sick leave on a furlough day. Sick leave shall be used for the
683 following reasons:

684 ~~((1-))~~ a. ~~((F))~~the employee's bona fide illness, but an employee who suffers an
685 occupational illness may not simultaneously collect sick leave and worker's
686 compensation payments in a total amount greater than the net regular pay of the
687 employee;

688 ~~((2-))~~ b. ~~((F))~~the employee's incapacitating injury, but:

689 ~~((a-))~~ (1) an employee injured on the job may not simultaneously collect sick
690 leave and worker's compensation payments in a total amount greater than the net regular
691 pay of the employee~~((;))~~, though an employee who chooses not to augment his or her
692 worker's compensation time loss pay through the use of sick leave shall be deemed on
693 unpaid leave status;

694 ~~((b-))~~ (2) an employee who chooses to augment workers' compensation
695 payments with the use of accrued sick leave shall notify the safety and workers'
696 compensation program office in writing at the beginning of the leave;

697 ~~((e-))~~ (3) an employee may not collect sick leave and workers' compensation
698 time loss payments for physical incapacity due to any injury or occupational illness
699 ~~((which))~~ that is directly traceable to employment other than with the county;

700 ~~((3-))~~ c. ~~((F))~~the employee's exposure to contagious diseases and resulting
701 quarantine;

702 ~~((4-))~~ d. ~~((A))~~a female employee's temporary disability caused by or contributed
703 to by pregnancy and childbirth;

704 ~~((5-))~~ e. ~~((F))~~he employee's medical or dental appointments~~((, provided that))~~
705 but only if the employee's appointing authority has approved the use of sick leave for
706 such appointments;

707 ~~((6-))~~ f. ~~((F))~~to care for the employee's child as defined in this chapter if the
708 child has an illness or health condition which requires treatment or supervision from the
709 employee; or

710 ~~((7-))~~ g. ~~((F))~~to care for other family members, if:

711 ~~((a-))~~ (1) the employee has been employed by the county for twelve months or
712 more and has worked a minimum of nine hundred ten hours ~~((f))~~ for a thirty-five-hour
713 employee~~((g))~~ or one thousand forty hours ~~((f))~~ for a forty-hour employee~~((g))~~ in the
714 preceding twelve months;

715 ~~((b-))~~ (2) the family member is the employee's spouse or domestic partner, the
716 employee's child, a child of the employee's spouse or domestic partner, the parent of the
717 employee, employee's spouse or domestic partner or an individual who stands or stood in
718 loco parentis to the employee, the employee's spouse or domestic partner; and

719 ~~((e-))~~ (3) the reason for the leave is one of the following:

720 ~~((f))~~ i. the birth of a son or daughter and care of the newborn child, or
721 placement with the employee of a son or daughter for adoption or foster care, if the leave
722 is taken within twelve months of the birth, adoption or placement;

723 ~~((2))~~ ii. the care of the employee's child or child of the employee's spouse or
724 domestic partner whose illness or health condition requires treatment or supervision by
725 the employee; or

726 ~~((3))~~ iii. care of a family member who suffers from a serious health
727 condition.

728 I. An employee may take a total of up to eighteen work weeks unpaid leave for
729 his or her own serious health condition, and for family reasons as provided in ~~((K.C.C.~~
730 ~~3.12.220.H.6. and K.C.C. 3.12.220.H.7))~~ subsection H.3.f. and g. of this section,
731 combined, within a twelve-month period. The leave may be continuous, which is
732 consecutive days or weeks, or intermittent, which is taken in whole or partial days as
733 needed. Intermittent leave is subject to the following conditions:

734 1. When leave is taken after the birth or placement of a child for adoption or
735 foster care, an employee may take leave intermittently or on a reduced leave schedule
736 only if authorized by the employee's appointing authority;

737 2. An employee may take leave intermittently or on a reduced schedule when
738 medically necessary due to a serious health condition of the employee or a family
739 member of the employee; and

740 3. If an employee requests intermittent leave or leave on a reduced leave
741 schedule under ~~((K.C.C. 3.12.220.I.2))~~ subsection I.2. of this section that is foreseeable
742 based on planned medical treatment, the appointing authority may require the employee
743 to transfer temporarily to an available alternative position for which the employee is
744 qualified and that has equivalent pay and benefits and that better accommodates recurring
745 periods of leave than the regular position of the employee.

746 J. Use of donated leave shall run concurrently with the eighteen work week
747 family medical leave entitlement.

748 K. The county shall continue its contribution toward health care benefits during
749 any unpaid leave taken under (~~K.C.C. 3.12.220.I~~) subsection I. of this section.

750 L. Department management is responsible for the proper administration of the
751 sick leave benefit. Verification from a licensed health care provider may be required to
752 substantiate the health condition of the employee or family member for leave requests.

753 M. An employee who returns from unpaid family or medical leave within the
754 time provided in this (~~ordinance~~) section is entitled, subject to bona fide layoff
755 provisions, to:

756 1.a. the same position he or she held when the leave commenced; or

757 b. a position with equivalent status, benefits, pay and other terms and
758 conditions of employment; and

759 2. The same seniority accrued before the date on which the leave commenced.

760 N. Failure to return to work by the expiration date of a leave of absence may be
761 cause for removal and result in termination of the employee from county service.

762 SECTION 12. Ordinance 12014, Section 22, as amended, and K.C.C. 3.12.223
763 are each hereby amended to read as follows:

764 A. (~~Vacation leave hours.~~) 1. Any employee eligible for leave benefits may
765 donate a portion of his or her accrued vacation leave to another employee eligible for
766 leave benefits. Such a donation will occur upon written request to and approval of the
767 donating and receiving employees' department director(~~(s)~~) or directors, except that
768 requests for vacation donation made for the purposes of supplementing the sick leave

769 benefits of the receiving employee shall not be denied unless approval would result in a
770 departmental hardship for the receiving department.

771 2. The number of hours donated shall not exceed the donor's accrued vacation
772 credit as of the date of the request. No donation of vacation hours shall be permitted
773 where it would cause the employee receiving the transfer to exceed his or her maximum
774 vacation accrual.

775 3. A furloughed employee shall not be eligible to take or be paid for donated
776 vacation on an emergency budget furlough day, except as provided in section 20 of this
777 ordinance.

778 4. Donated vacation leave hours must be used within ninety calendar days
779 following the date of donation. Donated hours not used within ninety days or due to the
780 death of the receiving employee shall revert to the donor. Donated vacation leave hours
781 shall be excluded from vacation leave payoff provisions (~~contained~~) in this chapter. For
782 purposes of this section, the first hours used by an employee shall be accrued vacation
783 leave hours.

784 B. (~~Sick leave hours.~~) 1. Any employee eligible for leave benefits may donate a
785 portion of his or her accrued sick leave to another employee eligible for leave benefits
786 upon written notice to the donating and receiving employees' department director(~~(s)~~) or
787 directors.

788 2. No donation shall be permitted unless the donating employee's sick leave
789 accrual balance immediately subsequent to the donation is one hundred hours or more.
790 No employee may donate more than twenty-five hours of his or her accrued sick leave in
791 a calendar year.

792 3. Donated sick leave hours must be used within ninety calendar days. Donated
793 hours not used within ninety days or due to the death of the receiving employee shall
794 revert to the donor. Donated sick leave hours shall be excluded from the sick leave
795 payoff provisions contained in this chapter, and sick leave restoration provisions
796 contained in this chapter. For purposes of this section, the first hours used by an
797 employee shall be accrued sick leave hours.

798 C. All donations of vacation and sick leave made under this chapter are strictly
799 voluntary. Employees are prohibited from soliciting, offering or receiving monetary or
800 any other compensation or benefits in exchange for donating vacation or sick leave hours.

801 D. All vacation and sick leave hours donated shall be converted to a dollar value
802 based on the donor's straight time hourly rate at the time of donation. Such dollar value
803 will then be divided by the receiving employee's hourly rate to determine the actual
804 number of hours received. Vacation leave donated to a furloughed employee, who is
805 designated by a furlough administrator, as defined in section 17 of this ordinance, as
806 eligible to use donated leave on a furlough day, is donated on an hour-for-hour basis,
807 without an hourly rate conversion. Unused donated vacation and sick leave shall be
808 reconverted based on the donor's straight time hourly rate at the time of reconversion.
809 Vacation leave donated to a furloughed employee who is designated by a furlough
810 administrator as eligible to use donated leave on a furlough day shall not revert back to
811 the donor.

812 SECTION 13. Ordinance 7956, Section 6, and K.C.C. 3.12.225 are each hereby
813 amended to read as follows:

814 The appointing authority shall allow the use of up to three days of sick leave each
815 year to allow employees to perform volunteer services at the school attended by the
816 employee's child. A furloughed employee shall not be eligible to take or be paid for
817 school volunteer sick leave on a furlough day. Employees requesting to use sick leave
818 for this purpose shall submit such request in writing specifying the name of the school
819 and the nature of the volunteer services to be performed.

820 SECTION 14. Ordinance 12014, Section 23, as amended, and K.C.C. 3.12.230
821 are each hereby amended to read as follows:

822 A. The following days are hereby designated as official county holidays:

- 823 1. January 1, New Year's Day;
- 824 2. Third Monday in January, Martin Luther King, Jr. Birthday;
- 825 3. Third Monday in February, President's Day;
- 826 4. Last Monday in May, Memorial Day;
- 827 5. July 4, Independence Day;
- 828 6. First Monday in September, Labor Day;
- 829 7. November 11, Veteran's Day;
- 830 8. Thanksgiving Day and the day immediately following;
- 831 9. December 25, Christmas Day;
- 832 10. Special or limited holidays as declared by the president or governor, and as
833 approved by the council;
- 834 11. Such other days in lieu of holidays as the council may determine;
- 835 12. An ((E))employee((s)) eligible for leave benefits shall be granted two
836 personal holidays to be administered through the vacation plan; provided, that the hours

837 granted to an employee((s)) working less than a full-time schedule shall be prorated to
838 reflect ~~((their))~~ his or her normally scheduled work day. One day shall be credited to the
839 employee's leave balance on the first of October and one day on the first of November.

840 B. For holidays falling on a Saturday, the Friday before shall be a paid holiday.
841 For holidays falling on a Sunday, the Monday following shall be a paid holiday.

842 C. An employee must be eligible for leave benefits and in a pay status on the day
843 prior to and the day following a holiday to be eligible for holiday pay. ~~((; provided,~~
844 ~~h))~~However, ((that)) an employee who has successfully completed at least five years of
845 county service and who retires at the end of a month in which the last regularly scheduled
846 working day is observed as a holiday, shall be eligible for holiday pay if the employee is
847 in a pay status the day before the day observed as a holiday. An employee otherwise
848 eligible for holiday pay shall not be ineligible as a result of not being in a pay status on
849 the day before or after the holiday due to an emergency budget furlough.

850 SECTION 15. Ordinance 12077, Section 5, as amended, and K.C.C. 3.12.240 are
851 each hereby amended to read as follows:

852 Any employee eligible for leave benefits who is ordered on a jury shall be entitled
853 to his or her regular county pay~~((; provided, that))~~ but only if any fees received for
854 ~~((such))~~ jury duty are deposited, exclusive of mileage, with the department of finance. A
855 furloughed employee shall not be eligible to take or be paid for jury duty leave on a
856 furlough day. Employees shall report ~~((back))~~ to their work supervisor when dismissed
857 from jury service.

858 SECTION 16. Sections 17 through 21 of this ordinance should constitute a new
859 chapter in Title 3.

860 NEW SECTION. SECTION 17.

861 A. "Annual budget cycle" means the calendar year January 1 through December
862 31, or any portion thereof.

863 B. "Emergency budget crisis" or "financial emergency" means a circumstance in
864 which projected county revenues are determined to be insufficient to fully fund county
865 agency operations and significant cost savings must be achieved through reductions in
866 services and pay.

867 C. "Emergency budget furlough," also referred to as "mandated leave," shall have
868 the same meaning as found in K.C.C. 3.12.010.

869 D. "Furlough day" shall have the same meaning as found in K.C.C. 3.12.010.

870 E. "Furloughed employee" shall have the same meaning as found in K.C.C.
871 3.12.010.

872 F. "Furlough administrator" means: the county executive for the executive
873 departments; the chair of the council for the legislative branch; the prosecutor for the office
874 of the prosecuting attorney; the presiding judges of the district and superior courts; the
875 sheriff for the department of public safety; the assessor for the department of assessments;
876 the director of elections for the department of elections; or the official or officials
877 designated by that branch or unit of county government.

878 G. "Salaried employee" means an employee whose position is normally exempt
879 from wage and hours regulations.

880 NEW SECTION. SECTION 18.

881 A. Whenever the executive determines that an emergency budget crisis exists in
882 King County, the executive may proclaim in writing the existence of such an emergency.

883 The executive shall transmit a proclamation and proposed ratifying ordinance to the
884 council within seven days of the proclamation. A proclamation is effective only if
885 ratified by ordinance. A proclamation of an emergency budget crisis remains in effect for
886 all or a portion of one annual budget cycle.

887 B. Upon a proclaimed and ratified emergency budget crisis, the executive may:

888 1. Order an emergency budget furlough, including the furlough of employees of
889 the executive branch and closure of county offices;

890 2. Order the reduction in hours or the closure of county offices on specific days
891 associated with an emergency budget furlough; or

892 3. Order any other actions relating to employees in K.C.C. Title 3.

893 C. If an emergency budget crisis has been proclaimed and ratified and furlough
894 days are ordered, the executive shall notify the public of days that county offices are
895 closed by posting the information on the county buildings or offices that are closed, by
896 posting a notice on the Internet, by advertising in the official county newspaper and by
897 issuing press releases.

898 NEW SECTION. SECTION 19. If an emergency budget crisis has been
899 proclaimed and ratified, a furlough administrator may order an emergency budget
900 furlough or take any other authorized actions to meet the emergency budget crisis.

901 NEW SECTION. SECTION 20.

902 A.1. When a furlough administrator other than the executive has determined that
903 an emergency budget furlough is necessary, the furlough administrator shall designate a
904 person to administer the emergency budget furlough and to provide for the effective

905 direction, control and coordination of an emergency budget furlough in a manner to
906 preserve county functions.

907 2. The county administrative officer shall be responsible for emergency budget
908 furlough administration in the executive branch and shall provide for the effective
909 direction, control and coordination of an emergency budget furlough in a manner to
910 preserve county functions.

911 B. In administering an emergency budget furlough, the following principles
912 should apply:

913 1. An employee who is subject to the emergency budget furlough should be
914 notified of furlough in writing when possible, although any reasonable notice is
915 permissible;

916 2. During a furlough period, a furloughed employee remains a King County
917 employee subject to K.C.C. chapter 3.04;

918 3. A furloughed employee shall not volunteer to do what the county otherwise
919 pays any employee to do;

920 4. Medical, dental, vision and any other insured benefits shall remain in effect for
921 a furloughed benefit-eligible employee during a furlough period;

922 5. A furloughed employee shall not be eligible to take or be paid for vacation or
923 sick leave on an emergency budget furlough day. The furlough administrator may
924 designate that paid vacation leave is available for the following employees:

925 a. those employees earning equal or less than two times the federal poverty
926 index; and

927 b. those employees enrolled in the Public Employees' Retirement System or
928 the city of Seattle retirement systems who submit to the chief administrative officer or the
929 furlough administrator a letter of intent to retire during the succeeding two calendar
930 years; and

931 6. A salaried employee is considered an hourly employee for each week in
932 which the employee observes one or more furlough days and must track and report his or
933 her hours and follow standard hourly work practices.

934 C. If an emergency budget furlough is ordered, the furlough administrator shall
935 file the order with the clerk of the council no later than 10:00 a.m. of the second business
936 day after it is issued.

937 D. The furlough administrator or his or her designee may direct specific employees
938 to perform work with pay on furlough days as determined necessary to perform necessary
939 county functions that must not be interrupted by furlough.

940 NEW SECTION. SECTION 21. No provision of this chapter affects the
941 collective bargaining position of the exclusive bargaining representatives of any employee
942 or of the county.

943 SECTION 22.

944 A. The executive has proclaimed that an emergency budget crisis exists for the
945 year 2009. The council hereby ratifies the executive's proclamation.

946 B. For the 2009 emergency budget crisis, if any furlough administrator orders
947 budget furlough days, the furlough administrator shall provide the council with a report
948 of the implementation plan for the budget furlough by January 30, 2009. The report shall
949 include:

- 950 1. Efforts to notify the public of the budget furlough and the closure of county
951 offices or sites;
- 952 2. The number of employees who have been furloughed;
- 953 3. The length of the furlough;
- 954 4. The number of employees exempted from the furlough and the reasons for
955 the exemption;
- 956 5. The anticipated budget savings from the furlough; and
- 957 6. The anticipated effects of the furlough on both workload and service to the
958 public and other county agencies.

959 C. A furlough administrator who orders a budget furlough in 2009 shall provide
960 the council with a report on the effects of the furlough by June 30, 2009. The report shall
961 contain the same information contained in subsection B. of this section.

962 D. The reports required by this section must be filed in electronic format and in
963 the form of fifteen paper copies with the clerk of the council, who shall retain the original
964 and forward paper copies to each councilmember, the chief of staff and the policy staff
965 director.

966 SECTION 23. Severability. If any provision of this ordinance or its application

967

968 to any person or circumstance is held invalid, the remainder of the ordinance or the
969 application of the provision to other persons or circumstances is not affected.

970

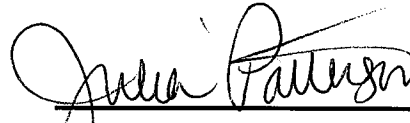
Ordinance 16339 was introduced on 11/17/2008 and passed as amended by the Metropolitan King County Council on 12/15/2008, by the following vote:

Yes: 7 - Ms. Patterson, Mr. Constantine, Ms. Lambert, Mr. von Reichbauer, Mr. Ferguson, Mr. Gossett and Mr. Phillips

No: 0

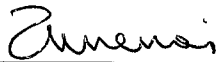
Excused: 2 - Mr. Dunn and Ms. Hague

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



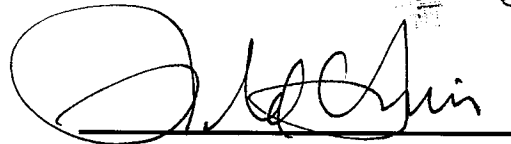
Julia Patterson, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 23 day of December, 2008.



Ron Sims, County Executive

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Attachments None