



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

January 19, 2011

Motion 13408

Proposed No. 2011-0032.2

Sponsors Gossett

1 A MOTION relating to the organization of the council; and
2 amending Motion 10651, Section III, as amended, and OR
3 1-020, Motion 10651, Section IV, as amended, and OR 1-
4 030, Motion 10651, Section V, as amended, and OR 2-030,
5 Motion 11122, Section G, as amended, and OR 2-040,
6 Motion 11122, Section H, as amended, and OR 2-050,
7 Section VI, as amended, and OR 3-010 and Motion 8868,
8 Sections 1-2, as amended, and OR 3-110.

9 WHEREAS, the charter provides that the council shall elect one of its members as
10 chair, and Motion 10651, Section II, as amended, and OR 1-010 provides that the council
11 shall elect a chair who shall serve at the pleasure of the council for a term of one year,
12 unless otherwise ordered by the council, and

13 WHEREAS, the council has specified by motion the chairs, vice-chairs and
14 members of council committees and provided for any changes to these positions to be
15 made by adoption of a formal legislative motion, and

16 WHEREAS, the council has specified by motion policies for members and staff;

17 NOW, THEREFORE, BE IT MOVED by the Council of King County:

18 I. Motion 10651, Section III, as amended, and OR 1-020 are each hereby
19 amended to read as follows:

20 **OR 1-020. Powers and duties of the chair.**

21 A. The chair, with their consent, shall appoint councilmembers to regional
22 committees, standing committees, administrative committees, special committees and
23 outside committees as required or as deemed necessary to efficiently conduct the business
24 of the council. The council recognizes that its committee structure, membership and
25 chairs and vice-chairs reflect the council's will. Any changes thereto shall be made only
26 by formal legislative motion adopted by a majority of the members at a council meeting.

27 B. The chair shall have the responsibility and general direction for the council's
28 resources, budget, operation and organizational structure. The chair shall allocate an
29 equal amount of funding and FTE positions to each councilmember's district support and
30 constituent services account from within the council administration account. The chair
31 shall be responsible for the general oversight of legislative branch employees, except
32 personal and district support and constituent services staff of councilmembers. Each
33 councilmember shall be responsible for employment decisions for his or her personal and
34 district support and constituent services staff. The council chief of staff shall be
35 responsible for the overall management and administration of council staff employees,
36 except for personal staff and district support and constituent services staff. The council
37 chief of staff shall be responsible for the overall management and administration of other
38 legislative branch employees as specified in OR 3-030, except for personal and district
39 support and constituent services staff.

40 C. The chair of the council shall not enter into a consultant contract for more than
41 twenty-five thousand dollars without first being authorized to do so by council motion.
42 All consultants shall comply with the King County code of ethics.

43 D. The chair shall regularly consult in the exercise of her or his duties with the
44 vice-chair. The chair, in consultation with committee chairs, shall direct the necessary
45 coordination of staff, except for personal and district support and constituent services
46 staff. The council's chief of staff shall report to the chair. The chair may exercise any
47 power conferred upon the chief of staff.

48 E. The chair shall be a member of the employment and administration committee.

49 II. Motion 10651, Section IV, as amended, and OR 1-030 are each hereby
50 amended to read as follows:

51 **Powers and duties of the vice-chair.**

52 A. The vice-chair shall exercise the duties, powers and prerogatives of the
53 council chair in the event of the chair's absence.

54 B. The vice-chair shall serve as the chair of the committee of the whole.

55 C. The vice-chair shall serve as the chair of the employment and administration
56 committee. The chair of the employment and administration committee shall issue, upon
57 recommendation of the employment and administration committee and with the approval
58 of a majority of the council, all employment decisions for legislative branch employees
59 except interns and the councilmembers' personal and district support and constituent
60 services staff, other than employment decisions that are made by the chair of the
61 employment and administration committee as provided in OR 2-030.

62 III. Motion 10651, Section V, as amended, and OR 2-030 are each hereby
63 amended to read as follows:

64 **Employment and administration committee.**

65 **A. Membership requirements.** The employment and administration committee
66 shall consist of four members.

67 **B. Duties and process.**

68 1. Administrative committee. The employment and administration committee is
69 an administrative committee of the council. The employment and administration
70 committee shall consult with councilmembers and the chief of staff on a continuing basis
71 in order to review council operations under the staffing structure defined in this motion.

72 2. Personnel decisions. The employment and administration committee shall
73 make recommendations to the council concerning decisions for legislative branch
74 employees, except for interns and councilmembers' personal and district support and
75 constituent services staff, and except for minor personnel decisions, which may be made
76 by the chair of the employment and administration committee in accordance with
77 subsection B.5. of this section. Personnel decisions include decisions to hire, to fill
78 vacancies, to make staffing adjustments, to designate staff employment assignments,
79 except assignments of policy staff to specific issues and legislation which shall be made
80 by the chief of staff under OR 3-040.D.2, to adjust staff pay, to analyze future hiring
81 needs and to make other necessary employment decisions. Personnel decisions do not
82 include termination or disciplinary decisions, which follow the process stated in
83 subsection B.3. of this section, or minor personnel decisions, which follow the process
84 stated in subsection B.5. of this section. Where applicable, employment and
85 administration committee recommendations on personnel decisions shall be developed in
86 consultation with appropriate committee chairs and, where applicable, the chief of staff.

87 3. Personnel decisions shall be contained in a written recommendation report
88 and may be voted out of committee upon: a. the receipt of the signature of three
89 committee members during a meeting of the committee; or b. subject to signature by a
90 quorum of the committee members in accordance with K.C.C. 1.24.055.C (Rule 6.C).
91 Once the necessary signatures are obtained, recommendation reports from the committee
92 shall be forwarded to the council for consideration on an employment and administration
93 committee consent agenda. The chair of the employment and administration committee
94 shall issue, upon recommendation of the employment and administration committee and
95 with the approval of a majority of the council, all employment decisions for legislative
96 branch employees except interns and the councilmembers' personal and district support
97 and constituent services staffs.

98 4. Terminations and disciplinary decisions. The employment and administration
99 committee makes decisions on discipline and termination, including layoffs, except for
100 councilmembers' personal and district support and constituent services staff. If three
101 committee members vote for a termination or disciplinary action the decision is final,
102 except when an employee exercises the right of an appeal to the full council. An
103 employee who has been either suspended without pay of two weeks or more or
104 terminated may appeal the decision of the employment and administration committee to
105 the council. The appeal must be filed within ten calendar days of written notice of the
106 suspension or termination being sent to the employee. An appeal is accomplished by
107 delivering a notice of appeal to the clerk of the council. Nondisciplinary terminations are
108 subject to appeal in the same manner as disciplinary terminations.

109 5. Minor personnel decisions.

110 a. Except for interns and councilmembers' personal and district support and
111 constituent services staff, ((F))the chair of the employment and administration committee
112 shall make all minor personnel decisions as set forth in this subsection B.5. Minor
113 personnel actions are:

114 (1) authorizing recruiting for a vacated or newly created position;

115 (2) increasing or reducing the hours assigned to a current position up to the
116 total budgeted hours for the position, as reflected in the Staff and Salary Detail Report
117 maintained by the chief of staff or his or her designee;

118 (3) reassigning an employee employed within a legislative branch agency of
119 the county auditor, board of appeals/equalization, hearing examiner, ombudsman/tax
120 advisor or civic television to another position in the same agency and pay range;

121 (4) hiring a temporary or a term-limited temporary employee to perform
122 clerical or technical functions, up to a total of the maximum period allowed by ordinance
123 or two years, whichever is less;

124 (5) extending the employment period of a temporary or a term-limited
125 temporary employee hired to perform clerical or technical functions, up to a total of the
126 maximum period allowed by ordinance or two years, whichever is less; and

127 (6) approving a carryover of excess vacation leave under K.C.C. 3.12.190
128 because of cyclical workloads, work assignments or other reasons as may be in the best
129 interests of the county.

130 b. Requests for minor personnel decisions shall be made in writing to the
131 employment and administration committee chair via the chief of staff. Requests may be
132 made only by councilmembers, legislative branch agency managers, the chief of staff or a

133 staff member who is supervised directly by the chair of the council. The chief of staff
134 shall promptly provide the employment and administration committee chair with a copy
135 of the request and the chief of staff's recommendation for approval, disapproval or
136 modification of the request.

137 c. Action on a requested minor personnel decision shall be in writing, signed
138 by the chair of the employment and administration committee. The chief of staff shall
139 file the original of the decision action with the clerk of the council, and shall provide
140 copies of the decision action to the agency manager or supervisor, affected employee and
141 members of the employment and administration committee.

142 6. Nothing in this process is to be construed to alter the at-will status of
143 legislative branch employees. This process is designed to facilitate the will of the
144 majority of the council. If there are specific provisions of a collective bargaining
145 agreement that are contrary to this process, the collective bargaining agreement controls.

146 **C. Recommendations to the council chair.** The employment and
147 administration committee may consider and make recommendations to the council chair
148 regarding management, organization structure and legislative branch customer service.
149 The committee may monitor and make recommendations on the legislative branch
150 budget.

151 **D. Removal of recommendations from consent agenda.** Upon the request of
152 any member present before the council, any specific recommendation from the
153 employment and administration committee shall be removed from the consent agenda
154 and considered separately by the council prior to adoption of the employment and

155 administration committee consent agenda. The council may then by a majority vote
156 make whatever orderly disposition of the matter it deems appropriate.

157 **E. Motions for censure.** The employment and administration committee shall
158 consider and make recommendations on motions for censure related to alleged violations
159 of any antiharassment policy by a councilmember.

160 **F. Personnel records as confidential.** To the extent permitted by law, personnel
161 records which would be exempt from public disclosure shall continue to be treated as
162 confidential and records or portions thereof which are exempt shall be conspicuously
163 identified as such and separated from nonexempt records.

164 IV. Motion 11122, Section G, as amended, and OR 2-040 are each hereby
165 amended to read as follows:

166 **OR 2-040. Chairs and vice-chairs.** The council designates the following
167 councilmembers as chairs and vice-chairs of the standing committees created in this
168 motion and the regional committees established in the King County Charter.

169 Committee of the whole:

170 Chair: Jane Hague.

171 Vice-chair: Larry Phillips.

172 Budget and fiscal management committee:

173 Chair: Julia Patterson.

174 Vice-chair: Kathy Lambert

175 Employment and administration committee:

176 Chair: Jane Hague.

177 Vice-chair: ((Kathy Lambert)) Larry Gossett.

178 Environment and transportation committee:

179 Chair: Larry Phillips.

180 Vice-chair: Jane Hague (~~(Pete von Reichbauer)~~).

181 Government accountability and oversight committee:

182 Chair: Kathy Lambert.

183 Vice-chair: (~~(Jan Drago, or her District 8 successor councilmember)~~)

184 Reagan Dunn.

185 Law, justice, health and human services committee:

186 Chair: (~~(Reagan Dunn)~~) Bob Ferguson.

187 Vice-chair: (~~(Larry Gossett)~~) Kathy Lambert.

188 Regional policy committee:

189 Chair: Pete von Reichbauer.

190 Regional transit committee:

191 Chair: (~~(Larry Gossett)~~) Reagan Dunn.

192 Regional water quality committee:

193 Chair: (~~(Jan Drago, or her District 8 successor councilmember)~~) Larry

194 Gossett.

195 V. Motion 11122, Section H, as amended, and OR 2-050 are each hereby

196 amended to read as follows:

197 **Memberships.** The council designates the following councilmembers, in
198 addition to the chairs and vice-chairs, as members of the standing committees created in
199 this motion and the regional committees established in the King County Charter.

200 Budget and fiscal management committee:

201 Members: Reagan Dunn, (~~Larry Gossett~~) Jane Hague, Joe McDermott,
202 Larry Phillips.

203 Committee of the whole:

204 Members: All councilmembers.

205 Employment and administration committee:

206 Members: (~~Bob Ferguson~~) Kathy Lambert, (~~Larry Phillips~~) Julia
207 Patterson.

208 Environment and transportation committee:

209 Members: Bob Ferguson, (~~Larry Gossett, Jane Hague~~) Joe McDermott,
210 (~~Julia Patterson~~) Pete von Reichbauer.

211 Government accountability and oversight committee:

212 Members: (~~Reagan Dunn~~) Larry Gossett, Pete von Reichbauer.

213 Law, justice, health and human services committee:

214 Members: (~~Jan Drago, or her District 8 successor councilmember, Bob~~
215 ~~Ferguson, Kathy Lambert~~) Reagan Dunn, Larry Gossett, Joe McDermott.

216 Regional policy committee:

217 Members: (~~Reagan Dunn~~) Bob Ferguson, Joe McDermott.

218 Regional transit committee:

219 Members: (~~Jane Hague~~) Julia Patterson, Larry Phillips.

220 Regional water quality committee:

221 Members: Jane Hague, Kathy Lambert(~~, Larry Phillips~~).

222 VI. Motion 10651, Section VI, as amended, and OR 3-010 are each hereby
223 amended to read as follows:

224 **Use of councilmembers' district accounts and district support and**
225 **constituent services accounts.**

226 A.1. All salaries and benefits for a councilmember and a councilmember's
227 personal staff shall be paid out of the councilmember's district account, and all salaries
228 and benefits for a councilmember's district support and constituent services staff shall be
229 paid out of the councilmember's district support and constituent services account.

230 2.a. The council prohibits councilmembers from hiring as personal or district
231 support and constituent services staff persons who have been employed within the prior
232 twelve months:

233 (1) as a council policy or administrative central staff member classified at
234 range 23 or above in the Legislative Branch Classification Plan; or

235 (2) persons who have been employed within the prior twelve months as a
236 personal or district support and constituent services staff member of another
237 councilmember, except with the consent of the former-employer councilmember.

238 b. District account ~~((funds))~~ and district support and constituent services
239 account moneys cannot be used to pay the salary or benefits of persons prohibited from
240 being hired as set forth subsection A.2.a. of this section.

241 c. This subsection A.2. shall not apply to any employee hired as a personal
242 staff member before October 13, 2008.

243 3. ~~((The cost of benefits for personal staff shall be paid out of the central council~~
244 ~~account for up to four personal staff per district. The cost of benefits for each personal~~
245 ~~staff member above four for a councilmember shall be paid out of that councilmember's~~
246 ~~district account. Neither t))~~ The central council account ((nor)), a district account or a

247 district support and constituent services account may not be used to fund benefits for
248 employees whose employment as personal and district support and constituent services
249 staff is prohibited by subsection A.2. of this section.

250 B.1. All expenditures for mail originating from an individual councilmember's
251 office shall be paid for out of that councilmember's district account or district support and
252 constituent services account, except for mailings of ten items or less, which may be paid
253 for out of the council administration budget, and for postage that may be funded from the
254 council administration budget subject to the approval of the chair of the council.

255 2. A councilmember shall not send any mass mailing that is deposited in the
256 mail between the date the councilmember has filed a declaration and affidavit of
257 candidacy with the department of elections and election day in any year in which an
258 election is to be held to fill the councilmember's office. However, mailings may be made
259 after the last day for filing for office if the councilmember has not filed for the office.
260 For the purposes of this subsection B.2, "mass mailing" means any mailing of more than
261 two hundred pieces that contains essentially identical messages and that is prepared or
262 sent by or on behalf of an individual councilmember at council expense.

263 C. All expenditures for rent, office equipment and furniture, utilities and
264 telephones to support a councilmember's outside district office shall be paid out of the
265 councilmember's district support and constituent services account.

266 D. All travel expenditures incurred by a councilmember~~((s-ø#))~~, the
267 councilmember's personal staff or the councilmember's district support and constituent
268 services staff shall be paid for out of the councilmember's district account or from the

269 councilmember's district support and constituent services account, or from the council
270 administration budget with the approval of the chair of the council.

271 E. All other expenditures for community meetings, training, publications,
272 newspaper advertising, nonnewspaper advertising, cellular phones, cellular phone
273 services or other related activities as determined by the councilmember shall be paid out
274 of the councilmember's district account or from the councilmember's district support and
275 constituent services account, or from the council administration budget with the approval
276 of the chair of the council.

277 F. Whenever questions about expenditures may arise, a councilmember shall
278 consult with the chief of staff, legal counsel or the chief of staff's designee as necessary in
279 considering whether a specific expenditure is authorized by this section OR 3-010.

280 VII. Motion 8868, Sections 1-2, as amended, and OR 3-110 are each hereby
281 amended to read as follows:

282 **Policies and procedures against sexual harassment and discrimination -**
283 **policy statement.**

284 A. The metropolitan King County council promotes a respectful,
285 nondiscriminatory work environment, free of behavior which is illegal and/or which
286 contributes to interpersonal conflicts, poor performance or poor morale. Therefore, the
287 metropolitan King County council prohibits:

288 1. Sexual harassment;

289 2. Discrimination or harassment of, or inappropriate conduct toward, any
290 employee on the basis of his or her race, color, sex, marital status, sexual orientation,

291 religion, ancestry, national origin, and/or the presence of any sensory, mental, or physical
292 disability; and

293 3. Retaliation.

294 B. This policy applies to members of the council, councilmembers' personal and
295 district support and constituent services staff and all employees of the legislative branch.

296 Violations of this policy may lead to censure or discipline, up to and including discharge.

297 C. This policy is supplemental to other procedures available under federal, state,
298 and county laws, including but not limited to the Whistleblower Ordinance, K.C.C.

299 chapter 3.42, the Ethics Code, K.C.C. chapter 3.04, and the Fair Employment Practices
300 Code, K.C.C. chapter 12.18. Employees are encouraged to report pursuant to this policy,

301 but shall continue to have the right to utilize other formal complaint procedures

302 established by law.

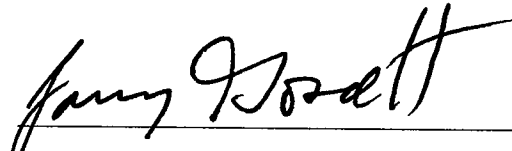
303 The policies and procedures against sexual harassment and discrimination in the

304 legislative branch in Attachment ((~~B to Motion 13129~~)) A to this motion are hereby
305 adopted.
306

Motion 13408 was introduced on 1/18/2011 and passed as amended by the
Metropolitan King County Council on 1/18/2011, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,
Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr.
McDermott
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments: A. Metropolitan King County Council Legislative Branch Policies and Procedures
Against Unlawful Harassment and Discrimination

METROPOLITAN KING COUNTY COUNCIL
Legislative Branch

Policies and Procedures Against Unlawful Harassment and Discrimination

I. Policy Statement

The Metropolitan King County Council promotes a respectful, non-discriminatory work environment, free of behavior which is illegal and/or which contributes to interpersonal conflicts, poor performance, or poor morale. Therefore, the Metropolitan King County Council prohibits:

- sexual harassment;
- discrimination or harassment of, or inappropriate conduct toward, any employee on the basis of his or her race, color, sex, marital status, sexual orientation, religion, ancestry, national origin, and/or the presence of any sensory, mental, or physical disability; and
- retaliation.

This policy applies to members of the council, councilmembers' personal and district support and constituent services staff, and all employees of the legislative branch. Violations of this policy may lead to censure or discipline, up to and including discharge.

This policy is supplemental to other procedures available under federal, state, and county laws, including but not limited to the Whistleblower Ordinance (K.C.C. ch. 3.42), the Ethics Code (K.C.C. ch. 3.04), and the Fair Employment Practices Code (K.C.C. ch. 12.18). Employees are encouraged to report pursuant to this policy, but shall continue to have the right to utilize other formal complaint procedures established by law.

II. Definitions

A. "Discrimination" has the meaning set forth in KCC chapter 12.18, which prohibits any action or failure to act, the effect of which is to adversely affect or differentiate persons on the basis of race, color, age, sex, marital status, sexual orientation, religion, ancestry, national origin, or the presence of any sensory, mental or physical handicap, unless based upon a bona fide occupational qualification.

B. Harassment can take many forms and can include slurs, comments, jokes, innuendoes, unwelcome compliments, cartoons, pranks, and/or other verbal or physical conduct relating to an individual, on the cases of race, color, age, sex, marital status, sexual orientation, religion, ancestry, national origin or the presence of any disability. It is illegal when such harassment:

- (1) has the purpose or effect of creating an intimidating, hostile or offensive working environment;

- (2) has the purpose or affect of unreasonably interfering with an individual's work performance; or
- (3) otherwise unreasonably affects an individual's employment opportunities.

C. "Sexual harassment" is a type of harassment and a form of unlawful discrimination. It includes unwelcome sexual advances, requests for sexual favors, displays of sexually oriented materials, and other verbal or physical conduct of a sexual nature. It is illegal when:

- (1) submission to such conduct, either explicitly or implicitly, is made a term or condition of an individual's employment; or
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creates an intimidating, hostile, or offensive environment.

D. "Inappropriate conduct" is conduct that, while not amounting to unlawful harassment, has a sexual or racial component, or is otherwise based on status as set forth in II(a), and may reasonably have the effect of lowering morale and/or productivity. Inappropriate conduct does not include occasional compliments of a socially acceptable nature, nor conduct or actions that arise out of a personal or social relationship.

E. "Retaliation" means an adverse employment action against an individual because he/she has complained in good faith of discrimination, harassment, inappropriate conduct, and/or sexual harassment, inappropriate conduct of a sexual nature, or retaliation, or assisted or participated in an investigation of such allegations.

III. Issues and Complaint Resolution Procedure

A. Employees who experience, witness, or learn of what may be discrimination, harassment, inappropriate conduct, sexual harassment, and/or retaliation are strongly encouraged to come forward. The employee should tell the alleged harasser to stop the behavior, and/or report the behavior to any of the following individuals:

- 1. the employee's own supervisor;
- 2. any other supervisor;
- 3. the chief of staff or his or her designee; or
- 4. the council's legal counsel.

B. Supervisors who witness or learn of possible discrimination, harassment, sexual harassment, inappropriate conduct, and/or retaliation, or who receive a complaint or concern from an employee regarding such allegations, must report their observations or any complaints or concerns to the chief of staff or his or her designee. If the complaint or concern involves the chief of staff or his or her designee, the supervisor shall report to the

201 Members: Reagan Dunn, (~~Larry Gossett~~) Jane Hague, Joe McDermott,
202 Larry Phillips.

203 Committee of the whole:

204 Members: All councilmembers.

205 Employment and administration committee:

206 Members: (~~Bob Ferguson~~) Kathy Lambert, (~~Larry Phillips~~) Julia
207 Patterson.

208 Environment and transportation committee:

209 Members: Bob Ferguson, (~~Larry Gossett, Jane Hague~~) Joe McDermott,
210 (~~Julia Patterson~~) Pete von Reichbauer.

211 Government accountability and oversight committee:

212 Members: (~~Reagan Dunn~~) Larry Gossett, Pete von Reichbauer.

213 Law, justice, health and human services committee:

214 Members: (~~Jan Drago, or her District 8 successor councilmember, Bob~~
215 ~~Ferguson, Kathy Lambert~~) Reagan Dunn, Larry Gossett, Joe McDermott.

216 Regional policy committee:

217 Members: (~~Reagan Dunn~~) Bob Ferguson, Joe McDermott.

218 Regional transit committee:

219 Members: (~~Jane Hague~~) Julia Patterson, Larry Phillips.

220 Regional water quality committee:

221 Members: Jane Hague, Kathy Lambert(~~, Larry Phillips~~).

222 VI. Motion 10651, Section VI, as amended, and OR 3-010 are each hereby
223 amended to read as follows:

Council's legal counsel. Supervisors who fail to comply with this responsibility may be subject to censure or discipline, up to and including discharge.

C. The individual to whom any report of possible discrimination, harassment, sexual harassment, inappropriate conduct, and/or retaliation is made shall promptly inform the chief of staff or his or her designee of the report. The chief of staff or his or her designee shall respond promptly and appropriately, as follows:

1. Determine whether the complaint or concern (a) can be addressed without formal investigation or referral to the Employment and Administration Committee, or (b) requires formal investigation and referral to the Employment and Administration Committee. If (a), the chief of staff or his or her designee shall document (i) the complaint or concern; (ii) the determination that no formal investigation or referral to the Employment and Administration Committee was necessary; and (3); any steps taken in response. If (b), where further investigation and referral to the Employment and Administration Committee is necessary, the chief of staff or his or her designee shall proceed as follows:

2. Develop a response plan. The plan may include a proposed investigation outline, proposals to mediate the dispute, and, in cases of a more serious nature, should address whether the complainant and the accused should be separated pending completion of the investigation.

3. Advise the chair of the Employment and Administration Committee of the complaint or concern and the recommended response plan. If the complaint or concerns involve a personal or district support and constituent services staff member of a councilmember, the councilmember employing the staff member shall also be advised. If the complaint or concern involves the Chair of the Employment and Administration Committee, the chief of staff or his or her designee shall advise the Vice-Chair of the Committee.

4. Conduct a prompt and thorough investigation to determine whether a violation of this policy has occurred based on all facts and circumstances, the nature of the allegation, and context in which the alleged incidents occurred. Based on this determination, make a preliminary recommendation on what, if any, action should be taken.

5. Brief the Employment and Administration Committee on the results of the investigation and recommended disposition of the complaint or concern, and any corrective and/or preventive measures such as discipline, training and monitoring.

6. Implement the recommendations of the Employment and Administration Committee, including discipline, if any, and any corrective and/or preventive measures. If any discipline is appealed to the full council, it should not be imposed until the appeal is decided.

7. Inform the employee who raised the complaint or concern, the accused employee, and the supervisor who received the report of a complaint or concern, of the

results of the investigation, whether or not there was a finding of discrimination, harassment, sexual harassment, inappropriate conduct, and/or retaliation.

8. For a reasonable period of time, monitor for retaliation against any person involved in the filing or investigation of a complaint or concern.

9. Maintain all records related to the report.

D. If the complaint or concern involves allegations against the chief of staff or his or her designee, the individual to whom the report is made or his or her designee shall respond as set forth in **Part III C (1-9)**.

E. Upon notification of a complaint or concern and submission of a response plan by the chief of staff or his or her designee, the chair of the Employment and Administration Committee shall:

1. Approve or modify the response plan recommended by the chief of staff or his or her designee, and where appropriate, as to all employees except councilmembers' and councilmembers' personal and district support and constituent services staff, direct the chief of staff or his or her designee to implement steps in the approved response plan to separate the accused from the complainant;

2. Promptly schedule a briefing by the chief of staff or his or her designee for the Employment and Administration Committee;

3. If the complaint or concern involves a member of the Employment and Administration Committee, direct that, unless invited by the chair to address the Committee, that the involved member not attend or participate in that portion of the meeting of the Employment and Administration Committee at which the complaint or concern will be discussed or a recommendation voted upon.

F. The Employment and Administration Committee, upon being briefed by the chief of staff or his or her designee per **Part III C (5)** and after due consideration, shall:

1. Vote upon the recommended disposition of the complaint or concern and on any proposed modification thereto;

2. As to all employees except councilmembers and councilmembers' personal and district support and constituent services staff, direct the chief of staff to implement the decision of the Committee.

3. As to councilmembers, the Committee shall decide whether to recommend exoneration or censure. If the committee recommends censure, the Chair of the Metropolitan King County Council, or the Vice-Chair if the complaint or concern involves the Chair, shall introduce a motion for censure. In accordance with the council rules the chair shall refer the motion to the

employment and administration committee. In accordance with KCC 1.24.055 Rule 6, to report the motion out of the employment and administration committee will require a recommendation report signed by a majority of the committee.

4. As to councilmembers' personal and district support and constituent services staff, the Committee shall vote on a recommended disposition and report its recommendation to the councilmember.

G. Information regarding complaints or concerns will be kept confidential to the extent possible, but confidentiality cannot be guaranteed.

H. A complainant who is dissatisfied with the way his or her complaint is being handled may take his or her concerns to another of the individuals designated in **Part III**.

IV. Responsibilities

A. The chief of staff shall ensure that all employees receive a copy of this policy and are appropriately instructed and/or trained on its contents.

B. The chief of staff shall provide oversight, tracking, monitoring, and guidance to the Employment and Administration Committee to ensure adequate enforcement of the policy.

C. Employees with supervisory responsibilities shall model appropriate behavior and strive to cultivate and maintain a work environment that is free from discrimination, harassment, sexual harassment, inappropriate conduct, and/or retaliation.

D. Any member of the Metropolitan King County Council shall have the same responsibilities under this policy as other supervisors.

E. In carrying out their responsibilities under this policy, staff, members of the Employment and Administration Committee, and the chief of staff are encouraged to consult with the Council's legal counsel.

V. At-will employment

Nothing in this policy is intended to alter the at-will employment status of legislative branch employees or give rise to a requirement of termination for just cause.