

80-108

ORDINANCE NO. 4730

AN ORDINANCE relating to the personnel system mandated by Article 5 of the County Charter; amending Ordinance 4324, Sections 2, 5, 18, 19, 23, 26, and KCC 3.12.010, 3.12.040, 3.12.180, 3.12.220, 3.12.270, and 3.12.290.

PREAMBLE:

Ordinance 4324 was approved by the Council June 4, 1979, and signed by the Executive June 21, 1979. As provided in Section 39 of the ordinance, the provisions of the ordinance became effective December 1, 1979. Upon review, Ordinance 4324 was found to have certain mistakes or omissions which, when literally interpreted, could result in policies that are directly at odds or conflict with current policies and the actual intents of Ordinance 4324. The purpose of this ordinance is to correct those mistakes. With the exception of Section 6, excluding sick leave payments from social security taxation and Section 2, requiring affirmative action in the hiring of the handicapped, all proposed amendments are consistent with current county policy regarding personnel administration.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 4324, Section 2, and KCC 3.12.010 are hereby amended to read as follows:

Definitions. (1) "Administrative guidelines" means only those operational procedures promulgated by the manager necessary to implement personnel policies or requirements previously stipulated by ordinance or the Charter.

(2) "Appointing authority" means the county council, county executive, department heads, or division managers having lawful authority to appoint or to remove persons from positions in the county service, or persons designated by such appointing authority to perform those duties which legally may be delegated.

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

(4) "Board" means the King County Personnel Board established by Section 540 of the Charter.

(5) "Career service employee" means a county employee

1 employed in a career service position.

2 (6) "Career service position" means all positions in
 3 the county service except for those which are designated by
 4 Section 550 of the Charter as follows: All elected officers; the
 5 county auditor, the clerk and all other employees of the county
 6 council; the county administrative officer; the chief officer of
 7 each executive department and administrative office; the members
 8 of all boards and commissions; administrative assistants for the
 9 county executive and one administrative assistant each for the
 10 county administrative officer, the county auditor, the county
 11 assessor, the chief officer of each executive department and
 12 administrative office and for each board and commission; a chief
 13 deputy for the county assessor; one confidential secretary each
 14 for the county executive, the chief officer of each executive
 15 department and administrative office and for each administrative
 16 assistant specified herein; all employees of those officers who
 17 are exempted from the provisions of this chapter by the state
 18 constitution; persons employed in a professional or scientific
 19 capacity to conduct a special inquiry, investigation or
 20 examination; part-time and temporary employees; administrative
 21 interns; election precinct officials; all persons serving the
 22 county without compensation; physicians; surgeons; dentists;
 23 medical interns; and student nurses and inmates employed by
 24 county hospitals, tuberculosis sanitariums and health
 25 departments of the county.

26 A departmental division as determined by the county
 27 council shall be considered to be executive departments for the
 28 purpose of determining the applicability of Section 550 of the
 29 Charter (~~(; therefore, the chief officer of each departmental~~
 30 ~~division, one administrative assistant each for the chief~~
 31 ~~officer, and one confidential secretary each for the chief~~
 32 ~~officer shall not be career service positions)).~~

33 (7) "Charter" means the King County Charter, as

1 amended.

2 (8) "Class" means a position or group of positions,
3 established under authority of this chapter, sufficiently similar
4 in respect to the duties, responsibilities and authority thereof,
5 that the same descriptive title may be used to designate each
6 position allocated to the class; that essentially similar
7 requirements as to education, experience, ability and other
8 qualifications should be required of the incumbents; that similar
9 tests of fitness may be used to choose qualified employees; and
10 that similar schedules of compensation can be made to apply with
11 equity.

12 (9) "Compensatory time" means time off granted with
13 pay in lieu of pay for work performed either on an authorized
14 overtime basis or work performed on a holiday which is normally
15 scheduled as a day off. Such compensatory time shall be granted
16 on the basis of time and one-half.

17 (10) "Council" means the King County Council as
18 established by Article 2 of the Charter.

19 (11) "County" means the county of King and any other
20 organization that is legally governed by the county with respect
21 to personnel matters.

22 (12) "Employee" means any person who is employed in a
23 career service position or exempt position. Employees may serve
24 in a regular full-time, regular part-time, or extra-help status.

25 (13) "Executive" means the King County executive, as
26 established by Article 3 of the Charter, or his designee.

27 (14) "Exempt employee" means an employee employed in
28 an exempt position. Exempt employees serve at the pleasure of
29 the appointing authority.

30 (15) "Exempt position" means any position not included
31 in the career service. Exempt positions are positions to which
32 appointment may be made directly.

33 (16) "Extra-help employee" means an employee employed

1 in an extra-help position.

2 (17) "Extra-help position" means a position intended
3 to be occupied on less than a year-round basis (maximum duration
4 of four consecutive months unless specifically extended by the
5 manager for an additional thirty days with less than ninety hours
6 in the fifth month) to cover seasonal peak work loads, emergency
7 work loads of limited duration, necessary vacation relief and
8 other situations involving fluctuating staff.

9 (18) "Grievance" means an issue raised by ~~((one))~~ an
10 employee relating to the interpretation of rights, benefits, or
11 condition of employment as contained in the administrative rules
12 and/or procedures for the career service.

13 (19) "Manager" means the manager of the Personnel
14 Division of King County or his designee.

15 (20) "Position" means a group of current duties and
16 responsibilities assigned by competent authority requiring the
17 employment of one person.

18 (21) "Probationary employee" means a potential career
19 service employee who is serving a probationary period.

20 (22) "Probationary period" means a period of time
21 constituting the final step in the competitive screening process
22 for career service. An appointment to the career service as a
23 regular employee is not final unless the employee successfully
24 completes this period.

25 (23) "Provisional appointment" means an appointment
26 made in the absence of a list of candidates certified as
27 qualified by the manager. Only the manager may authorize a
28 provisional appointment. An appointment to this status is
29 limited to thirty days after the manager certifies qualified
30 candidates, or a maximum of six months, whichever occurs sooner.

31 (24) "Provisional employee" means an employee holding
32 a position under provisional appointment.

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1 (25) "Recruiting step" means the first step of the
2 salary range allocated to a class unless otherwise authorized by
3 the executive.

4 (26) "Regular employee" means an employee who is not
5 on probation and is employed in either a regular full-time or
6 regular part-time position.

7 (27) "Regular full-time position" means a position
8 established on a permanent year-round basis requiring work on a
9 regular schedule of not less than thirty-five hours per week.

10 (28) "Regular part-time position" means a position
11 established on a permanent year-round basis requiring work on a
12 schedule of less than thirty-five hours per week.

13 SECTION 2. Ordinance 4324, Section 5, and KCC 3.12.180 are
14 hereby amended as follows:

15 Equality of county employment. (a) The county is an
16 equal opportunity employer and shall carry out federal, state and
17 local laws and regulations prohibiting discrimination in
18 employment on the basis of race, color, creed, religion, national
19 origin, age, sex, marital status or the presence of a sensory or
20 physical handicap (not constituting a bona fide occupational
21 qualification). Further, it is the intent of the county to
22 insure that employment is based on the principle of equal
23 opportunity and that such principle shall be implemented in all
24 county personnel-related actions including, but not limited to,
25 recruitment, hiring, testing, training, promotion, compensation,
26 transfer and all other terms and conditions of employment in all
27 job classifications.

28 (b) It is the policy of the county that, until the
29 effects of inequality in employment opportunity are eliminated,
30 all-county departments shall establish and maintain an effective
31 affirmative action plan of employment, as adopted by the council
32 by ordinance. Such affirmative action plan shall promote the
33 objectives of public policy set forth in applicable federal and

1 state law, including constitutions, statutes, regulations, and
2 executive orders, relating to nondiscrimination, equal
3 employment opportunity, affirmative action, and civil rights.
4 Specifically, the plan shall promote the objectives of the State
5 Law Against Discrimination, RCW Title 49 (applicable parts), and
6 provisions of the Washington Administrative Code adopted
7 thereunder. As part of the county's affirmative action plan, the
8 executive shall submit by March 1st of each year corrective
9 employment programs pertaining to the appropriate county
10 departments and agencies to be approved by the council by
11 ordinance; provided, that where applicable, corrective employment
12 programs shall include performance results of the prior year's
13 corrective employment program. The county's affirmative action
14 plan shall also include a listing of all positions currently
15 subsidized directly or indirectly through special programs which
16 aid the handicapped and shall make provision for retaining
17 persons occupying those positions either in their existing
18 positions or comparable positions once the subsidy is withdrawn.
19 handicapped persons shall occupy, as a goal, two per cent of
20 the total county career service positions.

21 SECTION 3. Ordinance 4324, Section 18, and KCC 3.12.270 are
22 hereby amended to read as follows:

23 Disciplinary action. (a) An employee may be
24 disciplined by the appointing authority for any of the following
25 causes, or for any other justifiable cause:

- 26 (1) Dishonesty, including but not limited to
27 dishonesty in securing appointment;
- 28 (2) Incompetency;
- 29 (3) Inefficiency;
- 30 (4) Unauthorized absence, including patterns of
31 continual tardiness;
- 32 (5) Neglect of duty;
- 33 (6) Insubordination;

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

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

4 (9) Disorderly conduct while on duty;

5 (10) Negligent, reckless or knowing damage to or waste
6 of public property;

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

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

11 (13) Violation of any lawful order, directive, or
12 policy of a superior, including but not limited to the executive,
13 department directors and division managers, or a violation of the
14 employee code of ethics, King County Code Chapter 3.04.

15 (b) Disciplinary action shall be the primary
16 responsibility of the appointing authority and may include but is
17 not limited to reduction in rank or pay, suspension without pay,
18 and/or removal of the employee from county employment. The
19 appointing authority shall consult with the manager prior to the
20 imposition and processing of any disciplinary action.

21 (c) In any disciplinary action against a career
22 service employee, pertinent information shall be reduced to
23 written form by the appointing authority and a copy provided to
24 the employee and to the manager. Such written notice shall state
25 the following:

26 (1) The cause for discipline;

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

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

30 (4) The effective date of the discipline;

31 (5) The right of the career service employee to
32 appeal disciplinary action resulting in (1) a suspension of more
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1 than sixty days, (2) reduction in rank or pay, or (3) removal, to
2 the board within thirty calendar days of the action. Such notice
3 shall not be given if the disciplinary action does not include
4 any of the foregoing actions;

5 (6) The right of the career service employee to appeal
6 any disciplinary action to appropriate authorities through the
7 initiation of grievance procedures, as authorized by this
8 chapter.

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

12 (d) Written notice of the discipline shall be filed
13 with the manager and a copy shall be delivered personally to the
14 career service employee or mailed to the employee's last known
15 address by certified mail, return receipt requested. An employee
16 shall be deemed notified of the disciplinary action upon the
17 happening of either of the two aforementioned events.

18 SECTION 4. Ordinance 4324, Section 19 and KCC 3.12.290 are
19 hereby amended to read as follows:

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

3 SECTION 5. Ordinance 4324, Section 23, and KCC 3.12.040 are
4 hereby amended to read as follows:

5 Eligibility. All regular employees shall be eligible
6 for the benefits provided by this (~~chapter--Extra-help~~
7 ~~employees-shall-not-be-eligible-for-such-benefits--~~) ordinance,
8 except that,

9 1. Extra help employees shall not be eligible for such
10 benefits;

11 2. Provisions regarding holidays, the use of same, and
12 requirements regarding equality of county employment, shall not
13 apply to elected officials.

14 SECTION 6. Ordinance 4324, Section 26, and KCC 3.12.220 are
15 hereby amended to read as follows:

16 Sick leave. (a) Every employee in a regular full-time
17 or regular part-time position, except those covered by paragraph 1
18 of this section, shall accrue sick leave benefits at a monthly
19 rate equal to .00384615 times the normally scheduled annual hours
20 of the employee's position; except that sick leave shall not begin
21 to accrue until the first of the month following the month in which
22 the employee commenced employment. The employee is not entitled
23 to sick leave if not previously earned.

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

28 Sick leave shall, in accordance with RCW 41.48.12-180, be
29 paid on account of the employee's illness and excluded as taxable
30 wages under Federal Old Age and Survivor's Insurance (OASI) and
31 in accordance with Section 209(b) of the Social Security Act.
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1 (b) No employee shall earn sick leave credit during a
2 month in which the employee is absent without authorization or
3 absent without pay more than three days.

4 (c) After the first six months of full-time service, a
5 regular employee may, at the division manager's discretion, be
6 permitted to use up to five days of vacation as an essential
7 extension of used sick leave. If an employee does not work a
8 full twelve months, any vacation credit used for sick leave must
9 be reimbursed to the county upon termination.

10 (d) Sick leave may be used in one-half hour increments,
11 at the discretion of the division manager or department director.

12 (e) There shall be no limit to the hours of sick leave
13 benefits accrued by an employee.

14 (f) ~~((Sick-leave-benefits-are-provided-in-order-that
15 the-employee's-wages-may-be-protected-during-periods-when-health
16 is-poor-or-medical-attention-is-required))~~ Department
17 management is responsible for the proper administration of
18 ~~((this))~~ the sick leave benefit. Verification of illness from a
19 licensed physician may be required for any requested sick leave
20 absence.

21 (g) Separation from county employment except by reason
22 of retirement or layoff due to lack of work or funds or
23 efficiency reasons, shall cancel all sick leave currently accrued
24 to the employee. Should the employee resign in good standing or
25 be laid off and return to the county within two years, accrued
26 sick leave shall be restored.

27 (h) Accrued sick leave may be used for absence due to
28 temporary disability caused by pregnancy.

29 (i) Sick leave because of an employee's physical
30 incapacity shall not be approved where the injury is directly
31 traceable to employment other than with the county.

32 (j) County employees who have at least five years county
33 service and who retire as a result of length of service or who

1 terminate by reason of death shall be paid an amount equal to
2 twenty-five percent of their unused, accumulated sick leave, to a
3 maximum of thirty days. All payments shall be based on the
4 employee's base rate.

5 (k) Employees injured on the job may not
6 simultaneously collect sick leave and workers' compensation
7 payments in a total amount greater than the net regular pay of
8 the employee.

9 (l) Uniformed employees covered under the LEOFF Retirement
10 System-Plan I shall apply for disability retirement under the
11 provisions of RCW 41.26.120. Disability pay benefits shall also
12 be excluded as taxable wages under OASI.

13 (m) Employees are eligible for payment on account of
14 illness for the following reasons:

15 1. Employee illness;

16 2. Noncompensable injury of an employee (e.g., those
17 injuries generally not eligible for worker's compensation
18 payments);

19 3. Employee disability due to pregnancy or childbirth;

20 4. Employee exposure to contagious diseases and resulting
21 quarantine;

22 5. Employee keeping medical, dental, or optical
23 appointments.

24 All other leaves of absence with pay shall not, in
25 accordance with Social Security law and regulations, be
26 excludable as taxable wages under OASI.

