

September 13, 1994
94-250.ORD clerk

Introduced By: Hague,
von Reichbauer,
Miller, Pullen,
Derdowski
Proposed No.: 94 - 250

ORDINANCE NO. **11480**

AN ORDINANCE relating to employee relations and collective bargaining procedures, retitling Chapter 3.16, establishing guidelines, amending bargaining agent duties, repealing the labor policy committee, and establishing employee relations policies and responsibilities for a committee of the King County council, amending Ordinance 197, Section 2 and K.C.C. 3.16.020, amending Ordinance 10631, Section 2 and K.C.C. 3.16.015, and repealing Ordinance 9651, Sections 1 and 2 and K.C.C. 3.16.050, and adding new sections to K.C.C. 3.16.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings. The King County council finds that King County government needs to continuously improve employee relations so that all of its employees know that their contributions will be valued, their ideas will be heard and their desires to serve the public will be fulfilled. It shall be the goal of King County for all of its employees to view their employment with the county as highly desirable and to be proud of the high-quality services that are delivered to the public.

The King County council further finds that the collective bargaining process between the county and its collective bargaining units does not allow adequate opportunities for the council to establish labor policy prior to the beginning of the collective bargaining process. The council also finds that unnecessary delays in the collective bargaining process have an adverse impact on employee morale and may result in costly and time-consuming processes of mediation, arbitration and unfair labor practice charges.

The council further finds that the joint executive/council labor policy committee process established in 1990 strengthened the council's role in establishing labor policy and encouraging better relations among employees, bargaining representatives and management, but the council desires to make further proactive improvements in this process.

1 The council affirms the executive's role as the
2 bargaining agent for King County government as defined in the
3 charter and by ordinance, but reserves the right to establish the
4 policy direction to be used by the executive in the collective
5 bargaining process.

6 It is the intent of the King County council to create a
7 positive working environment for county employees, to promote
8 collaborative relationships within county government and between
9 bargaining representatives and management, to promote employee
10 excellence and morale, and to improve service to the public by
11 improving the process by which labor policy is established. It
12 is the further intent of the council to foster accountability on
13 the part of King County management for obtaining agreements at
14 the bargaining table that further these principles.

15 NEW SECTION. SECTION 2. Chapter Title. The title of
16 this chapter, King County Code Chapter 3.16, is hereby retitled
17 from "Bargaining Agent" to "Labor and Employee Relations".

18 SECTION 3. Ordinance 10631, Section 2, and K.C.C.
19 3.16.015 are each hereby amended to read as follows:

20 Definitions. Unless the text clearly indicates
21 otherwise, as used in this ordinance, the following words shall
22 have the meanings set forth in this section:

23 A. "Corrections officer" means any full-time, fully
24 compensated uniformed correctional officer or sergeant who works
25 for the department of adult detention (King County Jail).

26 B. "Bargaining representative" means any lawful
27 organization which has as one of its primary purposes the
28 representation of employees in their employment relations with
29 King County.

30 C. "Bargaining agent" means the King County executive.

31 D. "Public employer" means King County.

32 E. "Commission" means the Public Employment Relations
33 Commission.

34 F. "Executive director" means the executive director of
35 the Commission.

1 G. "911 operator" means any full-time, fully compensated
2 communications specialist or communications specialist supervisor
3 who works for the department of public safety.

4 H. "Labor Committee" or "committee" means the King
5 County council committee designated by the council's
6 organizational motion as the committee responsible for
7 establishing labor policy.

8 I. "Labor policy" or "policy" means those general
9 principles which work to implement the intent of this ordinance
10 and guide negotiations for wages, benefits, working conditions
11 and other terms of employment.

12 SECTION 4. Ordinance 197, Section 2 and K.C.C.
13 3.16.020 are each hereby amended to read as follows:

14 Powers. The bargaining agent is authorized on behalf of
15 King County to meet, confer and negotiate with bargaining
16 representatives of the public employees of King County for the
17 purpose of collective bargaining as contemplated by RCW 41.56,
18 and the King County Charter, Section 890, and to timely recommend
19 to the King County council proposed wages, hours, and employee
20 benefits and other conditions of county employment for the
21 purposes of county budgets and such collective bargaining
22 agreement or agreements as may be required and authorized by
23 ordinance. The bargaining agent shall not negotiate new
24 collective bargaining agreements prior to preparing for
25 bargaining and conferring with the committee as required in
26 Sections 5, 6 and 7 of this ordinance.

27 NEW SECTION. SECTION 5. There is hereby added to
28 K.C.C. 3.16 a new section to read as follows:

29 Mission. A. The mission of the council and the
30 bargaining agent shall be to develop labor relations policy and
31 other policies affecting county employees in accordance with the
32 following principles and consistent with the philosophy,
33 objectives and guidelines found in King County council motion no.
34 9182:

1 1. Provide a positive climate in King County government
2 where employees feel their contributions are valued, their ideas
3 are heard and their desires to serve the public are fulfilled.

4 2. Help county employees view King County government as
5 a desirable place to work and as a place where the public
6 business is conducted in a cost-effective manner.

7 3. Allow the council an adequate and meaningful
8 opportunity to provide policy direction to the bargaining agent
9 before the collective bargaining process begins.

10 4. Cause King County management to plan, prepare and be
11 accountable for obtaining agreements at the bargaining table
12 concerning operating improvements necessary to best serve the
13 public interest and improve the working conditions for employees.

14 5. Create and maintain a collective bargaining and
15 employee relations climate in King County government that
16 encourages cooperative efforts and joint problem-solving among
17 bargaining representatives, the bargaining agent, employees and
18 management to address ways to better serve the public, increase
19 productivity, reduce waste, improve safety, improve morale, and
20 recruit and retain quality employees.

21 6. Acknowledge, encourage and continue the efforts of
22 bargaining units and management to engage in collaborative or
23 interest-based bargaining, which has had the positive effects of
24 reducing the adversarial nature of traditional bargaining and
25 enhancing consensus-making in labor relations.

26 NEW SECTION. SECTION 6. Ordinance 9651, Sections 1
27 and 2, and K.C.C. 3.16.050 are each hereby repealed, and the
28 following is substituted:

29 Labor Committee Functions. A. The committee shall
30 perform the following functions:

31 1. The committee shall meet as it deems necessary to
32 obtain the testimony of members of the public, the bargaining
33 agent, bargaining representatives or their designees, county
34 department management and others in order to consider such
35 testimony in policy decisions before the committee but shall not
36 engage in bargaining with bargaining representatives or

1 represented employees. Pursuant to RCW 42.30.140 the council or
2 the committee may convene in a meeting not open to the public for
3 any meetings, or portions of meetings, during which the council
4 or committee is planning or adopting the strategy to be taken by
5 King County government during the course of any collective
6 bargaining or reviewing the proposals made in the negotiations or
7 proceedings while in progress.

8 2. By June 30 of each year, or, in the case of
9 agreements expiring other than December 31, at least 90 days
10 prior to commencement of negotiations, the committee shall meet
11 with the bargaining agent to review the schedule of collective
12 bargaining agreements expiring in that calendar year and the key
13 issues related to the collective bargaining process and shall
14 establish overall policy for negotiations. Methods of
15 consultation with unions, management rights and eliminating the
16 causes of employee grievances shall also be considered. The
17 committee shall provide an opportunity for bargaining
18 representatives or their designees to address the committee prior
19 to the adoption of overall policy. Overall policy, and all
20 amendments to adopted policies, shall be established only upon an
21 affirmative vote by a majority of the members of the committee.

22 3. Following the establishment of overall policy, and
23 prior to commencement of negotiations, the committee shall meet
24 to hear the bargaining agent's recommended strategies for
25 implementing adopted policies. The committee shall confer with
26 the bargaining agent as it deems necessary to ensure compliance
27 with this ordinance and good-faith collective bargaining.

28 4. The committee shall meet at least quarterly to review
29 the progress of the negotiations but shall not interfere with
30 good-faith collective bargaining. The bargaining agent may seek
31 further clarification of adopted policies from the committee at
32 any time during the negotiations.

33 5. The committee shall review all agreements negotiated
34 between the bargaining agent and bargaining representatives to
35 ensure compliance with the principles contained in this ordinance
36 and with the overall policy direction established by the

1 committee. The committee may recommend to the council adoption or
2 rejection of agreements or it may forward agreements to the
3 council for action without recommendation.

4 6. The chair of the committee may convene a special
5 meeting when he/she deems it necessary to discuss critical labor
6 policy issues.

7 B. Confidentiality. For the purpose of maintaining an
8 effective collective bargaining process, the strategies and
9 related information presented by the bargaining agent shall be
10 maintained as confidential. The committee shall develop
11 guidelines to assist in accomplishing such confidentiality.

12 NEW SECTION. SECTION 7. There is hereby added to
13 K.C.C. 3.16 a new section to read as follows:

14 A. Preparation for Bargaining. The bargaining agent
15 shall establish and conduct a process to prepare for negotiations
16 which performs at least the following functions:

17 1. By June 30th of each year, or, in the case of
18 agreements expiring other than December 31st, at least 90 days
19 prior to the commencement of negotiations, in preparation for
20 collective bargaining the bargaining agent shall report to the
21 committee the agreements expiring that calendar year. The
22 bargaining agent shall also generally explain existing policies
23 which, if changed, would further the principles and intent
24 established by this ordinance. County department management
25 concerned with the collective bargaining process, with the advice
26 of other relevant county departments, shall assist the bargaining
27 agent in reporting to the committee.

28 2. The bargaining agent shall recommend to the committee
29 overall changes to adopted policies that would be required to
30 implement the changes proposed in Section 7.A.1., and an overall
31 estimate of the monetary value, if any, of these changes,
32 including both costs and benefits.

33 3. Prior to commencement of negotiations for the
34 agreements, the bargaining agent shall meet with the committee to
35 present the recommended strategies for implementing adopted
36 policies resulting from the preparation for bargaining process.

1 The bargaining agent's strategies shall be generally consistent
2 with the principles contained in this ordinance and the overall
3 policy direction established by the committee.

4 4. The bargaining agent should continue to use
5 collaborative or interest-based bargaining where both parties
6 agree, and this ordinance shall not be construed to restrict or
7 inhibit such bargaining.

8 5. a. No later than January 1, 1996, the bargaining
9 agent shall cause to be developed and maintained a database of
10 information within King County government on wages, hours,
11 employee benefits, vacation and other leave, job classifications
12 and substantial and factual information to provide knowledge of
13 working conditions necessary to conduct effective negotiations.
14 Such information shall be made available to the bargaining
15 representatives to the extent provided by RCW 41.56.030(4),
16 Public Employees' Collective Bargaining law of the State of
17 Washington and as set forth by the collaborative process
18 identified in King County council motion no. 9182.

19 b. The bargaining agent shall report to the
20 committee no later the June 30, 1995 the progress made and the
21 steps remaining to comply with the above and to complete
22 development of a human resources information system.

23 6. a. A bargaining representative may at any time during
24 negotiations forward to the director, office of human resource
25 management or the director, human resources, metropolitan
26 services department or their successors, a written complaint that
27 the collective bargaining process is not being conducted in a
28 timely manner or is not being conducted in a manner consistent
29 with good faith bargaining. The director shall have 15 calendar
30 days in which to respond in writing to the complaint and to
31 propose such remedies as may address the complaint.
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33 b. If the bargaining representative is not satisfied
34 with the written response of the director, or if a written
35 response to the complaint is not received within 15 calendar
36 days, the bargaining representative may forward the written

1 complaint to the King County executive, as the bargaining agent,
2 who shall have 15 calendar days to respond to it in writing and
3 propose such remedies as may address the complaint.

4 c. If the bargaining representative is not satisfied
5 with the written response of the bargaining agent, or if a
6 written response is not received from the bargaining agent within
7 15 calendar days, the bargaining representative may request that
8 the written complaint be forwarded to the committee.

9 d. If the bargaining agent receives a written
10 request to have the complaint forwarded to the committee,
11 including an explanation of reasons for the request, the
12 bargaining agent shall forward the request, together with the
13 bargaining agent's written response, to the committee within five
14 (5) calendar days from the receipt of the request, provided that
15 these materials or any discussion thereof shall remain
16 confidential to the extent allowed by law.

17 e. The committee may, at its discretion, request
18 that the bargaining agent meet with the committee for the purpose
19 of reviewing the status of negotiations with regard to the
20 principles contained in this ordinance and the overall policy
21 direction established by the committee, provided that the
22 committee shall take no action which would interfere with the
23 lawful role of the bargaining agent.

24 7. By June 30 of each year, the prosecuting attorney, in
25 conjunction with bargaining agent, shall report to the committee
26 on all pending unfair labor practice charges and all pending
27 litigation and arbitrations involving represented employees.

28 8. The committee shall confer with the bargaining agent
29 to develop necessary guidelines for the implementation of Section
30 7, consistent with this ordinance and King County council motion
31 no. 9182.

32 B. Bargaining. The bargaining agent shall be the sole
33 negotiator for King County government and shall bargain in good
34 faith as provided by law. The bargaining agent shall commence
35 and complete collective bargaining negotiations in a timely

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manner and in accordance with the overall principles and intent of this ordinance.

NEW SECTION. SECTION 8. Non-represented employees. A.

The executive shall, by June 30 of each year report to the committee regarding employment policies applicable to non-represented employees.

B. By June 30 of each year the prosecuting attorney, in conjunction with the executive, shall report to the committee on all pending litigation involving non-represented employees.

INTRODUCED AND READ for the first time this 25th day of April, 1994.

PASSED this 12th day of September, 1994.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Passed by a vote of 12-0.

Kent Pullen
Chair

ATTEST:

Donald A. Peterson
Clerk of the Council

APPROVED this 21st day of September, 1994.

Ray Lohr
King County Executive

Attachments: King County Council Motion No. 9182

December 10, 1993
93-890S1.SS (dd)

Introduced by: Sims

Proposed No.: 93-890

MOTION NO. 9182

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A MOTION establishing philosophy for the development of a new classification and compensation plan for executive branch employees.

WHEREAS, Motion 9106 was adopted by the King County Council on August 23, 1993, and

WHEREAS, Motion 9106 requested preparation and transmittal of a detailed work program, schedule and policies to guide the development of a comprehensive classification and compensation plan for all employees of the executive branch of the newly consolidated government, and

WHEREAS, the executive formed a human resources guidance committee with representation from the King County and Metro division managers and human resources departments, labor unions and King County Council, and

WHEREAS, the human resources guidance committee was asked to recommend proposed policies, work program and schedule for the development of a new comprehensive classification and compensation plan; and

WHEREAS, the human resources guidance committee has forwarded policy recommendations related to development of the new classification and compensation plans to the executive and council, and

WHEREAS, the human resources guidance committee has also recommended policies to guide human resources management in the newly consolidated government as a framework for development of the new classification and compensation system, and

WHEREAS, the human resources guidance committee will transmit by January 31, 1994 to the executive and council a detailed work program and schedule for the development of the new system, and

WHEREAS, the council generally agrees with the recommended policies but desires to review and approve certain elements of the work program as they are completed in order to reaffirm the

1 direction provided in the policies or reissue the direction if
2 deemed necessary by the council;

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

4 A. Exhibit A hereto is hereby adopted as the philosophy
5 and objectives for development of a new human resources
6 management system, of which the classification and compensation
7 plan are key elements.

8 B. The objectives and guidelines contained in Exhibit B
9 hereto are hereby adopted and shall guide the development of
10 the new comprehensive classification and compensation plan for
11 county government.


12 C. The executive is requested to develop and transmit to
13 the council by December 31, 1993, a work program and schedule
14 for the development of the new comprehensive classification and
15 compensation plan for the executive branch of county
16 government. The work program and schedule shall identify key
17 elements for council review and approval. These elements shall
18 include, at a minimum, the actual markets proposed to determine
19 salaries for non-represented positions, the percentile proposed
20 to set salaries relative to the market and the methods proposed
21 to reward longevity and performance.

22 PASSED this 13th day of December, 1993.

23 KING COUNTY COUNCIL
24 KING COUNTY, WASHINGTON

25 
26 Chair
27

28 ATTEST:

29 
30 Clerk of the Council

31 Attachments:

- 32 1) Exhibit A - Philosophy for New Executive Branch Human
33 Resources Management System
- 34 2) Exhibit B - Objectives and Guidelines for Development
35 of New Executive Branch Classification and
Compensation Plans

11480

EXHIBIT A
to MOTION **9182**

**PHILOSOPHY FOR NEW EXECUTIVE BRANCH HUMAN RESOURCES
MANAGEMENT SYSTEM**

The King County human resources management system will reflect the positive value King County places on people and high quality public services. Therefore, the human resources management system will be designed to support the business of King County in providing excellent service to its citizens.

As one of the largest employers in the region, King County government has a responsibility to enrich the social and economic vitality of the region. The human resources management system will enable the county to carry out this responsibility by:

1. Promoting continuous development by work groups of new effective and efficient ways to improve services to internal and external customers;
2. Providing a positive environment and the resources necessary to enable employees to work creatively, take risks and continue to learn and grow;
3. Promoting collaborative relationships within county government;
4. Promoting diversity at all levels in the county workforce;
5. Being fair to all employees;
6. Promoting a collaborative relationship between labor and management; and
7. Serving as a positive role model for the community.

8. Elements of compensation which should be measured in market surveys are: base wages, deferred compensation, vacation, sick leave, benefits (medical, dental, insurance, disability insurance, vision), holidays, benefit time (holiday, vacation, sick leave), longevity, education incentive, premium pay (team pay, hazard pay, lead pay, shift differential), nonvariable incentive pay (reward for organizational, group or individual performance), allowances (uniform, equipment, auto, cleaning, etc.), skill-based wages, nonvariable merit pay, retirement/pension, bonuses, family leave, dependent care, license fees, severance pay, commute trip reduction strategies (e.g., bus passes).

EXHIBIT B
to MOTION 9182**OBJECTIVES AND GUIDELINES FOR DEVELOPMENT OF NEW EXECUTIVE BRANCH
CLASSIFICATION AND COMPENSATION PLANS**

In support of the Council-adopted human resources management system philosophy and objectives, the classification and compensation systems will achieve the following objectives in a fiscally prudent manner:

1. Classify jobs and compensate employees in ways which meet work group needs and can change as business needs change;
2. Positively reinforce employee behavior that supports continuous development of new effective and efficient ways to improve services to customers;
3. Reward employees who are motivated, accept responsibility and authority and are involved;
4. Reward employees who continue to grow and develop new skills over time;
5. Recognize the need for flexibility and adapt to meet the varying needs and/or preferences of employees;
6. Be implemented equitably across all groups of employees;
7. Be developed collaboratively in partnership with employees and their representatives;
8. Recognize the value of investing in employees.

The following statements shall further guide the development of the new classification and compensation system:

1. Equal pay for equal work is recognized as a legal requirement. The county's commitment to equal pay for equal work is reaffirmed.
2. Each classification shall have a salary range consisting of a minimum salary and a maximum salary. Each range should be based primarily on analysis of the appropriate labor market for each occupational group and adjustments will be made to ensure internal alignment. The width of the ranges may vary based on multiple factors. In some occupations, the appropriate range may be a flat rate.

3. A salary schedule is a grid consisting of a series of ranges which could include steps within the ranges or could allow for open progression through the ranges. The width of ranges may vary based upon multiple factors. Separate salary schedules may be established for different occupational groups and for top management.
4. Compensation shall be established through an analysis of compensation data obtained from comparable employers with positions performing similar work, with a focus on the skills and attributes the county requires and would like to attract and retain. Other factors considered in establishing compensation levels shall include comparable worth and internal equity.
 - a. For represented units, the county will utilize a collaborative process with the bargaining representatives to select markets to be surveyed, starting with the local market and then expanding pursuant to specific agreed upon criteria, and to analyze information received that will be relied upon for bargaining.
 - b. For nonrepresented groups, market analysis will be conducted at least every three years or more frequently if necessary. Criteria for expanding market analysis beyond the local public sector include:
 - (1) There are an insufficient number of qualified local candidates;
 - (2) There are an insufficient number of comparable employers.
5. Base pay represents the value of the job in the organization. Movement through the range will be based on time in the job. Base pay will not be used as a disciplinary tool. A performance management system with clear performance objectives and regular feedback systems will be established. This will allow the county to reward high performance and create mechanisms for corrective action.
6. The county should allow performance reward systems as incentives to employees to achieve organizational goals. These incentives can be developed at the organizational or work unit level. When performance pay is used as a performance reward, it shall not be considered to be part of the employee's base pay.
7. Innovative pay and classification programs such as career paths, job progression systems and skill-based pay systems which support both opportunities for employee growth and development, as well as increase productivity and efficiency, will be encouraged.