

10/25/95
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Introduced By: Ron Sims
Proposed No.: 95-665

ORDINANCE NO. **12014**

AN ORDINANCE relating to the county's personnel policies; repealing Ordinance 9704, Section 2, as amended, Ordinance 1308, Section 4, as amended, Ordinance 543, Section 7, as amended, Ordinance 4324, Sections 2, as amended, 3, as amended, 5, as amended, 6, as amended, 8, 10, 11, 13, 15, 16, 17, 18, as amended, 19, as amended, 20, 21, 22, as amended, 24, as amended, 25, as amended, 26, as amended, 28, 29, 31, as amended, and 36, as amended, Ordinance 9498, Section 4, as amended, Ordinance 9851, Sections 1, 2 and 3, Ordinance 10695, Section 3, Ordinance 422, Section 8, as amended, Ordinance 11266, Section 3, Ordinance 8351, Sections 1 through 7, Ordinance 10978, Sections 1, 2, 3, 5, 6 and 7, Ordinance 9111, Sections 1, 2, 3, 4; and 5, as amended, Ordinance 8179, Sections 1, 3, 4 and 5, Ordinance 2179, Section 9, as amended, Ordinance 1282, Section 4, as amended, Ordinance 8636, as amended, Ordinance 11480, Section 6, Ordinance 9257, Sections 1 through 6, as amended, and Ordinance 9085, and K.C.C. 3.04.017, K.C.C. 3.04.030, K.C.C. 3.08.070, K.C.C. 3.12.010, K.C.C. 3.12.020, K.C.C. 3.12.040, K.C.C. 3.12.042, K.C.C. 3.12.044, K.C.C. 3.12.050, K.C.C. 3.12.060, K.C.C. 3.12.090, K.C.C. 3.12.100, K.C.C. 3.12.110, K.C.C. 3.12.120, K.C.C. 3.12.130, K.C.C. 3.12.170, K.C.C. 3.12.180, K.C.C. 3.12.190, K.C.C. 3.12.215, K.C.C. 3.12.220, K.C.C. 3.12.223, K.C.C. 3.12.230, K.C.C. 3.12.247, K.C.C. 3.12.250, K.C.C. 3.12.260, K.C.C. 3.12.270, K.C.C. 3.12.280, K.C.C. 3.12.290, K.C.C. 3.12.300, K.C.C. 3.12.330, K.C.C. 3.12.350, K.C.C. 3.12.360, K.C.C. 3.13.015, K.C.C. 3.13.025, K.C.C. 3.13.040, K.C.C. 3.13.045, K.C.C. 3.13.055, K.C.C. 3.13.100, K.C.C. 3.13A.010, K.C.C. 3.13A.020, K.C.C. 3.13A.030, K.C.C. 3.13A.040, K.C.C. 3.13A.050, K.C.C. 3.14.010, K.C.C. 3.14.030, K.C.C. 3.14.040, K.C.C. 3.15.020, K.C.C. 3.15.030, K.C.C. 3.15.100, K.C.C. 3.16.050, and K.C.C. 3.20.060; adding new sections to K.C.C. 3.04, K.C.C. 3.08, K.C.C. 3.12, K.C.C. 3.13, K.C.C. 3.14, K.C.C. 3.15, K.C.C. 3.16, and K.C.C. 3.20, and renaming K.C.C. 3.13 and K.C.C. 3.15.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 9704, Section 2, as amended, Ordinance 1308, Section 4, as amended, Ordinance 543, Section 7, as amended, Ordinance 4324, Sections 2, as amended, 3, as amended, 5, as amended, 6, as amended, 8, 10, 11, 13, 15, 16, 17, 18, as amended, 19,

1 as amended, 20, 21, 22, as amended, 24, as amended, 25, as amended, 26, as amended, 28,
 2 29, 31, as amended, and 36, as amended, Ordinance 9498, Section 4, as amended,
 3 Ordinance 9851, Sections 1, 2 and 3, Ordinance 10695, Section 3, Ordinance 422, Section
 4 8, as amended, Ordinance 11266, Section 3, Ordinance 8351, Sections 1 through 7,
 5 Ordinance 10978, Sections 1, 2, 3, 5, 6 and 7, Ordinance 9111, Sections 1, 2, 3, 4, and 5, as
 6 amended, Ordinance 8179, Sections 1, 3, 4 and 5, Ordinance 2179, Section 9, as amended,
 7 Ordinance 1282, Section 4, as amended, Ordinance 8636, as amended, Ordinance 11480,
 8 Section 6, Ordinance 9257, Sections 1 through 6, as amended, and Ordinance 9085, and
 9 K.C.C. 3.04.017, K.C.C. 3.04.030, K.C.C. 3.08.070, K.C.C. 3.12.010, K.C.C. 3.12.020,
 10 K.C.C. 3.12.040, K.C.C. 3.12.042, K.C.C. 3.12.044, K.C.C. 3.12.050, K.C.C. 3.12.060,
 11 K.C.C. 3.12.090, K.C.C. 3.12.100, K.C.C. 3.12.110, K.C.C. 3.12.120, K.C.C. 3.12.130,
 12 K.C.C. 3.12.170, K.C.C. 3.12.180, K.C.C. 3.12.190, K.C.C. 3.12.215, K.C.C. 3.12.220,
 13 K.C.C. 3.12.223, K.C.C. 3.12.230, K.C.C. 3.12.247, K.C.C. 3.12.250, K.C.C. 3.12.260,
 14 K.C.C. 3.12.270, K.C.C. 3.12.280, K.C.C. 3.12.290, K.C.C. 3.12.300, K.C.C. 3.12.330,
 15 K.C.C. 3.12.350, K.C.C. 3.12.360, K.C.C. 3.13.015, K.C.C. 3.13.025, K.C.C. 3.13.040,
 16 K.C.C. 3.13.045, K.C.C. 3.13.055, K.C.C. 3.13.100, K.C.C. 3.13A.010, K.C.C. 3.13A.020,
 17 K.C.C. 3.13A.030, K.C.C. 3.13A.040, K.C.C. 3.13A.050, K.C.C. 3.14.010,
 18 K.C.C. 3.14.030, K.C.C. 3.14.040, K.C.C. 3.15.020, K.C.C. 3.15.030, K.C.C. 3.15.100,
 19 K.C.C. 3.16.050, and K.C.C. 3.20.060 are hereby repealed.

20 NEW SECTION. SECTION 2. There is added to K.C.C. 3.04 a new section
 21 to read as follows:

22 **Definitions.** All words shall have their ordinary and usual meanings except those
 23 defined in this section which shall have, in addition, the following meanings. In the event
 24 of conflict, the specific definitions set forth in this section shall presumptively, but not
 25 conclusively, prevail.

26 A. "Accomplice" means a person who with knowledge that an action will promote
 27 or facilitate the commission of a crime or violation of an ordinance:

- 28 1. solicits, commands, encourages, or requests another person to commit it; or
- 29 2. aids or agrees to aid such other person in planning or committing it.

1 B. "Compensation" means anything of economic value, however designated, which
2 is paid, granted or transferred, or is to be paid, granted or transferred for, or in
3 consideration of, personal services to any person.

4 C. "County action" means any action on the part of the county, including, but not
5 limited to:

- 6 1. Any decision, determination, finding, ruling or order; and
- 7 2. Any grant, payment, award, license, contract, transaction, sanction, or
8 approval, or the denial thereof, or the failure to act with respect thereto. "County action"
9 shall not include actions of the county's judicial branch but shall include employees of the
10 department of judicial administration.

11 D. "County employee" or "employee" means any individual who is appointed as an
12 employee by the appointing authority of a county agency, office, department, council,
13 board, commission or other separate unit or division of county government, however
14 designated, but does not include employees of the county's judicial branch. The term
15 "county employee" also includes county elected officials and members of county boards,
16 commissions, committees, or other multi-member bodies, but does not include officials or
17 employees of the county's judicial branch but does include employees of the department of
18 judicial administration.

19 E. "Department" means:

- 20 1. in the executive branch, an executive department or administrative office
21 which reports to the executive or the deputy county executive, as applicable;
- 22 2. the department of assessments;
- 23 3. the office of the prosecuting attorney;
- 24 4. in the legislative branch, the council together with any subordinate legislative
25 branch agency;
- 26 5. the department of judicial administration.

27 F. "Doing business with the county" or "transactions with the county" means to
28 participate in any proceeding, application, submission, request for ruling or other
29 determination, contract, claim, case, or other such particular matter which the county
30 employee or former county employee in question believes, or has reason to believe:

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- 1. Is, or will be, the subject of county action; or
- 2. Is one to which the county is or will be a party; or
- 3. Is one in which the county has a direct and substantial proprietary interest.

G. "Gift" means anything of economic value, but shall not include campaign contributions regulated by the provisions of Chapter 42.17 RCW, the charter and ordinances implementing them, informational materials exclusively for official or office use, memorials, trophies, and plaques of no commercial value, gifts of \$20.00 or less for bona fide, non-recurring, ceremonial occasions or any gifts which are not used and which within thirty days after receipt are returned to the donor, or donated to a charitable organization without seeking a tax deduction.

H. "Immediate family" means a county employee's spouse, domestic partner, employee's child or the child of an employee's domestic partner, and other dependent relatives if living in his or her household.

I. "Ombudsman" means the director of the office of citizen complaints established pursuant to Section 260 of the charter and K.C.C. 2.52, or his or her designee.

J. "Participate" means, in connection with a transaction involving the county, to be involved in a county action personally and substantially as a county employee either directly, or through others through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or otherwise.

K. "Person" means any individual, partnership, association, corporation, firm, institution, or other entity, whether or not operated for profit. The term does not include governmental units of the State of Washington or the United States unless so specified.

L. "Respondent" means the person against whom a complaint is filed or an investigation is conducted.

M. "Retaliatory action" means any action by a supervisor or other employee which is intended to embarrass or to harass any person as a result of such person having filed a written complaint with the office of citizen complaints or having raised privately or publicly any concern or question regarding an actual or apparent violation of the provisions of this chapter.

1 N. "Thing of value" means anything of tangible worth which is not compensation or
2 a gift.

3 NEW SECTION. SECTION 3. There is added to K.C.C. 3.04 a new section
4 to read as follows:

5 **Conflict of interest.** No county employee shall engage in any act which is in
6 conflict with the performance of official duties. A county employee shall be deemed to
7 have a conflict of interest if the employee directly or indirectly:

8 A. Receives or has any financial interest in any purchase, sale or lease to or by the
9 county of any service or property when such financial interest was received or obtained
10 with the prior knowledge that the county intended to purchase, sell or lease such property
11 or service;

12 B. Is beneficially interested, directly or indirectly, in any contract, sale, lease, option
13 or purchase that may be made by, through, or under the supervision of the employee, in
14 whole or in part, or accepts, directly or indirectly, any compensation, gift or thing of value
15 from any other person beneficially interested therein;

16 C. Accepts or seeks for others, directly or indirectly, any employment, travel
17 expense, service, information, compensation, gift or thing of value on more favorable terms
18 than those granted to other county employees or the public generally, from any person,
19 doing business, or seeking to do business with the county for which the employee has
20 responsibility or with regard to which he or she may participate, provided that this
21 subsection shall not apply to the receipt by elected officials, or by employees who are
22 supervised directly by an elected official, of meals, refreshments or transportation within
23 the boundaries of the county when given in connection with meetings with constituents or
24 meetings which are informational or ceremonial in nature;

25 D. Accepts, directly or indirectly, any gift, favor, loan, retainer, entertainment,
26 travel expense, compensation or other thing of value from any person doing business or
27 seeking to do business with the county when such acceptance may conflict with the
28 performance of the employee's official duties.

1 A conflict shall be deemed to exist where a reasonable and prudent person would
2 believe that the gift, compensation, thing of value, or more favorable terms, was given for
3 the purpose of obtaining special consideration or to influence county action.

4 The financing of the conduct of county election campaigns shall continue to be
5 governed by the provisions of RCW 42.17 and the provisions of the charter and
6 ordinances;

7 E. Participates in, influences, or attempts to influence, directly or indirectly, the
8 selection of, or the conduct of business or a transaction with a person doing or seeking to
9 do business with the county if the employee has a financial interest in or with said person;

10 F. Discusses or accepts an offer of future employment with any person doing or
11 seeking to do business with the county if either:

12 1. the employee knows or has reason to believe that the offer of employment
13 was or is intended, in whole or in part, directly or indirectly, as compensation or reward for
14 the performance or nonperformance of a duty by the employee during the course of county
15 employment or to influence county action pertaining to the business, or

16 2. the employee has responsibility for a matter upon which the person is doing
17 or seeking to do business with the county unless the employee has first disclosed in writing
18 to his or her appointing authority that the employee intends to discuss future employment
19 with a specific person and the appointing authority has designated, in a memorandum filed
20 with the ombudsman and the clerk of the council, a method of providing for an alternative
21 decisionmaker with regard to matters involving such person for which the employee
22 otherwise would have responsibility;

23 G. Within one year of entering county employment awards a county contract or
24 participates in a county action benefiting a person that formerly employed him or her
25 provided, that participation other than contract award may be authorized in a memorandum
26 by the appointing authority following written disclosure by the affected employee and that
27 such authorization shall be filed with the ombudsman and the clerk of the council;

28 H. Is an employee, agent, officer, partner, director or consultant of any person doing
29 or seeking to do business with the county, unless such relationship has been disclosed as
30 provided by this chapter;

1 I. Engages in or accepts compensation, employment or renders services for any
2 person or a governmental entity other than the county when such employment or service is
3 incompatible with the proper discharge of official duties or would impair independence of
4 judgment or action in the performance of official duties. In addition, the following
5 employees must obtain the prior written consent of their highest ranking supervisor
6 authorizing either new or continued employment, or the acceptance of any compensation or
7 any thing of value for services performed outside King County government:

8 1. The deputy county executive, the chief officer of each executive department
9 or administrative office as defined by the provisions of the charter, the manager of each
10 division of such department or office, and all persons who report directly to such
11 individuals;

12 2. All non-elected council employees, provided that the personal staff of each
13 individual councilmember shall obtain such consent from such councilmember;

14 3. All non-elected employees of the prosecuting attorney;

15 4. All non-elected employees of the department of judicial administration;

16 5. All non-elected employees of the department of assessments.

17 If such employment or service is deemed by the highest-ranking supervisor to pose a
18 conflict of interest, the employee immediately shall divest such employment and failure to
19 do so shall be grounds for dismissal;

20 J. Enters into a business relationship outside county government with any other
21 employee for whom he or she has any supervisory responsibility;

22 K. Enters into a business relationship outside county government with any person
23 with regard to a matter for which the employee has responsibility as a county employee;

24 L. Appears on behalf of a person before any regulatory governmental agency, or
25 represents a person in any action or proceeding against the interest of the county in any
26 litigation to which the county is a party, unless the employee has a personal interest in the
27 litigation and this personal interest has been disclosed to the regulatory governmental
28 agency or adjudicating individual or body. A county council member may appear before
29 regulatory governmental agencies on behalf of constituents in the course of his or her
30 duties as a representative of the electorate or in the performance of public or civic

1 obligations; however, no official or employee shall accept a retainer or compensation, or
2 any gift or thing of value that is contingent upon a specific action by a county agency;

3 M. Directly or indirectly possesses a substantial or controlling interest in any person
4 which does or seeks to do business with the county, without disclosing such interest as
5 provided by this chapter. A substantial interest is an interest that exceeds one-tenth of one
6 percent of the outstanding securities of the person; or, if the interest is in an unincorporated
7 business concern, exceeds one percent of the net worth of such concern; or the financial
8 interest of a person exceeds five percent of the net worth of the employee and his or her
9 immediate family;

10 N. As a county council member has a financial or other private interest in any
11 legislation or other matter coming before the council, and fails to disclose such an interest
12 on the records of the county council. This provision shall not apply if the county council
13 member disqualifies himself or herself from voting by stating the nature and extent of such
14 interest. Any other employee who has a financial or other private interest, and who
15 participates in an action or proposed action of the county council and fails to disclose on
16 the records of the county council the nature and extent of such interest, shall be deemed in
17 violation of this chapter;

18 O. Has an interest in any property being considered for revaluation by the county
19 board of appeals and equalization or has a personal interest or connection with another
20 person's petition for revaluation while:

- 21 1. An elected county official,
- 22 2. Deputy county executive and his/her confidential secretary,
- 23 3. The executive's administrative assistants and office manager,
- 24 4. County councilmembers' executive secretaries,
- 25 5. County administrative officer, his/her administrative assistants and his/her
26 confidential secretary,
- 27 6. Chief officer of each executive department, his/her administrative assistants,
28 and his/her confidential secretary,
- 29 7. Chief officer of each administrative office, his/her administrative assistants,
30 and his/her confidential secretary,

- 1 8. Council administrator, his/her administrative assistants, and his/her secretary,
- 2 9. The ombudsman and his/her staff.
- 3 10. All employees of the department of assessments,
- 4 11. All employees assigned to the board of equalization and/or the board of
- 5 appeals,
- 6 12. Any other county employee who has direct contact with the board of appeals
- 7 and equalization in the carrying out of his or her duties, and
- 8 13. Member of the county board of appeals and/or board of equalization,
- 9 14. Clerk of the council, his/her secretaries;

10 All persons listed in subsections 1-14 above, who wish to appeal to the county board
 11 of equalization on a matter of property revaluation shall be governed by the procedure set
 12 forth in K.C.C. 3.04.040;

13 P. As an appointive member of a board or commission, has a close relative serving
 14 on the same board or commission. For the purposes of this subsection, close relative is
 15 defined as:

16 Husband	Wife
17 Father	Father-in-law
18 Mother	Mother-in-law
19 Brother	Brother-in-law
20 Sister	Sister-in-law
21 ((Son))	Son-in-law
22 ((Daughter))	Daughter-in-law
23 Niece	Nephew
24 Grandparent	Grandchild
25 Uncle	Aunt
26 Child	Child of domestic partner
27 Domestic partner	

28 In addition, the relatives of a domestic partner shall be considered close relatives to the
 29 same extent such relatives would be included in this paragraph if the employee and the
 30 domestic partner were married.

1 Q. Discloses or uses for the personal benefit of the employee or his or her
2 immediate family any information acquired in the course of official duties which is not
3 available as a matter of public knowledge or public record;

4 R. Acts as an accomplice in any act by an immediate family member which, if such
5 act were performed by the employee would be prohibited by the provisions of paragraphs
6 A, B, C, D, E, F, G, H, J, K, M, N, O or Q of this section; provided, however, that it shall
7 not be a conflict of interest for such family member to enter into a bona-fide contract of
8 employment which is not intended to influence the action of the county employee;

9 S. The provisions of paragraphs B, E, and N of this section are not violated by the
10 possession by an employee of a financial interest in a person or other entity which is not a
11 substantial interest as defined by paragraph M of this section.

12 NEW SECTION. SECTION 4. There is added to K.C.C. 3.08 a new section
13 to read as follows:

14 **Conduct of elections.** The primaries and elections called for in this chapter shall be
15 conducted by the records and elections division generally following the procedures for
16 conducting county elections except as otherwise provided in this chapter or as prescribed
17 by administrative rules promulgated by the records and elections manager. The manager is
18 authorized to conduct such elections by mail ballot including distribution with employee
19 paychecks or by the U.S. postal service. Ballots may be returned to the records and
20 elections division via the U.S. postal service or in a secure manner as approved by the
21 manager of the records and elections division. The results of the election shall be certified
22 by the records and elections manager. The manager shall issue certificates of nomination
23 as applicable and a certificate of election to the successful candidate.

24 Any resident of the State of Washington, except a current employee of the county, is
25 eligible to file for candidacy for the position of career service employee representative.

26 NEW SECTION. SECTION 5. There is added to K.C.C. 3.12 a new section
27 to read as follows:

28 **Definitions.** All words shall have their ordinary and usual meanings except
29 those defined in this section which shall have, in addition, the following meanings.

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In the event of conflict, the specific definitions set forth in this section shall presumptively, but not conclusively, prevail.

A. General definitions.

1. "Administrative interns" are persons participating in employment sponsored, supported in whole or in part, or maintained in conjunction with, an educational institution in the State of Washington. Administrative interns shall be exempt from the career service under Section 550 of the charter.

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

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 county personnel board established by Section 540 of the charter.

5. "Career service employee" means a county employee appointed to a career service position as a result of the selection procedure provided for in Section 12 of this ordinance, and who has completed the probationary period.

6. "Career service position" means all positions in the county service except for those which are designated by Section 550 of the charter as follows: All elected officers; the county auditor, the clerk and all other employees of the county council; the county administrative officer; the chief officer of each executive department and administrative office; the members of all boards and commissions; administrative assistants for the executive and one administrative assistant each for the county administrative officer, the county auditor, the county assessor, the chief officer of each executive department and administrative office and for each board and commission; a chief deputy for the county assessor; one confidential secretary each for the executive, the chief officer of each executive department and

1 administrative office, and for each administrative assistant specified herein; all
2 employees of those officers who are exempted from the provisions of this chapter
3 by the state constitution; persons employed in a professional or scientific capacity
4 to conduct a special inquiry, investigation or examination; part-time and temporary
5 employees; administrative interns; election precinct officials; all persons serving
6 the county without compensation; physicians; surgeons; dentists; medical interns;
7 and student nurses and inmates employed by county hospitals, tuberculosis
8 sanitariums and health departments of the county.

9 Divisions in executive departments and administrative offices as determined
10 by the county council shall be considered to be executive departments for the
11 purpose of determining the applicability of Section 550 of the charter.

12 All part-time employees shall be exempted from career service membership
13 except, effective January 1, 1989, all part-time employees employed at least half
14 time or more, as defined by ordinance, shall be members of the career service.

15 7. "Charter" means the King County Charter, as amended.

16 8. "Class" or "classification" means a position or group of positions,
17 established under authority of this chapter, sufficiently similar in respect to the
18 duties, responsibilities and authority thereof, that the same descriptive title may be
19 used to designate each position allocated to the class.

20 9. "Classification plan" means the arrangement of positions into
21 classifications together with specifications describing each classification.

22 10. "Compensatory time" means time off granted with pay in lieu of pay
23 for work performed either on an authorized overtime basis or work performed on a
24 holiday which is normally scheduled as a day off. Such compensatory time shall be
25 granted on the basis of time and one-half.

26 11. "Council" means the county council as established by Article 2 of the
27 charter.

28 12. "County" means the county of King and any other organization that
29 is legally governed by the county with respect to personnel matters.

1 13. "Director" means the chief officer of the administrative office of
2 human resources management.

3 14. "Domestic partners" are two people in a domestic partnership, one of
4 whom is a county employee.

5 15. "Domestic partnership" is a relationship whereby two people:

6 a. Have a close personal relationship, and

7 b. Are each other's sole domestic partner and are responsible for each
8 other's common welfare, and

9 c. Share the same regular and permanent residence, and

10 d. Are jointly responsible for basic living expenses which means the
11 cost of basic food, shelter and any other expenses of a domestic partner which are
12 paid at least in part by a program or benefit for which the partner qualified because
13 of the domestic partnership. The individuals need not contribute equally or jointly
14 to the cost of these expenses as long as they agree that both are responsible for the
15 cost, and

16 e. Are not married to anyone, and

17 f. Are each eighteen years of age or older, and

18 g. Are not related by blood closer than would bar marriage in the
19 State of Washington, and

20 h. Were mentally competent to consent to contract when the
21 domestic partnership began.

22 16. "Employee" means any person who is employed in a career service
23 position or exempt position.

24 17. "Employed at least half time" means employed in a regular position
25 which has an established work schedule of not less than one-half the number of
26 hours of the full-time positions in the work unit in which the employee is assigned,
27 such work schedule to be determined by the director.

28 18. "Established in the county budget" means a position identified within
29 a budgetary unit's authorized full-time equivalent (FTE) level and set out by

1 position description in the budgetary unit's organizational budget detail report as
2 amended in the adopted budget.

3 19. "Executive" means the county executive, as established by Article 3
4 of the charter.

5 20. "Exempt employee" means an employee employed in a position that
6 is not a career service position under Section 550 of the charter. Exempt employees
7 serve at the pleasure of the appointing authority.

8 21. "Exempt position" means any position excluded as a career service
9 position by Section 550 of the charter. Exempt positions are positions to which
10 appointment may be made directly.

11 22. "Full-time regular employee" means an employee employed in a full-
12 time regular position and, for full-time career service positions, is not serving a
13 probationary period.

14 23. "Full-time position" means a regular position which has an
15 established work schedule of not less than thirty-five hours per week in those work
16 units in which a thirty-five hour week is standard, or of not less than forty hours per
17 week in those work units in which a forty-hour week is standard.

18 24. "Grievance" means an issue raised by an employee relating to the
19 interpretation of rights, benefits, or condition of employment as contained in the
20 administrative rules and/or procedures for the career service.

21 25. "Incentive increase" means an increase to an employee's base salary
22 within the assigned pay range, based on demonstrated performance.

23 26. "Life-giving and life-saving procedures" shall mean a medically-
24 supervised procedure involving the testing, sampling, or donation of blood, organs,
25 fluids, tissues and other human body components for the purposes of donation
26 without compensation to a person for a medically necessary treatment.

27 27. "Marital status" is the presence or absence of a marital relationship
28 and includes the status of married, separated, divorced, engaged, widowed, single
29 or cohabitating.

1 28. "Part-time employee" means an employee employed in a part-time
2 position.

3 29. "Part-time position" means a position not established in the county
4 budget and in which the employee is employed less than half time.

5 30. "Part-time regular employee" means an employee employed in a
6 part-time regular position.

7 31. "Part-time regular position" means a regular position in which the
8 employee is employed at least half time.

9 32. "Pay plan" means a systematic schedule of numbered pay ranges
10 with a minimum, maximum and intermediate steps for each pay range, a schedule
11 of assignment of each classification to a numbered pay range and rules for
12 administration.

13 33. "Pay range" means one or more pay rates representing the minimum,
14 maximum and intermediate steps assigned to a classification.

15 34. "Pay range adjustment" means the adjustment of the numbered pay
16 range of a classification to another numbered pay range in the schedule based on a
17 classification change, competitive pay data or other significant factors.

18 35. "Personnel guidelines" means only those operational procedures
19 promulgated by the director necessary to implement personnel policies or
20 requirements previously stipulated by ordinance or the charter.

21 36. "Position" means a group of current duties and responsibilities
22 assigned by competent authority requiring the employment of one person.

23 37. "Probationary employee" means an employee employed in a regular
24 career service position and who is serving a probationary period. Probationary
25 employees shall be deemed temporary employees under Section 550 of the charter.

26 38. "Probationary period" means a period of time constituting the final
27 step in the competitive screening process for career service or for promotion from
28 one career service position to another. An appointment to the career service,
29 whether following successful completion of an initial probationary period of county

1 employment or a promotional probationary period, shall not be final unless the
2 employee successfully completes this probationary period.

3 39. "Provisional appointment" means an appointment made in the
4 absence of a list of candidates certified as qualified by the director. Only the
5 director may authorize a provisional appointment. An appointment to this status is
6 limited to six months.

7 40. "Provisional employee" means an employee employed in a regular
8 career service position under provisional appointment. Provisional employees shall
9 be deemed temporary employees under Section 550 of the charter.

10 41. "Recruiting step" means the first step of the salary range allocated to
11 a class unless otherwise authorized by the executive.

12 42. "Regular position" means a position established in the county budget.

13 43. "Salary or pay rate" means an individual dollar amount which is one
14 of the steps in a pay range paid to an employee based on the classification of the
15 position occupied.

16 44. "Temporary employee" means an employee employed in a temporary
17 position. Under Section 550 of the charter, temporary employees shall not be
18 members of the career service.

19 45. "Temporary position" means a position which is not a regular
20 position as defined in this chapter.

21 B. Definitions related to family leave. Unless the context clearly requires otherwise,
22 the following terms have the following meanings:

23 1. "Child" means a biological, adopted, or foster child, a stepchild, a legal ward,
24 or a child of a person standing in loco parentis, who is:

- 25 a. Under eighteen years of age, or
- 26 b. Eighteen years of age or older and incapable of self-care because of
27 mental or physical disability.

28 2. "Employee" means a person employed in a regular position on a full-time or
29 part-time basis and who is not on an initial period of probation. The term "employee" shall

1 not include part time employees employed less than half time and temporary employees
2 other than provisional employees and probationary employees.

3 3. "Serious health condition" means an illness, injury, impairment, or physical or
4 mental condition, whether or not preexisting, which requires:

5 a. Inpatient care in a hospice or residential medical care facility, or

6 b. Continuing treatment or continuing supervision by a health care provider.

7 4. "Health care provider" means a person whose services are of a type which are
8 compensated under any county health care plan.

9 5. "Reduced leave schedule" means leave scheduled for fewer than an
10 employee's usual number of hours per workweek or hours per workday.

11 NEW SECTION. SECTION 6. There is added to K.C.C. 3.12 a new section
12 to read as follows:

13 **General provisions - Conflicts of interest.** A. All employees shall hold their
14 positions subject to the conditions stated in the charter, this chapter, other applicable
15 ordinances, and the personnel guidelines.

16 B. No employee may engage in any occupation or outside activity which is
17 incompatible with the proper discharge of official county duties or which would impair
18 independence of judgment or action in the performance of such official duties. All
19 employees are specifically referred to the conflict of interest provisions contained in
20 K.C.C. 3.04.

21 C. The employment of members of the same family or other close relatives of
22 employees shall not be limited except where required by business or job-related necessity.
23 For purposes of this section, "business or job-related necessity" includes those
24 circumstances where the county's actions are based upon a compelling and essential need
25 to avoid business or job-related conflicts of interest, or to avoid the reality or appearance of
26 improper influence or favor. For purposes of this section, "same family or other close
27 relatives" means the mother, father, child, sister, brother, wife, husband, aunt, uncle, niece,
28 nephew, grandparent, grandchild, in-laws, domestic partner, children of a domestic partner
29 and relatives of a domestic partner to the same extent such relatives would be included in
30 this paragraph if the employee and the domestic partner were married. Nothing in this

1 subsection shall be construed to prevent or impede the advancement or promotion of any
2 person employed by the county prior to the effective date of this ordinance.

3 NEW SECTION. SECTION 7. There is added to K.C.C. 3.12 a new section
4 to read as follows:

5 **Benefits.** A. Employees shall receive the leave benefits provided in this chapter;
6 provided, that temporary employees other than provisional employees and probationary
7 employees employed at least half-time shall receive either compensation in lieu of the
8 vacation and sick leave benefits provided in this chapter for each hour worked or, at the
9 discretion of the director, pro-rated vacation and sick leave benefits based upon the ratio of
10 hours worked to the full-time schedule in their work units; and provided further, that part-
11 time employees shall not receive vacation or sick leave benefits or compensation in lieu
12 thereof.

13 B. Except for part-time employees and temporary employees other than provisional
14 employees and probationary employees, employees and their spouse or domestic partner,
15 each of their dependent children, and each of the dependent children of their spouse or
16 domestic partner shall be eligible for medical, dental, life and disability insurance, and
17 vision benefits, except in those instances where contrary provisions have been agreed to in
18 the collective bargaining process and to the extent such benefits are available through
19 insurers. The director shall establish specific provisions governing eligibility for these
20 benefits as part of the personnel guidelines and consistent with budget requirements. Such
21 provisions may include waiting periods for employees newly-hired to the county.

22 NEW SECTION. SECTION 8. There is added to K.C.C. 3.12 a new section
23 to read as follows:

24 **Dependent Care Assistance Benefit.** A. The county shall offer to those employees
25 who are qualified to receive medical benefits the opportunity to participate in a qualifying
26 Internal Revenue Code Sections 125 and 129 dependent care assistance program. The
27 office of human resources management shall incorporate the dependent care assistance
28 program in its employee flexible benefit program.

29 B. The costs of administering the dependent care assistance program shall be fully
30 borne by the county and existing and future employee benefits shall not be reduced as a

1 result of the cost of administering the program. Savings in county paid payroll taxes, if
 2 any, resulting from this program shall accrue to the county.

3 C. Non-represented employees who are qualified to receive medical benefits shall
 4 be offered the dependent care assistance program whether or not represented employee
 5 groups choose to participate in the program.

6 NEW SECTION. SECTION 9. There is added to K.C.C. 3.12 a new section
 7 to read as follows:

8 **Benefits eligibility for spouse/domestic partner. A. Affidavit of**
 9 **Marriage/Domestic Partnership.** Employees who receive medical, dental, life and
 10 disability insurance, and vision benefits shall designate their spouse, their domestic partner,
 11 their dependent children and the dependent children of their spouse or domestic partner in
 12 an Affidavit of Marriage/Domestic Partnership in order for such spouse, domestic partner
 13 and/or children to receive such benefits, to the extent such benefits are available to them.
 14 The director shall prescribe the form of the affidavit. In the affidavit, the employee shall:

15 1. Attest to the following:

16 a. If married, that he or she is currently married to the individual identified
 17 by name on the affidavit, or

18 b. If participating in a domestic partnership, that:

19 (1) He or she is currently in a domestic partnership with the individual
 20 identified by name on the affidavit, and

21 (2) He or she meets all the qualifications of a domestic partnership, as
 22 defined by this chapter, and

23 (3) Any prior domestic partnership in which he or she or his or her
 24 domestic partner participated with a third party was terminated at least ninety days prior to
 25 the date of said affidavit or by the death of that third party, and if such prior domestic
 26 partnership had been acknowledged pursuant to this chapter, that notice of the termination
 27 of the prior domestic partnership, whether by death of the domestic partner or otherwise,
 28 was provided to the county at least ninety days prior to the date of said affidavit;

29 2. Agree to notify the county if there is a change of the circumstances attested to
 30 in the affidavit; and

3. Affirm, under penalty of law, that the assertions in the affidavit are true.

B. Termination of Marriage/Domestic Partnership. Such employee shall provide the county with a notice of termination of marriage/domestic partnership, on a form prescribed by the director, upon dissolution of a marriage or termination of a domestic partnership, within thirty days of termination of the marriage or domestic partnership. A marriage shall be deemed terminated as provided under state law. A domestic partnership shall be deemed terminated:

1. When the domestic partners no longer meet one or more of the qualifications of a domestic partnership, as defined by this chapter; or

2. Upon the death of a domestic partner.

C. Confidentiality. All affidavits of marriage/domestic partnership, notices of termination of marriage/domestic partnership, and any information contained in said affidavits submitted to the county shall be confidential and subject to disclosure only upon express written authorization by the persons identified in the forms or if otherwise required by law.

NEW SECTION. SECTION 10. There is added to K.C.C. 3.12 a new section to read as follows:

Career service system. All career service employees shall be members of the county career service mandated by Section 510 of the charter. The recruitment, selection and promotion of such employees shall be competitive and shall be based on merit. Career service employees shall have such rights, working conditions and benefits as are specified by this chapter.

NEW SECTION. SECTION 11. There is added to K.C.C. 3.12 a new section to read as follows:

Assumption of functions and personnel of another governmental entity. If the functions of another governmental entity are assumed by the county, and if former employees of that entity become county employees, then the director shall determine whether such employees will be members of or exempt from the career service. In making this determination, the director shall apply the standards contained in Section 550 of the charter. The status of each employee shall be equivalent to that which the employee would

1 have had, had he or she been a county employee during the term of the former
2 employment. Nothing in this section shall derogate from the county's power to eliminate
3 positions and lay off employees because of lack of work, lack of funds or considerations of
4 operational efficiency.

5 NEW SECTION. SECTION 12. There is added to K.C.C. 3.12 a new
6 section to read as follows:

7 **Selection procedure.** A. The director shall establish examination selection
8 procedures for filling existing and anticipated vacant positions in the career service.
9 Examinations may be open or promotional, depending upon which will best serve the
10 interests of the county.

11 B. All examinations for career service positions shall be competitive.

12 NEW SECTION. SECTION 13. There is added to K.C.C. 3.12 a new
13 section to read as follows:

14 **Probationary period.** A. There shall be a probationary period during which time a
15 probationary employee shall be evaluated by the appointing authority to determine
16 qualification for entry into the career service. The probationary period shall be determined
17 by the director, but shall be not less than six months or more than one year of actual
18 service, and shall be served by those employees who have been newly-hired, re-employed,
19 transferred to a different position, or promoted or demoted.

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

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

29 NEW SECTION. SECTION 14. There is added to K.C.C. 3.12 a new
30 section to read as follows:

1 **Training.** A. It shall be the policy of the county to provide, within budgeted
2 appropriations, training opportunities for employees. The objective of the training policy
3 shall be guided by, but not limited to, the overall objectives of encouraging and motivating
4 employees to improve their personal capabilities in performance of their assigned job
5 duties.

6 B. The director shall be responsible for planning and executing an adequate training
7 program for employees.

8 C. The county shall not reimburse employees for unauthorized training.

9 D. Employees wishing to complete educational programs may request a leave of
10 absence without pay for this purpose.

11 NEW SECTION. SECTION 15. There is added to K.C.C. 3.12 a new
12 section to read as follows:

13 **Working conditions.** A. General. Nothing contained in this chapter shall prevent,
14 relieve, or otherwise excuse any county officer or employee from the performance of any
15 duty imposed upon him or her by any other law of this county, or from the rendering of
16 service at such times and places as are necessary in order to properly perform the functions
17 of his or her office or employment.

18 B. Workday. Except as otherwise provided by ordinance, the official workday shall
19 consist of eight hours of work for all full-time regular and full-time probationary
20 employees. The lunch hour shall not be considered as part of the workday. The official
21 workday for other employees shall be determined by the director.

22 C. Workweek. Except as otherwise provided by ordinance, the official workweek
23 shall consist of five working days for all full-time regular and full-time probationary
24 employees. The official workweek for other employees shall be determined by the
25 director.

26 D. Call Duty. The county recognizes that there is an occasional need for an
27 employee to return to work outside his or her normal workday. The personnel guidelines
28 shall contain procedures relating to call duty.

1 E. On-the-Job Injury. The county recognizes a responsibility for action regarding
2 on-the-job injuries. The personnel guidelines shall contain procedures relating to on-the-
3 job injury.

4 F. Continuation of Career Service. A career service employee who accepts an
5 appointment to an exempt position effective on or after January 1, 1996 and which position
6 and appointment resulted from the reorganization of the executive branch as reflected in
7 the creation of certain new positions contained in Attachment A to Proposed Ordinance 95-
8 662 shall retain his/her career service status and rights while holding such exempt position
9 and have the restoration rights set forth in this section. This provision is not intended to
10 provide the career service employee with a right to the exempt position. But, such
11 employee, if selected for the exempt position, could be terminated from the position only
12 for just cause.

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

20 1. The right to restoration is exercised within four calendar years from the
21 effective date of the transfer or promotion to an exempt position; and

22 2. The former appointing authority, at his or her discretion, approves such
23 restoration within the limits of available authorized positions; or

24 3. A different appointing authority, having jurisdiction over comparable
25 authorized positions, at his or her discretion approves such restoration within the limits of
26 available authorized positions.

27 H. Wages and Hours. Matters involving wages and hours, including but not limited
28 to minimum wage and overtime compensation, shall be determined in accordance with
29 applicable state and federal laws and regulations.

1 I. Overtime. Overtime work may be authorized by the department director where
2 necessary to maintain or perform vital county services and shall be paid in accordance with
3 appropriate state and federal law.

4 NEW SECTION. SECTION 16. There is added to K.C.C. 3.12 a new
5 section to read as follows:

6 **Salary ordinance.** The executive shall prepare and submit a recommended salary
7 ordinance to the council, which shall adopt a salary ordinance. The salary ordinance shall
8 establish a standardized salary schedule for all classifications, excluding classifications for
9 temporary employees other than provisional employees and probationary employees, part-
10 time employees, administrative interns, elected officials and employees of the council.

11 NEW SECTION. SECTION 17. There is added to K.C.C. 3.12 a new
12 section to read as follows:

13 **Equal pay for equal work.** It is the policy of the county that compensation for all
14 county employees shall be equitably provided on the basis of equal pay for equal work.

15 A. Findings of fact.

16 1. The council finds that federal, state and local laws against discrimination
17 provide adequate and appropriate remedies for any pay which is unequal on the basis of
18 unlawful discrimination. The equal pay policy set forth in this section is intended to set
19 forth general county policy for equitable pay in county government for all equal jobs, even
20 as to jobs between which no disparate impact exists upon protected classes. Pay for
21 represented employees is determined pursuant to the collective bargaining procedures
22 established by law. This section shall not affect the collective bargaining position of the
23 exclusive bargaining representatives of any employee or of the county.

24 2. The assumption by the county of the rights, powers, functions and obligations
25 of the Municipality of Metropolitan Seattle (METRO) pursuant to Proposition One,
26 effective January 1, 1994, caused thousands of employees of METRO to become county
27 employees in the department of metropolitan services. The county and METRO
28 historically used different methods of determining compensation, and a thorough study of
29 classifications of positions and pay for them is necessary before the effects of equalizing
30 pay can be evaluated.

1 3. As a result, the council finds that pending the completion of such study, it is
2 appropriate to not compare pay between classifications of the former department of
3 metropolitan services and those of other county employees or to declare that such pay shall
4 be equal for equal jobs unless a disparate impact on a protected class is shown, requiring
5 remedial action.

6 B. Until compensation and classification schedules are adopted to apply to all county
7 employees, this section shall not apply to compensation differences between the
8 classifications listed in Attachment B of Proposed Ordinance 95-662 and other county
9 classifications.

10 NEW SECTION. SECTION 18. There is added to K.C.C. 3.12 a new
11 section to read as follows:

12 **Equality of county employment.** A. The county is an equal opportunity employer
13 and shall carry out federal, state and local laws and regulations prohibiting discrimination
14 in employment on the basis of race, color, creed, religion, national origin, sex, sexual
15 orientation, marital status or the presence of a sensory, mental, or physical disability.
16 Further, it is the intent of the county to insure that employment is based on the principle of
17 equal opportunity and that such principle shall be implemented in all county personnel-
18 related actions including, but not limited to, recruitment, hiring, testing, training,
19 promotion, compensation, transfer and all other terms and conditions of employment in all
20 job classifications.

21 B. It is the policy of the county that, until the effects of inequality in employment
22 opportunity within the county are eliminated, all county departments shall establish and
23 maintain an effective affirmative action plan of employment, as adopted by the council by
24 ordinance. Such affirmative action plan shall promote the objectives of public policy set
25 forth in applicable federal and state law, including constitutions, statutes, regulations, and
26 executive orders, relating to nondiscrimination, equal employment opportunity, affirmative
27 action, and civil rights. Specifically, the plan shall promote the objectives of the State Law
28 Against Discrimination, RCW Title 49 (applicable parts), and provisions of the
29 Washington Administrative Code adopted thereunder. As part of the county's affirmative
30 action plan, the executive shall submit by November 30th of every other year, commencing

1 with 1990, a biennial affirmative action master plan pertaining to the appropriate county
2 departments and agencies to be approved by the council by ordinance. Such plan shall
3 include policies and procedures for the implementation of county affirmative action
4 programs and shall set forth proposed availability rates for protected groups designated by
5 the county in employment, and utilization goals in contract compliance and minority and
6 women business enterprise contracting.

7 NEW SECTION. SECTION 19. There is added to K.C.C. 3.12 a new
8 section to read as follows:

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

Length of Service	Annual Leave in Days Accrued per Year of Service
Upon hire through end of 4 years	12
5 through end of 7 years	15
8 through end of 9 years	16
10 through end of 15 years	20
16 through end of 16 years	21
17 through end of 17 years	22
18 through end of 18 years	23
19 through end of 19 years	24
20 through end of 20 years	25
21 through end of 21 years	26
22 through end of 22 years	27
23 through end of 23 years	28
24 through end of 24 years	29
25 or more years	30

11 B. Notwithstanding the vacation leave schedule set forth in paragraph A of this
12 section, full-time regular employees, excluding employees in the former department of
13 metropolitan services, who were employed on or before December 31, 1995 and have
14 completed at least three but less than five full years of service shall accrue fifteen days of
15 vacation leave per year. At the end of the fifth full year of service, such employees shall
16 accrue vacation leave as set forth in paragraph A of this section.

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

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

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

F. Exempt employees in regular positions may take and upon leaving county employment be paid for accrued vacation leave as approved by their appointing authorities. Employees other than exempt employees in regular positions shall not be eligible to take or be paid for vacation leave until they have successfully completed their first six months of county service, and if they leave county employment prior to successfully completing their first six months of county service, shall forfeit and not be paid for accrued vacation leave. Temporary employees who are employed at least half-time and receive vacation and sick leave, full-time regular employees, and part-time regular employees shall be paid for accrued vacation leave to their date of separation up to the maximum accrual amount if they have successfully completed their first six months of county service and are in good standing; provided that, except with the written approval of the executive, the position, if vacated by a non-represented employee, shall not be filled until salary savings for such position are accumulated in an amount sufficient to pay the cost of the cashout. Payment shall be the accrued vacation leave multiplied by the employee's rate of pay in effect upon the date of leaving county employment less mandatory withholdings.

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

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

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

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

13 NEW SECTION. SECTION 20. There is added to K.C.C. 3.12 a new
14 section to read as follows:

15 **Leave - Organ Donors.** A. The appointing authority shall allow employees eligible
16 for family leave, sick leave, vacation leave or leave of absence without pay who are
17 voluntarily participating as donors in life-giving or life-saving procedures such as, but not
18 limited to, bone marrow transplants, kidney transplants, or blood transfusions to take five
19 days paid leave without having such leave charged to family leave, sick leave, vacation
20 leave or leave of absence without pay; provided that the employee shall:

21 1. Give the appointing authority reasonable advance notice of the need to take
22 time off from work for the donation of bone marrow, a kidney, or other organs or tissue
23 where there is a reasonable expectation that the employee's failure to donate may result in
24 serious illness, injury, pain or the eventual death of the identified recipient.

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

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

4 NEW SECTION. SECTION 21. There is added to K.C.C. 3.12 a new
5 section to read as follows:

6 Sick leave. A. Except for employees covered by paragraph H of this section, full-
7 time regular employees, part-time regular employees, and temporary employees who are
8 employed at least half-time and receive vacation and sick leave shall accrue sick leave
9 benefits at the rate of 0.046 hours for each hour in pay status exclusive of overtime up to a
10 maximum of eight hours per month; except that sick leave shall not begin to accrue until
11 the first of the month following the month in which the employee commenced
12 employment. The employee is not entitled to sick leave if not previously earned.

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

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

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

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

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

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

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

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

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

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

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

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

24 3. Exposure to contagious diseases and resulting quarantine.

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

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

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

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

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

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

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

8 7. Employees shall be entitled to use sick leave in the maximum amount of three
9 days for each instance where such employee is required to care for immediate family
10 members who are seriously ill. There shall be no limit on the use of sick leave to care for
11 children under paragraph I.6 of this section.

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

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

17 NEW SECTION. SECTION 22. There is added to K.C.C. 3.12 a new
18 section to read as follows:

19 **Donation of vacation leave hours and donation of sick leave hours.** A. Vacation
20 leave hours.

21 1. Any full-time regular employee, part-time regular employee, and temporary
22 employee who is employed at least half-time and receives vacation and sick leave may
23 donate a portion of his or her accrued vacation leave to a full-time regular employee, part-
24 time regular employee or temporary employee who is employed at least half-time and
25 receives vacation and sick leave. Such donation will occur upon written request to and
26 approval of the donating and receiving employees' department director(s), except that
27 requests for vacation donation made for the purposes of supplementing the sick leave
28 benefits of the receiving employee shall not be denied unless approval would result in a
29 departmental hardship for the receiving department.

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

5 3. Donated vacation leave hours must be used within ninety calendar days
6 following the date of donation. Donated hours not used within ninety days or due to the
7 death of the receiving employee shall revert to the donor. Donated vacation leave hours
8 shall be excluded from vacation leave payoff provisions contained in this chapter. For
9 purposes of this section, the first hours used by an employee shall be accrued vacation
10 leave hours.

11 B. Sick leave hours.

12 1. Any full-time regular employee, part-time regular employee and temporary
13 employee who is employed at least half-time and receives vacation and sick leave may
14 donate a portion of his or her accrued sick leave to a full-time regular employee, part-time
15 regular employee or temporary employee who is employed at least half-time and receives
16 vacation and sick leave, upon written notice to the donating and receiving employees'
17 department director(s).

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

22 3. Donated sick leave hours must be used within ninety calendar days. Donated
23 hours not used within ninety days or due to the death of the receiving employee shall revert
24 to the donor. Donated sick leave hours shall be excluded from the sick leave payoff
25 provisions contained in this chapter, and sick leave restoration provisions contained in this
26 chapter. For purposes of this section, the first hours used by an employee shall be accrued
27 sick leave hours.

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

1 D. All vacation and sick leave hours donated shall be converted to a dollar value
2 based on the donor's straight time hourly rate at the time of donation. Such dollar value
3 will then be divided by the receiving employee's hourly rate to determine the actual
4 number of hours received. Unused donated vacation and sick leave shall be reconverted
5 based on the donor's straight time hourly rate at the time of reconversion.

6 NEW SECTION. SECTION 23. There is added to K.C.C. 3.12 a new
7 section to read as follows:

8 **Holidays. A.** The following days are hereby designated as official county holidays:

- 9 1. January 1, New Year's Day;
- 10 2. Third Monday in January, Martin Luther King, Jr. Birthday;
- 11 3. Third Monday in February, President's Day;
- 12 4. Last Monday in May, Memorial Day;
- 13 5. July 4, Independence Day;
- 14 6. First Monday in September, Labor Day;
- 15 7. November 11, Veteran's Day;
- 16 8. Thanksgiving Day and the day immediately following;
- 17 9. December 25, Christmas Day;
- 18 10. Special or limited holidays as declared by the president or governor, and as
- 19 approved by the council;
- 20 11. Such other days in lieu of holidays as the council may determine;

21 12. Full-time regular employees, part-time regular employees, provisional
22 employees and probationary employees shall be granted two personal holidays to be
23 administered through the vacation plan; provided, that the hours granted to less than full-time
24 employees shall be prorated to reflect their normally scheduled work day. One day shall be
25 credited to the employee's leave balance on the first of October and one day on the first of
26 November.

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

29 C. To be eligible for holiday pay, an employee must be in a regular position and in a
30 pay status on the day prior to and the day following a holiday to be eligible for holiday

1 pay; provided, however, that an employee who has successfully completed at least five
 2 years of county service and who retires at the end of a month in which the last regularly
 3 scheduled working day is observed as a holiday, shall be eligible for holiday pay if the
 4 employee is in a pay status the day before the day observed as a holiday.

5 NEW SECTION. SECTION 24. There is added to K.C.C. 3.12 a new
 6 section to read as follows:

7 **Limited duty assignment policy due to pregnancy.** A. Findings. The council
 8 finds that:

9 1. The county is committed to affirmative action in hiring and the full
 10 participation of women in all occupations throughout the county's work force.

11 2. Pregnancy is a normal occurrence in a woman's life.

12 3. The county has already established maternity and parental leaves for its
 13 employees.

14 4. It is desirable to establish a policy to reasonably accommodate pregnant
 15 female county employees in a medically approved limited duty assignment.

16 B. Definition.

17 "Employee", for purposes of this limited duty assignment policy, means a full-time
 18 regular employee or a part-time regular employee. Promotional probation may be
 19 extended at the discretion of the director and after consultation with an employee's
 20 appointing authority so an employee who utilizes the limited duty provisions of this section
 21 has the opportunity to perform for the established promotional probationary period.

22 C. Establishment of Policy.

23 1. It is the policy of the county to recognize that pregnancy is a normal event in
 24 a woman's life and that provisions shall be made to provide all female employees the
 25 opportunity to continue to participate in the work force during and up to three months after
 26 a pregnancy.

27 2. A female employee, who upon the advice of her physician, cannot safely
 28 perform all of the normal duties of her job due to pregnancy and who indicates a desire to
 29 continue working prior to taking sick or maternity leave for which she may otherwise be
 30 eligible, shall upon concurrence of the director receive consideration for temporary

1 reassignment. The county shall, where reasonably possible, accommodate a female
2 employee's desire for medically approved continued employment during pregnancy and up
3 to three months thereafter via one or more of the three alternatives listed. The first
4 alternative shall have preference and assignments and/or reassignments shall be given
5 within an employee's department where possible. The office of human resources
6 management shall be responsible for coordination of the following limited duty
7 alternatives:

8 a. Temporary assignment to limited duties within the employee's
9 classification;

10 b. Temporary reassignment of the employee to a similar classification with
11 equal pay for which the employee is qualified;

12 c. Only if the director concurs that an employee cannot reasonably be
13 accommodated by paragraphs C.2.a or b in this section, temporary reassignment of the
14 employee can be made to another classification for which the employee is qualified but
15 with lesser pay, to be assigned at the pay step closest to that which the employee was
16 receiving in her normal job classification.

17 3. The executive shall determine and facilitate any necessary interfund transfers
18 when an employee is temporarily reassigned to another department.

19 4. Because of the separate and unique retirement system for police, the
20 temporary assignment and/or reassignment for pregnant police personnel shall be provided
21 as in paragraphs C.2.a and b in this section for LEOFF I members. All three alternatives
22 listed in paragraph C.2 in this section can apply to LEOFF II members.

23 D. Limitations.

24 1. Temporary assignments and/or reassignments made pursuant to this section
25 shall be limited to the period of temporary incapacity caused by pregnancy both before
26 childbirth and upon return to work, all prior to the time when released by the employee's
27 physician to return to full duty.

28 2. For the purposes of this section, temporary incapacity is defined as the period
29 during which because of pregnancy the employee cannot perform all of her regular duties
30 but is capable of performing a temporary limited duty assignment provided by the county

1 as listed in paragraph C of this section and, for purposes of this policy, in no instance shall
2 such temporary incapacity extend more than three months after termination of the
3 pregnancy.

4 3. Female employees shall continue to be eligible for paid accrued vacation and
5 sick leave and leave of absence without pay pursuant to the personnel rules during the
6 period of temporary incapacity due to pregnancy, pregnancy related conditions, and
7 parenting.

8 E. Procedures. The director will develop procedures to implement this policy which
9 shall include verification of the medical basis for the limited duty request.

10 F. Severability. Should any subsection, paragraph, sentence, clause or phrase of this
11 section be declared unconstitutional or invalid for any reason, such decision shall not affect
12 the validity of the remaining portions of this chapter.

13 NEW SECTION. SECTION 25. There is added to K.C.C. 3.12 a new
14 section to read as follows:

15 **Leave of absence - Without pay.** A. Full-time regular employees and part-time
16 regular employees may take leaves of absence without pay for periods of thirty calendar
17 days or less if authorized in writing by the employee's appointing authority.

18 B. Full-time regular employees and part-time regular employees may take leaves of
19 absence without pay for periods of more than thirty calendar days if authorized in writing
20 by the employee's appointing authority and the director.

21 C. Leaves of absence without pay shall be for periods not to exceed one year except
22 that the director may, in special circumstances, grant an extension beyond one year.

23 D. Other employee benefits as provided in this chapter shall not accrue to the
24 employee while on leave of absence without pay.

25 E. If a leave of absence without pay was granted for purposes of recovering health,
26 the employee may be required by the director to submit a physician's statement concerning
27 the employee's ability to resume duties prior to return to work.

28 F. An employee on leave of absence without pay may return from the leave before
29 its expiration date if the employee provides the appointing authority with a written request
30 to that effect at least fifteen days prior to resuming duties.

1 G. Failure to return to work by the expiration date of a leave of absence without pay
 2 shall be cause for removal and shall result in automatic termination of the employee from
 3 county service.

4 H. A leave of absence without pay may be revoked by the director upon evidence
 5 submitted to the director by the appointing authority of the employee indicating that the
 6 leave of absence was requested and granted under false pretenses, or that the need for such
 7 leave of absence has ceased to exist.

8 NEW SECTION. SECTION 26. There is added to K.C.C. 3.12 a new
 9 section to read as follows:

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

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

20 NEW SECTION. SECTION 27. There is added to K.C.C. 3.12 a new
 21 section to read as follows:

22 **Disciplinary action.** A. A career service employee may be disciplined by the
 23 appointing authority for any of the following causes, or for any other justifiable cause:

- 24 1. Dishonesty, including but not limited to dishonesty in securing appointment;
- 25 2. Incompetency;
- 26 3. Inefficiency;
- 27 4. Unauthorized absence, including patterns of continual tardiness;
- 28 5. Neglect of duty;
- 29 6. Insubordination;

- 1 7. Consumption of alcoholic beverages or use of illegal drugs while on duty
2 during the workday;
- 3 8. Conviction of a crime;
- 4 9. Disorderly conduct while on duty;
- 5 10. Negligent, reckless or knowing damage to or waste of public property;
- 6 11. Violation of any of the provisions of applicable federal or state law relating
7 to political activities;
- 8 12. Negligent, reckless or knowing violation of any of the provisions of the
9 personnel guidelines;
- 10 13. Violation of any lawful order, directive, or policy of a superior, including
11 but not limited to the executive, department directors and division managers, or a violation
12 of the employee code of ethics, K.C.C. 3.04.

13 B. Prior to the disposition of any suspension or discharge, a career service employee
14 shall be advised of his/her right to seek assistance through the county's employee
15 assistance program as described in the personnel guidelines.

16 C. Disciplinary action shall be the primary responsibility of the appointing authority
17 and may include but is not limited to reduction in rank or pay, suspension without pay,
18 and/or discharge of the employee from county employment. The appointing authority shall
19 consult with the director prior to the discharge of any career service or exempt employee.

20 D. In any disciplinary action against a career service employee, pertinent
21 information shall be reduced to written form by the appointing authority and a copy
22 provided to the employee and to the director. Such written notice shall state the following:

- 23 1. The reason for discipline;
- 24 2. The facts supporting the discipline;
- 25 3. The form of discipline to be imposed;
- 26 4. The effective date of the discipline;
- 27 5. Unless otherwise provided in an applicable collective bargaining agreement,
28 the right of the employee to appeal the following disciplinary action to the personnel
29 board:

- 30 a. suspension of more than sixty days;

1 b. reduction in rank or pay; or

2 c. discharge;

3 6. Unless otherwise provided in an applicable collective bargaining agreement,
4 the right of the employee to appeal any disciplinary action to appropriate authorities
5 through the initiation of grievance procedures, as authorized by or approved under this
6 chapter.

7 E. Written notice of the discipline shall be delivered to the career service employee
8 or mailed to the employee's last known address by certified mail, return receipt requested.
9 An employee shall be deemed notified of the disciplinary action on the date the notice was
10 delivered to the employee or the date on the return receipt, as applicable.

11 NEW SECTION. SECTION 28. There is added to K.C.C. 3.12 a new
12 section to read as follows:

13 **Grievance procedures.** A. The county recognizes the importance and desirability
14 of settling grievances of career service employees promptly and fairly in the interest of
15 continued good employee relations and morale. To accomplish this, every effort will be
16 made to settle grievances at the lowest possible level of supervision.

17 B. Employees shall be unimpeded and free from restraint, interference, coercion,
18 discrimination or reprisal in seeking adjudication of their grievances.

19 C. Appropriate grievance procedures designed to accomplish the intent of this
20 section shall be developed and incorporated by the director into the personnel guidelines
21 authorized by this chapter. Such grievance procedures shall apply to career service
22 employees only.

23 NEW SECTION. SECTION 29. There is added to K.C.C. 3.12 a new
24 section to read as follows:

25 **Personnel board appeals.** A. In the case of an appeal by a career service employee
26 to the board, written notice of appeal shall be filed by the employee with the chair of the
27 board and the director within thirty calendar days of the employee having been notified of
28 the disciplinary action as provided for by this chapter or within ten calendar days of
29 completion of the grievance or appeal process contained in this chapter or any applicable
30 collective bargaining agreement. For appeals not involving disciplinary action, the

1 applicable period shall be fourteen calendar days from the action from which the appeal is
2 taken, or fourteen calendar days from the time the employee should reasonably have
3 known of the action; whichever is longer. The written notice of appeal shall contain a
4 statement of the following:

- 5 1. the action or alleged action from which the appeal is taken;
- 6 2. the grounds for appeal; and
- 7 3. the relief requested.

8 The board may only hear appeals which are within its jurisdiction, as set forth by
9 Section 540 of the charter.

10 B. All decisions of the personnel board shall be final unless appealed to a court of
11 competent jurisdiction within fourteen calendar days.

12 C. The personnel board or the court shall award a career service employee
13 reasonable attorney's fees incurred in any appeal in which the employee is the prevailing
14 party, provided, that the employee shall be considered the prevailing party only where the
15 county has a written settlement offer in effect thirty calendar days prior to the hearing of
16 the personnel board or court and the award obtained by the employee exceeds the terms of
17 that settlement offer; provided further, that such reasonable attorney's fees shall not exceed
18 the actual fees paid by the employee.

19 D. Annually or upon request, the director shall provide the council with a status
20 report of appeals filed with the personnel board.

21 NEW SECTION. SECTION 30. There is added to K.C.C. 3.12 a new
22 section to read as follows:

23 **Reductions in force.** In the event of a reduction in force due to lack of work, lack
24 of funds or considerations of efficiency, layoffs shall be conducted at a department or
25 division level. The order of layoff shall be conducted by class on the basis of merit.
26 Where two or more career service employees within a class are of equal merit, county
27 seniority shall determine the order of layoff as between those employees. Where there is
28 an applicable collective bargaining agreement, the order of layoff shall be determined by
29 the collective bargaining agreement. In lieu of laying off a career service employee, the

1 director may reassign such employee to a comparable, vacant position, when the director
2 determines such reassignment to be in the best interests of the county.

3 NEW SECTION. SECTION 31. There is added to K.C.C. 3.12 a new
4 section to read as follows:

5 **Administration - Responsibility.** The executive shall be responsible for the
6 administration of the county personnel system in accordance with the policies and
7 standards established by this chapter, which shall constitute the personnel rules of the
8 county. The director as the executive's designee shall be responsible to administer the
9 personnel system and directly-related affairs of the county to include collective bargaining;
10 provided, that such a role will not infringe on the authority of the deputy county executive,
11 as the county administrative officer, to exercise supervisory authority on those matters not
12 directly relating to the formal administration of the county's personnel system; provided
13 further, that the equal employment officer and program, to include the affirmative action
14 program, shall be directly responsible to the county administrative officer in all applicable
15 affairs in which there has not been a formally defined relationship, by virtue of council
16 action or personnel guideline, between said office and the director.

17 NEW SECTION. SECTION 32. There is added to K.C.C. 3.12 a new
18 section to read as follows:

19 **Administration - Personnel Guidelines. A.** The director is directed to promulgate
20 personnel guidelines for the purpose of implementing the directives, policies and standards
21 contained in this chapter and in Article 5 of the charter. Such personnel guidelines shall be
22 subject to approval by the executive.

23 **B.** The personnel guidelines shall include, but not be limited to, the following
24 subjects:

- 25 1. Purpose, objectives and intent;
- 26 2. Definitions;
- 27 3. Pre-employment administration:
 - 28 a. Role of the director and the office of human resources management,
 - 29 b. Recruitment procedures,
 - 30 c. Application procedures,

- 1 d. Examinations,
- 2 e. Employment lists,
- 3 f. Certification,
- 4 g. Appointment,
- 5 h. Equal employment opportunity, process requirements;
- 6 4. Post-employment administration:
 - 7 a. Role of the office of human resources management and appointing
 - 8 authority,
 - 9 b. Probationary periods,
 - 10 c. Classification system,
 - 11 d. Employee performance evaluation,
 - 12 e. Disciplinary procedures,
 - 13 f. Separation, including reductions in force,
 - 14 g. Employee relations,
 - 15 h. Equal employment opportunity, process requirements;
- 16 5. Grievance and appeals procedures:
 - 17 a. Role of the office of human resources management and departments,
 - 18 including relationship and processes of the equal employment program,
 - 19 b. Role of the director,
 - 20 c. Grievance procedures,
 - 21 d. Appeals procedures,
 - 22 e. Role of the personnel board;
- 23 6. Conditions of employment;
- 24 7. Employee benefits;
- 25 8. Procedures for leaves of absence; and
- 26 9. Procedures for salary and administration.

27 NEW SECTION. SECTION 33. There is added to K.C.C. 3.12 a new
28 section to read as follows:

29 **Effect of collective bargaining.** When a collective bargaining agreement
30 establishes a condition of employment, benefit or procedure which conflicts with a

1 condition, benefit or procedure established by this chapter or otherwise by ordinance, the
2 collective bargaining agreement shall take precedence with respect to those employees
3 covered by the agreement, so long as the following conditions are met:

4 A. The condition of employment, benefit or procedure created by the agreement is
5 lawful; and

6 B. The agreement has been adopted by the council by ordinance.

7 Adoption of the agreement by ordinance shall be deemed an amendment of this
8 chapter only with respect to the affected employees and subject condition, benefit or
9 procedure.

10 NEW SECTION. SECTION 34. There is added to K.C.C. 3.12 a new
11 section to read as follows:

12 **Weapons.** The council desires to continue the weapons policy established by the
13 Municipality of Metropolitan Seattle prior to assumption of metropolitan functions on
14 January 1, 1994 by the county and continued by the council during the 1994 - 1995
15 transition period. The council recognizes that employees in the transit division of the
16 department of transportation interact daily with the public in providing public
17 transportation services, are expected to avoid any potentially volatile situation or
18 confrontation, and are required to contact the appropriate authority for assistance when
19 necessary. In conjunction with the behavior expected of such employees, it is also the
20 policy that the use, threatened use, or possession of a weapon concealed, licensed or
21 otherwise, by such an employee while in the performance of his/her official duties or while
22 on county property is strictly prohibited and will result in termination. This policy does
23 not apply to commissioned police officers under contract with or employed by the county
24 for investigatory, undercover or enforcement reasons.

25 NEW SECTION. SECTION 35. There is added to K.C.C. 3.12 a new
26 section to read as follows:

27 **Gainsharing program for water pollution control division.** The gainsharing
28 program between the water pollution control division of the department of natural resources
29 and SEIU Local 6 shall be extended to non-represented full-time regular and part-time
30 regular employees in the East and West Maintenance and Operations Units of the division.

1 A. All such non-represented employees in East and West Operations and Maintenance
2 Units of the division will be eligible to participate in the gainsharing program. All employees
3 who elect to participate will be subject to the rules in the Gainsharing Program Handbook.

4 B. The gainsharing program is a performance-based team incentive plan which links
5 employee compensation to actual dollar savings in key division business objectives. The
6 primary goals of the program are: achieve savings for ratepayers; increase efficiency while
7 maintaining high operating standards; encourage teamwork; provide financial incentive for
8 employees; and encourage employee involvement in, and ownership of, the business.

9 C. Any such non-represented employee in the East and West Operations and
10 Maintenance organizations may choose not to participate in the gainsharing program and
11 receive any lawfully authorized performance pay for non-represented employees. At the start
12 of each calendar year those employees who have not previously elected to participate will
13 have an opportunity to choose to enter the gainsharing program; however, once an employee
14 has chosen to be included, he/she must remain in the gainsharing program so long as the
15 gainsharing program continues.

16 D. The program guidelines are documented in the Gainsharing Program Handbook.
17 The same rules apply to all participating employees. Performance baselines for determining
18 payouts or losses will be set and reviewed annually by the Gainsharing Committee. This
19 committee consists of members from the SEIU-Division Joint Labor Management
20 Committee, SEIU Local 6 members, division management, and non-represented employees.

21 E. At the end of each quarter, the Gainsharing Committee will compare performance
22 measures against baselines. A report of the performance will be forwarded to the SEIU Local
23 6 Joint Labor Management Committee and then to the manager of the division for review and
24 approval before gains or losses are posted to the division and the gainsharing pool.

25 F. Non-represented employees in the program will receive payouts according to the
26 provisions in the Gainsharing Program Handbook. Net gains and/or losses in the program do
27 not affect an employee's base salary. Net gains will be distributed to non-represented
28 employees in the same manner as to Local 6 members; net losses will be charged against the
29 gainsharing reserve fund. A non-represented employee in the water pollution control division

1 who is serving probation for any reason during a quarter is not eligible for a gainshare payout
2 in that quarter.

3 NEW SECTION. SECTION 36. There is added to K.C.C. 3.12 a new
4 section to read as follows:

5 **Transit bus passes.** Full-time regular employees, part-time regular employees,
6 provisional employees and probationary employees covered by Ordinance 11962, Section
7 9.S, and who were assigned in the department of metropolitan services as of December 31,
8 1995, shall be issued a transit bus pass entitling the holder to ride without payment of fare
9 on public transportation services operated by the county. Use of such passes shall be
10 restricted to the eligible employees and any unauthorized use shall, at a minimum, result in
11 forfeiture of the passes. The department to which the employees are assigned shall
12 reimburse the Public Transportation Operating Account for such passes. The amount to be
13 reimbursed shall be determined by the director of the department of transportation as
14 provided in Ordinance 11962, Section 9.S, as amended.

15 SECTION 37. Rename K.C.C. 3.13. The clerk of the council shall rename
16 K.C.C. 3.13 to "Quality Improvement Employee Awards Program".

17 NEW SECTION. SECTION 38. There is added to K.C.C. 3.13 a new
18 section to read as follows:

19 **Quality Improvement Program established.** A. Establishment of Program. There
20 is hereby created a quality improvement employee awards program. The program is
21 established to offer recognition to quality improvement work teams or individuals whose
22 efforts improve the delivery of services to county residents and/or achieve cost savings
23 while maintaining or bettering the present quality of service delivery.

24 B. Awards Committee. An awards committee is hereby established to evaluate
25 quality improvements and cost savings and to determine monetary and non-monetary
26 awards consistent with the provisions of this chapter. The awards committee shall be
27 comprised of an appointee of the council, a representative of the executive, the chief
28 budget officer in the executive branch, and four representatives from executive
29 departments appointed by the executive. The chief budget officer shall serve as the chair

1 of the committee and shall convene meetings of the committee as necessary to conduct
2 business but not less than quarterly.

3 C. Administration and Support. The executive shall establish administrative
4 guidelines for the program. The executive shall ensure that each department director
5 supports the program and provides adequate resources, within appropriations, to support
6 the program.

7 D. Annual Reports to Council. By March 1, 1997 and March 1 of every year
8 thereafter, the executive shall submit a report to the council on the previous year's
9 achievements and awards under the program and recommendations for improvements to
10 the program.

11 NEW SECTION. SECTION 39. There is added to K.C.C. 3.13 a new section to
12 read as follows:

13 **Eligibility Criteria.** A. Employee Eligibility: Participation in the quality
14 improvement employee awards program shall be limited to full-time regular and part-time
15 regular employees.

16 B. Project Eligibility: Quality improvements eligible for award are those that
17 demonstrate measurable improvements in one or more of the following areas:

- 18 1. Improved operating methods or procedures, resulting in increased
19 productivity;
- 20 2. Improved customer or employee satisfaction;
- 21 3. Improved cycle time or efficiency;
- 22 4. Increased revenue;
- 23 5. Decreased costs; or
- 24 6. Conservation of resources.

25 C. Recommendations. Department directors and division managers may
26 recommend to the awards committee awarding work teams and individual employees
27 whose projects and suggestions meet the established criteria. The administrative
28 guidelines established by the executive shall identify other means by which employees
29 may nominate work teams and individual employees for evaluation and awards.

1 NEW SECTION. SECTION 40. There is added to K.C.C. 3.13 a new section to
2 read as follows:

3 **Evaluation Criteria.** A. Quality improvement projects and employee suggestions
4 will be evaluated on the extent to which the following goals are achieved:

5 1. A demonstrable and quantifiable improvement in operating methods or
6 procedures, resulting in an increase in efficiency or productivity;

7 2. A demonstrable increase in the quality of service delivery to the county's
8 internal or external customers resulting in improved customer or employee satisfaction;

9 and

10 3. A demonstrable, quantifiable resource savings or cost avoidance.

11 B. The awards committee may identify and use other criteria as they may relate to
12 cost, productivity, efficiency and quality improvement.

13 NEW SECTION. SECTION 41. There is added to K.C.C. 3.13 a new section to
14 read as follows:

15 **Monetary and Non-Monetary Awards.** A. The awards committee is authorized to
16 make monetary awards up to \$500 per employee and non-monetary awards to quality
17 improvement work teams and individuals whose projects and suggestions meet the
18 established criteria. Monetary awards in excess of \$500 per employee shall be approved
19 by the executive, but in no case shall exceed \$5,000 per employee. Award winners will be
20 named on a semi-annual basis. Written notice of such awards shall be provided to
21 members of the council.

22 B. Quality improvement work teams and individuals chosen to receive awards shall
23 be eligible for tickets to sporting events, symphony, theater, concerts or other like events,
24 one day of paid leave for each team member, and other forms of non-monetary recognition.

25 C. All winning teams and individuals will be invited to an annual awards luncheon
26 to be hosted by the executive, councilmembers, and other county officials.

27 NEW SECTION. SECTION 42. There is added to K.C.C. 3.13 a new section to
28 read as follows:

29 **Administration.** The executive shall make information concerning the quality
30 improvement employee awards program available to employees at the time of hire, and

1 shall require all directors and managers to post information on this program in a prominent
2 place in each department, office and division.

3 NEW SECTION. SECTION 43. There is added to K.C.C. 3.13 a new section to
4 read as follows:

5 **Expiration.** The quality improvement employee awards program will be evaluated
6 after two years to determine the extent to which the delivery of services to county residents
7 has been improved and cost savings have been achieved while maintaining or bettering the
8 quality of service delivery. In addition, the evaluation shall consider employee and
9 management satisfaction with the program. The executive shall submit the two-year
10 evaluation report to the council and make recommendations on changes to improve the
11 program.

12 NEW SECTION. SECTION 44. There is added to K.C.C. 3.13 a new section to
13 read as follows:

14 **Continuation of suggestion system under Resolution No. 4278.** The suggestion
15 system established by Resolution No. 4278 of the council of the Municipality of
16 Metropolitan Seattle and the administrative rules issued pursuant to said resolution shall
17 apply to suggestions submitted on or prior to December 31, 1995 by employees in the
18 former department of metropolitan services. Such suggestions shall be evaluated pursuant
19 to said resolution and administrative rules. Monetary awards for such suggestions shall be
20 subject to approval by the executive; provided, that such awards shall be within
21 appropriations.

22 NEW SECTION. SECTION 45. There is added to K.C.C. 3.13 a new section to
23 read as follows:

24 **Severability.** The provisions of this chapter shall be effective in all cases unless
25 otherwise provided by federal law. The provisions of this chapter are separate and
26 severable. The invalidity of any clause, sentence, paragraph, subdivision, section or other
27 portion of this chapter or the invalidity of the application thereof to any person or
28 circumstance shall not affect the validity of the remainder of this chapter or the validity of
29 the application to other persons or circumstances.

1 NEW SECTION. SECTION 46. There is added to K.C.C. 3.14 a new
2 section to read as follows:

3 **Powers assigned.** The powers and duties of the sheriff's civil service commission
4 under Chapter 41.14 RCW are hereby assigned to the office of human resources management
5 except those powers and duties set forth in RCW 41.14.120.

6 NEW SECTION. SECTION 47. There is added to K.C.C. 3.14 a new
7 section to read as follows:

8 **Secretary/chief examiner.** The position of secretary/chief examiner of the sheriff's
9 civil service commission is hereby abolished as of the effective date of this chapter. Any
10 functions which have heretofore been performed by said secretary/chief examiner are hereby
11 assigned to the director of the office of human resources management.

12 NEW SECTION. SECTION 48. There is added to K.C.C. 3.14 a new
13 section to read as follows:

14 **Rules and regulations.** A. Rules and regulations for the administration of the
15 sheriff's personnel system shall be adopted and amended by the county council by ordinance.
16 The director of the office of human resources management is directed to promulgate
17 administrative guidelines for the purpose of implementing such rules and regulations and the
18 requirements of Chapter 41.14 RCW.

19 B. Except to the extent they are inconsistent with the provisions of this chapter, the
20 current rules and regulations of the sheriff's civil service commission, which are on file with
21 the clerk of the council, are hereby incorporated by this reference and made a part hereof and
22 adopted for the administration of the sheriff's personnel system. The executive shall review
23 such rules and regulations and report periodically to the council proposing such amendments
24 thereto as may be appropriate to bring such rules into substantial conformance with general
25 county personnel rules insofar as permitted by Chapter 41.14 RCW.

26 SECTION 49. **Rename K.C.C. 3.15.** The clerk of the council shall rename
27 K.C.C. 3.15 to "Pay Plan and Classifications of Positions".

28 NEW SECTION. SECTION 50. There is added to K.C.C. 3.15 a new
29 section to read as follows:

1 **Procedures.** The provisions of this section shall be applicable to all positions in the
2 executive branch and the department of assessments allocated to a classification assigned a
3 pay range in Sections 3, 4, and 10 of Ordinance No. 7996.

4 A. Except as otherwise provided by ordinance, the schedule of pay ranges shall
5 consist of ninety-nine pay ranges, each containing ten steps as approved in the annual cost-
6 of-living ordinance.

7 B. Employees may receive within-range increases from one step to the next higher
8 step, upon satisfactory completion of the probationary period and annually thereafter as
9 provided below :

10 1. Upon completion of the probationary period, an employee's salary shall be
11 advanced to Step 2, if the rate currently paid is Step 1; if the employee's initial salary is at
12 Step 2, or higher, it may be advanced at the discretion of the appointing authority to the
13 next higher step. All probationary period increases must be supported by performance
14 appraisal. Increases exceeding Step 5 must be approved by the director.

15 2. Annual step incentive increases shall be given on January 1 of the year
16 following the prior year fall performance appraisal.

17 3. Employees are eligible for a step increase on the basis of performance and
18 current step position as authorized in the incentive pay program step increase guide.

19 a. In recognition of above standard or exceptional performance, the
20 appointing authority may grant an annual increase exceeding a single step.

21 b. Increases beyond Step 5 must be based upon above standard performance
22 and must be supported by performance appraisal.

23 c. Increases beyond Step 8 must be based upon outstanding performance and
24 must be supported by performance appraisal.

25 d. Employees receiving incentive increases whose current salary does not
26 coincide with a step on the pay plan shall be advanced to a step on the pay plan which shall
27 be the next higher step after such incentive increase.

28 C. An appointing authority may grant to an employee, an increase to a salary above
29 the top step of the range if the following conditions are met:

30 1. The employee is not a department director.

1 2. The employee must have been at the top step of the range for at least two
2 consecutive years.

3 3. The employee must have demonstrated continuous outstanding performance,
4 which must be supported by performance appraisal.

5 4. Written justification must be submitted to the director for approval.

6 5. Incentive increases above the top step may not exceed five percent,
7 PROVIDED that, in no case shall the resultant annualized salary of an employee exceed
8 ninety-five percent of the top step of the range assigned to the employee's immediate
9 supervisor.

10 6. Incentive increases above the top step will be in effect for twelve months
11 only. Such increases must be justified each year by meeting the above specified
12 conditions.

13 D. All within-range incentive increases are subject to the availability of funds.
14 Within-range incentive increases are not automatic but shall be given only upon the
15 affirmative action of the appointing authority within the guidelines established by the
16 director.

17 NEW SECTION. SECTION 51. There is added to K.C.C. 3.15 a new section to
18 read as follows:

19 **Classification of positions.** A. The director shall develop and maintain a
20 classification plan for all positions within the career service which shall provide that all
21 positions which are substantially similar and comparable as to kind, difficulty, and
22 responsibility of work are included in the same class.

23 B. The classification plan shall set forth for each career service class a title,
24 definition, distinguishing characteristics, representative examples of work, and the
25 knowledge and skills necessary to perform the work.

26 C. The director shall periodically review the classification plan, and may add,
27 combine, abolish, or revise the specifications or establish new classes.

28 D. Whenever reorganization, change in job content or council action causes the
29 duties of a position to change, or such position appears to have been incorrectly classified,
30 the director may reclassify the position to a more appropriate classification after conferring

1 with the appointing authority and employee involved and reviewing recommendations and
2 suggestions.

3 NEW SECTION. SECTION 52. There is added to K.C.C. 3.15 a new
4 section to read as follows:

5 **Reclassifications and reassignment of pay ranges.** The director shall have the
6 responsibility and authority to reclassify any position to an existing or new classification
7 and reassign pay ranges to existing classifications. In the case of a reclassification, an
8 incumbent employee shall be placed on the first step of the newly assigned pay range or on
9 the step which is the nearest to but not less than five percent more than the incumbent's
10 previous salary, whichever is greater, but not greater than the top step, except for annual
11 incentive increases provided for in this chapter or otherwise provided by ordinance. In the
12 case of a reassignment of a pay range to an existing classification, an incumbent employee
13 shall be placed on the same step of the newly assigned pay range as the previously assigned
14 pay range. Any salary adjustments resulting from said reclassification or pay range
15 reassignment shall not become effective until such time as the executive certifies that
16 sufficient funds are available, within the then existing appropriation of the department
17 within which the position is being reclassified.

18 NEW SECTION. SECTION 53. There is added to K.C.C. 3.15 a new
19 section to read as follows:

20 **Minimum wages.** A. No employee of the county working full-time, part-time or
21 temporary shall be paid at any rate less than that mandated by federal and state law,
22 whichever is higher.

23 B. No contractor or subcontractor doing business with the county or furnishing
24 workers or services in connection thereof shall pay any employee performing any work for
25 such business with the county less than that mandated by the state law.

26 C. The terms of this section are not applicable to volunteer or quasi volunteer EMS
27 workers, or to volunteer election workers provided by non-profit agencies.

28 NEW SECTION. SECTION 54. There is added to K.C.C. 3.15 a new section to
29 read as follows:

1 **Salary Limitations.** Except for annual step incentive increases provided for in this
2 chapter or as otherwise provided by ordinance, no employee's salary shall be greater than
3 the amount applicable to the top step of the pay range assigned to the employee's
4 classification.

5 NEW SECTION. SECTION 55. There is added to K.C.C. 3.16 a new
6 section to read as follows:

7 **Labor Committee Functions.** A. The committee shall perform the following
8 functions:

9 1. The committee shall meet as it deems necessary to obtain the testimony of
10 members of the public, the bargaining agent, bargaining representatives or their designees,
11 county department management and others in order to consider such testimony in policy
12 decisions before the committee but shall not engage in bargaining with bargaining
13 representatives or represented employees. Pursuant to RCW 42.30.140, the council or the
14 committee may convene in a meeting not open to the public for any meetings, or portions
15 of meetings, during which the council or committee is planning or adopting the strategy to
16 be taken by the county during the course of any collective bargaining or reviewing the
17 proposals made in the negotiations or proceedings while in progress.

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

28 3. Following the establishment of overall policy, and prior to commencement of
29 negotiations, the committee shall meet to hear the bargaining agent's recommended
30 strategies for implementing adopted policies. The committee shall confer with the

1 bargaining agent as it deems necessary to ensure compliance with this chapter and good-
2 faith collective bargaining.

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

7 5. The committee shall review all agreements negotiated between the bargaining
8 agent and bargaining representatives to ensure compliance with the principles contained in
9 this chapter and with the overall policy direction established by the committee. The
10 committee may recommend to the council adoption or rejection of agreements or it may
11 forward agreements to the council for action without recommendation.

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

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

18 NEW SECTION. SECTION 56. There is added to K.C.C. 3.20 a new
19 section to read as follows:

20 **Reimbursement of moving expenses for certain employees.** A. The director of
21 human resources management may authorize in writing at the written request of the
22 appointing authority reimbursement for reasonable and necessary moving expenses to the
23 following categories of county employee:

- 24 1. Persons whose appointments require council confirmation and who have been
25 so confirmed.
- 26 2. Persons appointed by the deputy county executive to exempt positions.
- 27 3. Persons appointed by the directors of executive departments to exempt
28 positions.

1 B. Reimbursement shall be authorized provided that prior to the appointment the
2 appointing authority agreed to the reimbursement of moving expenses as necessary to
3 obtain the services of a particular individual.

4 C. Confidential secretaries, and other exempt clerical positions, shall be excluded
5 from the provisions of this section.

6 D. Reimbursement shall not exceed six thousand dollars and will be authorized
7 within the budgetary constraints of the employing department.

8 E. Moving expenses means expenses incurred for transportation of family and
9 common household possessions, including automobiles, lodging and food, from departure
10 until such time as possessions arrive in the county, unless such expenses have been
11 otherwise reimbursed. Costs incurred in travel other than that related to direct travel to the
12 place of new residence will be considered non-reimbursable.

13 SECTION 57. Effective date. This ordinance shall take effect on January 1, 1996.

14 SECTION 58. Severability. The provisions of this ordinance shall be effective in
15 all cases unless otherwise provided by federal law. The provisions of this ordinance are
16 separate and severable. The invalidity of any clause, sentence, paragraph, subdivision,
17 section or other portion of this ordinance or the invalidity of the application thereof to any
18 person or circumstance shall not affect the validity of the remainder of this ordinance or the
19 validity of the application to other persons or circumstances.

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SECTION 59. Continuation of ordinances. The provisions of this ordinance, so far as they are substantially the same as those of ordinances existing at the time of the enactment of this ordinance, shall be construed as continuations thereof.

INTRODUCED AND READ for the first time this 25th day of

September, 1995.

PASSED by a vote of 12 to 0 this 30th day of October,

1995.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Kent Pullen
Chair

ATTEST:

Paul A. Petu
Clerk of the Council

APPROVED this 9th day of November, 1995.

King County Executive
King County Executive

Attachments: