



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**July 14, 2009**

**Ordinance 16592**

**Proposed No.** 2009-0327.1

**Sponsors** Phillips and Constantine

1 AN ORDINANCE related to employee retirement;  
2 providing for a voluntary employee beneficiary association  
3 for medical expense reimbursement for eligible employees;  
4 and amending Ordinance 12014, Section 19, as amended,  
5 and K.C.C. 3.12.190 and Ordinance 12014, Section 21, as  
6 amended, and K.C.C. 3.12.220.

7

8 BE IT ORDAINED BY THE COUNTY OF KING COUNTY:

9 SECTION 1. Ordinance 12014, Section 19, as amended, and K.C.C. 3.12.190 are  
10 each hereby amended to read as follows:

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

Full Years of Service	Annual Leave in Days
Upon hire through end of Year 5	12
Upon beginning of Year 6	15
Upon beginning of Year 9	16
Upon beginning of Year 11	20

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Upon beginning of Year 17	21
Upon beginning of Year 18	22
Upon beginning of Year 19	23
Upon beginning of Year 20	24
Upon beginning of Year 21	25
Upon beginning of Year 22	26
Upon beginning of Year 23	27
Upon beginning of Year 24	28
Upon beginning of Year 25	29
Upon beginning of Year 26 and beyond	30

13           B. Notwithstanding the vacation leave schedule set forth in ((paragraph))  
14           subsection A. of this section, employees eligible for leave benefits, excluding employees  
15           in the former department of metropolitan services, shall accrue vacation leave as follows:  
16                 1. Those employees who were employed on or before December 31, 1995, and  
17                 by that date had completed at least three but less than five full years of service shall begin  
18                 to accrue fifteen days of vacation leave per year effective January 1, 1996;  
19                 2. Those employees who were employed on or before December 31, 1995, and  
20                 subsequent to that date complete three full years of service shall begin to accrue fifteen  
21                 days of vacation leave per year effective on the first day of their fourth full year of  
22                 service.  
23                 Beginning on the first day of their sixth full year of service, all such employees  
24                 shall accrue vacation leave as set forth in subsection A. of this section.

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

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

31 E. Employees eligible for vacation leave may accrue up to sixty days vacation  
32 leave, prorated to reflect their normally scheduled work day. ~~((Such))~~ Those employees  
33 shall use vacation leave beyond the maximum accrual amount prior to December 31 of  
34 each year. Failure to use vacation leave beyond the maximum accrual amount will result  
35 in forfeiture of the vacation leave beyond the maximum amount unless the appointing  
36 authority has approved a carryover of ~~((such))~~ the vacation leave because of cyclical  
37 workloads, work assignments or other reasons as may be in the best interests of the  
38 county.

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

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

47 H. A furloughed employee shall not be eligible to take or be paid for vacation on  
48 an emergency budget furlough day. A furlough administrator may designate that paid  
49 vacation leave is available for use by specific groups of employees as may be necessary,  
50 as set forth in K.C.C. 3.12F.040.

51 In lieu of the remuneration for fifty percent of unused accrued vacation leave at  
52 retirement, the manager of the human resources division, or the manager's designee, may,  
53 with equivalent funds and in accordance with the procedures in K.C.C. 3.12.220.F.2.b,  
54 provide eligible employees with a voluntary employee beneficiary association plan that  
55 provides for reimbursement of retiree and other qualifying medical expenses.

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

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

66 K. No employee shall work for compensation for the county in any capacity  
67 during the time that the employee is on vacation leave.

68 L. For employees covered by the overtime requirements of the Fair Labor  
69 Standards Act, vacation leave may be used in one-half hour increments, at the discretion  
70 of the appointing authority.

71 M. In cases of separation from county employment by death of an employee with  
72 accrued vacation leave and who has successfully completed his or her first six months of  
73 county service, payment of unused vacation leave up to the maximum accrual amount  
74 shall be made to the employee's estate, or, in applicable cases, as provided for by state  
75 law, Title 11 RCW; provided that, except with the written approval of the executive, the  
76 position, if vacated by a nonrepresented employee, shall not be filled until salary savings  
77 for ~~((such))~~ the position are accumulated in an amount sufficient to pay the cost of the  
78 cashout.

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

84 SECTION 2. Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220 are  
85 each hereby amended to read as follows:

86 A. Except for employees covered by subsection G. of this section, employees  
87 eligible for leave benefits shall accrue sick leave benefits at the rate of 0.04616 hours for  
88 each hour in pay status exclusive of overtime up to a maximum of eight hours per month;  
89 except that sick leave shall not begin to accrue until the first of the month following the  
90 month in which the employee commenced employment. No adjustment to reduce sick

91 leave accruals for furloughed employee shall be made as a result of emergency budget  
92 furlough. The employee is not entitled to sick leave if not previously earned.

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

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

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

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

109 F.1. Except for employees covered by subsection G. of this section, employees  
110 eligible to accrue sick leave and who have successfully completed at least five years of  
111 county service and who retire as a result of length of service or who terminate by reason  
112 of death shall be paid, or their estates paid or as provided for by Title 11 RCW, as  
113 applicable, an amount equal to thirty-five percent of their unused, accumulated sick leave

114 multiplied by the employee's rate of pay in effect upon the date of leaving county  
115 employment less mandatory withholdings. This provision is predicated on the  
116 requirement that, except with the written approval of the executive, the position, if  
117 vacated by a nonrepresented employee, shall not be filled until salary savings for ~~((such))~~  
118 the position are accumulated in an amount sufficient to pay the cost of the cash out. For  
119 the purposes of this subsection F.1, "retire as a result of length of service" means an  
120 employee is eligible, applies for and begins drawing a pension from the Law  
121 Enforcement Officers and Firefighters (LEOFF), Public Employees' Retirement System  
122 (PERS), Public Safety Employees' Retirement System (PSERS) or the city of Seattle  
123 Retirement Plan immediately upon terminating county employment.

124           2.a. In lieu of the remuneration for unused sick leave at retirement, the manager  
125 of the human resources division, or the manager's designee, may, with equivalent funds,  
126 provide eligible employees with a voluntary employee beneficiary association plan that  
127 provides for reimbursement of retiree and other qualifying medical expenses. Under  
128 K.C.C 3.12.190.H., in lieu of the remuneration for fifty percent of unused vacation leave  
129 at retirement, the manager may also fund the voluntary employee beneficiary association  
130 plan.

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

134                 (1) each group of employees hold an election to decide whether to implement  
135 a voluntary employee beneficiary association plan for a defined group of employees. The  
136 determination of the majority of voting employees in a group shall bind the remainder.

137 Elections for represented employees shall be conducted by the appropriate bargaining  
138 representative. Elections for nonrepresented employees shall be conducted in accordance  
139 with procedures established by the manager;

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

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

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

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

155 H.1. An employee must use all of his or her accrued sick leave and any donated  
156 sick leave before taking unpaid leave for his or her own health reasons. If the injury or  
157 illness is compensable under the county's workers compensation program, then the  
158 employee has the option to augment or not augment time loss payments with the use of



159 accrued sick leave. A furloughed employee shall not be eligible to take or be paid for  
160 sick leave on a furlough day.

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

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

172           a. the employee's bona fide illness, but an employee who suffers an  
173 occupational illness may not simultaneously collect sick leave and worker's  
174 compensation payments in a total amount greater than the net regular pay of the  
175 employee;

176           b. the employee's incapacitating injury, but:

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

182 (2) an employee who chooses to augment workers' compensation payments  
183 with the use of accrued sick leave shall notify the safety and workers' compensation  
184 program office in writing at the beginning of the leave;

185 (3). an employee may not collect sick leave and workers' compensation time  
186 loss payments for physical incapacity due to any injury or occupational illness that is  
187 directly traceable to employment other than with the county;

188 c. the employee's exposure to contagious diseases and resulting quarantine;

189 d. a female employee's temporary disability caused by or contributed to by  
190 pregnancy and childbirth;

191 e. the employee's medical or dental appointments but only if the employee's  
192 appointing authority has approved the use of sick leave for ~~((such))~~ those appointments;

193 f. to care for the employee's child as defined in this chapter if the child has an  
194 illness or health condition which requires treatment or supervision from the employee; or

195 g. to care for other family members, if:

196 (1) the employee has been employed by the county for twelve months or  
197 more and has worked a minimum of nine hundred ten hours for a thirty-five-hour  
198 employee or one thousand forty hours for a forty-hour employee in the preceding twelve  
199 months;

200 (2). the family member is the employee's spouse or domestic partner, the  
201 employee's child, a child of the employee's spouse or domestic partner, the parent of the  
202 employee, employee's spouse or domestic partner or an individual who stands or stood in  
203 loco parentis to the employee, the employee's spouse or domestic partner; and

204 (3). the reason for the leave is one of the following:

205 i. the birth of a son or daughter and care of the newborn child, or placement  
206 with the employee of a son or daughter for adoption or foster care, if the leave is taken  
207 within twelve months of the birth, adoption or placement;

208 ii. the care of the employee's child or child of the employee's spouse or  
209 domestic partner whose illness or health condition requires treatment or supervision by  
210 the employee; or

211 iii. care of a family member who suffers from a serious health condition.

212 I. An employee may take a total of up to eighteen work weeks unpaid leave for  
213 his or her own serious health condition, and for family reasons as provided in subsection  
214 H.3.f. and g. of this section, combined, within a twelve-month period. The leave may be  
215 continuous, which is consecutive days or weeks, or intermittent, which is taken in whole  
216 or partial days as needed. Intermittent leave is subject to the following conditions:

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

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

223 3. If an employee requests intermittent leave or leave on a reduced leave  
224 schedule under subsection I.2. of this section that is foreseeable based on planned  
225 medical treatment, the appointing authority may require the employee to transfer  
226 temporarily to an available alternative position for which the employee is qualified and

227 that has equivalent pay and benefits and that better accommodates recurring periods of  
228 leave than the regular position of the employee.

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

231 K. The county shall continue its contribution toward health care benefits during  
232 any unpaid leave taken under subsection I. of this section.

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

236 M. An employee who returns from unpaid family or medical leave within the  
237 time provided in this section is entitled, subject to bona fide layoff provisions, to:

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

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

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

242

243 N. Failure to return to work by the expiration date of a leave of absence may be  
244 cause for removal and result in termination of the employee from county service.  
245

Ordinance 16592 was introduced on 6/15/2009 and passed by the Metropolitan King  
County Council on 7/13/2009, by the following vote:

Yes: 8 - Mr. Constantine, Mr. Ferguson, Ms. Lambert, Mr. von Reichbauer,  
Mr. Gossett, Mr. Phillips, Ms. Patterson and Mr. Dunn  
No: 0  
Excused: 1 - Ms. Hague

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



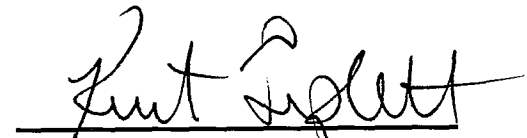
Dow Constantine, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 17<sup>th</sup> day of July, 2009.



Kurt Triplett, County Executive

Attachments None

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CLERK  
KING COUNTY COUNCIL