



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**March 29, 2010**

**Ordinance 16788**

**Proposed No. 2010-0101.2**

**Sponsors Gossett, Hague and Lambert**

1 AN ORDINANCE relating to code revisions and additions  
2 necessary to provide furlough replacement time to King  
3 County employees who are not represented by labor  
4 organizations and who observed furlough days; and  
5 amending Ordinance 16339, Section 17, as amended, and  
6 K.C.C. 3.12F.010 and Ordinance 16339, Section 20, as  
7 amended, and K.C.C. 3.12F.040.

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 **SECTION 1. Findings:**

10 A. The county experienced an unprecedented financial emergency resulting in a  
11 significant shortfall in the amount of funding needed to sustain the current level of  
12 general operations through 2009. One method of addressing the shortfall was the  
13 implementation of an unpaid furlough for nonessential employees, also known as the  
14 2009 emergency budget furlough.

15 B. Nonrepresented furloughed employees observed up to ten furlough days in  
16 2009. Represented furloughed employees also observed up to ten furlough days in 2009  
17 and, those represented employees subject to the Memorandum of Agreement between the  
18 King County Coalition of Unions and King County Addressing the 2009 Budget Crisis  
19 Regarding Furlough Days were provided furlough replacement time.

20 C. In order to also provide furlough replacement time to nonrepresented  
21 furloughed employees, certain code revisions are necessary.

22 SECTION 2. Ordinance 16735, Section 16, and K.C.C. 3.12F.010 are each  
23 hereby amended to read as follows:

24 The definitions in this section apply throughout this chapter unless the context  
25 clearly requires otherwise.

26 A. "Budgetary furlough" has the same meaning as found in K.C.C. 3.12.010.

27 B. "Emergency budget crisis" or "financial emergency" means a circumstance in  
28 which projected county revenues are determined to be insufficient to fully fund county  
29 agency operations and significant cost savings must be achieved through reductions in  
30 service and pay.

31 C. "Furlough day" has the same meaning as found in K.C.C. 3.12.010.

32 D. "Furloughed employee" has the same meaning as found in K.C.C. 3.12.010.

33 E. "Furlough administrator" means: the county executive for the executive  
34 departments; the chair of the council for the legislative branch; the prosecutor for the  
35 office of the prosecuting attorney; the presiding judge of the district and superior courts,  
36 the sheriff for the ~~((department of public safety))~~ sheriff's office; the assessor for the  
37 department of assessments; the director of elections for the department of elections; the  
38 chair of the forecast council for the office of economic and financial analysis; or the  
39 official or officials designated by that branch of unit of county government.

40 F. "Furlough replacement time" means leave time that benefit-eligible  
41 nonrepresented furloughed employees receive which is an amount equivalent to the time  
42 that they were furloughed in 2009.

43           G. "Salaried employee" means an employee whose position is normally exempt  
44 from wage and hours regulations.

45           SECTION 3. Ordinance 16735, Section 19 and K.C.C. 3.12F.040 are each hereby  
46 amended to read as follows:

47           A.1. When a furlough administrator other than the executive has determined that  
48 a budgetary furlough is necessary, the furlough administrator shall designate a person to  
49 administer the budgetary furlough and to provide for the effective direction, control and  
50 coordination of a budgetary furlough in a manner to preserve county functions.

51           2. The county administrative officer shall be responsible for budgetary furlough  
52 administration in the executive branch and shall provide for the effective direction,  
53 control and coordination of a budgetary furlough in a manner to preserve county  
54 functions.

55           B. In order to achieve budget savings, a furlough administrator may: implement  
56 a budgetary furlough for designated nonrepresented employees, and implement  
57 reductions in operating and office hours, closure of offices or departments or reductions  
58 in levels of operations or service. A furlough administrator shall seek and document the  
59 views of affected nonrepresented employees when determining whether and how to  
60 implement a budgetary furlough.

61           C. If a furlough administrator directs reductions in operating and office hours,  
62 closures of offices or departments or reductions in levels or service that result in  
63 budgetary furloughs for represented employees, the executive shall fulfill all applicable  
64 bargaining obligations with labor unions representing the employees in those departments  
65 before the implementation of a furlough.

66 D. In administering a budgetary furlough, the following principles should apply:

67 1. An employee who is furloughed should be notified of furlough in writing  
68 when possible, although any reasonable notice is permissible;

69 2. During a furlough period, a furloughed employee remains a King County  
70 employee subject to K.C.C. chapter 3.04;

71 3. A furloughed employee shall not volunteer to do what the county otherwise  
72 pays any employee to do;

73 4. Medical, dental, vision and any other insured benefits shall remain in effect  
74 for a furloughed benefit-eligible employee during a furlough period;

75 5. A furloughed employee shall not be eligible to take or be paid for vacation or  
76 sick leave on an budgetary furlough day. The furlough administrator may designate that  
77 paid vacation leave is available for the following employees:

78 a. those employees earning equal or less than two times the federal poverty  
79 index; and

80 b. those employees enrolled in the Public Employees' Retirement System or  
81 the city of Seattle retirement systems who submit to the chief administrative officer or the  
82 furlough administrator a letter of intent to retire during the succeeding two calendar  
83 years; and

84 6. A salaried employee is considered an hourly employee for each week in  
85 which the employee observes one or more furlough days and must track and report his or  
86 her hours and follow standard hourly work practices.

87 E. Benefit-eligible nonrepresented employees furloughed in 2009 will receive the  
88 equivalent of the time on furlough in furlough replacement time. In administering

89 furlough replacement time for benefit-eligible nonrepresented employees, the following  
90 principles apply:

91 1. Furlough replacement time may not be provided to employees when the  
92 county is in an officially declared and council-sanctioned emergency budget crisis;

93 2. One half of the furlough replacement time will be awarded in the first year  
94 following an emergency budget crises and one half of the furlough replacement time will  
95 be awarded in the second year following an emergency budget crisis, unless the county is  
96 in an officially declared and council sanctioned financial emergency;

97 3. Furlough replacement time must be used by the employee in the year that it is  
98 issued to the employee. An employee who was not employed by King County in 2009  
99 shall not receive furlough replacement time. An employee who left King County  
100 employment before the effective date of this ordinance shall not receive furlough  
101 replacement time. Furlough replacement time may not be carried over to another  
102 calendar year, it may not be cashed out, it has no cash value and it may not be donated;  
103 and

104 4. The furlough administrator must provide for the effective direction, control  
105 and coordination of furlough replacement time.

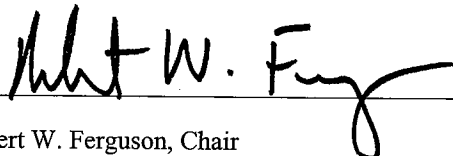
106 SECTION 4. Severability. If any provision of this ordinance or its application to

107 any person or circumstance is held invalid, the remainder of the ordinance or the  
108 application of the provision to other persons or circumstances is not affected.  
109

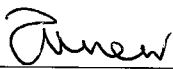
Ordinance 16788 was introduced on 2/16/2010 and passed as amended by the Metropolitan King County Council on 3/29/2010, by the following vote:

Yes: 7 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Patterson, Ms. Lambert, Mr. Ferguson and Mr. Dunn  
No: 0  
Excused: 2 - Ms. Drago and Ms. Hague


KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
\_\_\_\_\_  
Robert W. Ferguson, Chair

ATTEST: .

  
\_\_\_\_\_  
Anne Noris, Clerk of the Council

APPROVED this 1<sup>st</sup> day of April, 2010.

  
\_\_\_\_\_  
Dow Constantine, County Executive

Attachments: None

RECEIVED  
2010 APR -2 AM 11:09  
CLERK  
KING COUNTY COUNCIL