



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 9, 2011

Ordinance 17223

Proposed No. 2011-0388.2

Sponsors Ferguson and McDermott

1 AN ORDINANCE relating to personnel policies, providing
2 continuity of benefits and leave accruals, and military leave
3 differential pay for King County employees who enter
4 active duty in the Armed or Uniform Services; and
5 amending Ordinance 12014, Section 26, as amended, and
6 K.C.C. 3.12.260, and Ordinance 9967, Section 2, as
7 amended, and K.C.C. 3.12.262.

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 **SECTION 1. Findings:**

10 A. In response to the terrorist attacks on September 11, 2001, the United States
11 initiated military action requiring activation of the Armed Forces and members of the
12 National Guard, including employees of King County.

13 B. King County employees called to active duty provide a valuable service to
14 King County, the region and the nation by serving their country.

15 C. In consideration of the service King County employees provide to King
16 County, the region, and the nation, the King County executive signed Executive Order
17 No. PER 18-4 (AEO) on October 5, 2001, effective September 25, 2001. The executive
18 order provided for (1) continuation of medical, dental, vision, and life insurance benefits
19 to eligible employees and their families if the employees were ordered to or volunteered

20 for active duty or active duty training in any branch of the Armed Forces, the National
21 Guard, or the United States Public Health Service; (2) a paid leave of absence from their
22 county position at their regular rate of pay, less the amount of any military pay to which
23 they were entitled, for employees ordered to active duty if they were members of the
24 reserves of any branch of the Armed Forces or the National Guard, on or before
25 September 11, 2001; and (3) leave without pay for employees who enlisted in the Armed
26 Forces or the Armed Forces Reserves after September 11, 2011.

27 D. Also in consideration of public employee service in the military, state law,
28 RCW 38.40.060, provides for twenty-one days of paid military leave of absence from
29 work per year for public employees who are members of the Armed Forces, the National
30 Guard, or the Armed Forces Reserves, so that they can attend required military duty,
31 training, or drills.

32 E. The federal Uniform Services Employment and Reemployment Rights Act of
33 1994 ("USERRA"), 38 U.S.C. Chapter 43, was enacted to minimize the disruption to the
34 lives of persons serving in the military and to provide guidance for employers. USERRA
35 largely regulates the reemployment of service members and affords protection to them
36 against discrimination related to their service. While USERRA does not require an
37 employer to provide military leave differential pay, where an employer adopts a policy of
38 providing the pay, USERRA protects the employee's rights under that policy.

39 F. Since the time that the 2001 Executive Order was signed, the United States has
40 become engaged in multiple military conflicts, and numerous county employees have
41 volunteered for or have been ordered to active duty, including active military training
42 duty.

43 G. It is the current policy of King County to support to the extent possible those
44 employees in the Armed Forces, including the National Guard, and the United States
45 Public Health Service Commissioned Corps who volunteer for or are ordered to active
46 duty. On May 24, 2010, the King County council issued a proclamation pledging
47 continued support for King County employees who serve in the National Guard and the
48 Armed Forces Reserves.

49 H. In consideration for the service of King County employees while serving in
50 the military, providing continuity of benefits and compensation for county employees
51 who volunteer for or are called to active duty in the Armed Forces or the United States
52 Public Health Service Commissioned Corps is consistent with the King County Strategic
53 Plan by promoting King County as an employer of choice and furthering the goal of
54 developing and empowering its employees.

55 SECTION 2. Ordinance 12014, Section 26, as amended, and K.C.C. 3.12.260 are
56 each hereby amended to read as follows:

57 A. A leave of absence (~~((for active military duty or active military training duty~~
58 ~~shall be granted to eligible employees in accordance with applicable provisions of state~~
59 ~~and/or federal law; provided, that a request for such leave shall be submitted to the~~
60 ~~appointing authority in writing by the employee and accompanied by a validated copy of~~
61 ~~military orders ordering such active duty or active training duty))~~ shall be granted, in
62 accordance with applicable provisions of state or federal law, to any employee who
63 voluntarily or upon demand by the Washington state or the United States government
64 leaves his or her position with the county, either to determine his or her physical fitness
65 to enter or to actually enter active duty or training in the United States Armed Forces,

66 including without limitation the Washington National Guard, the United States Air
67 National Guard, the United States Army National Guard, and the United States Coast
68 Guard, or the United States Public Health Service Commissioned Corps. The leave of
69 absence shall continue until the conclusion of the employee's active duty service.

70 B. Employees are required to give their employing county agency advance notice
71 of the need for military leave, preferably in writing, though oral notification is sufficient.
72 Notice should be provided as soon as is reasonable under the circumstances, and, if
73 feasible to do so, service members should provide thirty days advance notice; however,
74 advance notice is not required if prevented by military necessity or otherwise impossible
75 or unreasonable under the circumstances, to the extent provided in federal law and
76 regulations. Written notice should be accompanied by a validated copy of the military
77 orders ordering the active duty or active training duty. Oral notice should be
78 supplemented as soon as is reasonable with a validated copy of the military orders.

79 C. An employee who (1) is eligible for benefits under K.C.C. 3.12.040, (2)
80 volunteers or is ordered to serve in the Armed Forces or the United States Public Health
81 Service Commissioned Corps, or to receive associated training that requires a leave of
82 absence from the employee's county position, and (3) has exhausted annual military leave
83 provided pursuant to state and federal law or a collective bargaining agreement, shall be
84 granted a paid leave of absence from the employee's county position at the employee's
85 regular base rate of pay less the amount of military pay to which the employee is entitled.
86 The paid leave of absence shall continue until the conclusion of the employee's active
87 duty service in the Armed Forces or the United States Public Health Service
88 Commissioned Corps. This section applies only to employees who volunteer or are

89 ordered to serve in the Armed Forces or the United States Public Health Service
90 Commissioned Corps no later than December 31, 2012, or whatever later date the
91 Council might designate by ordinance.

92 D. Receipt of the pay provided for in the preceding section is contingent upon the
93 employee providing the employing county agency with supporting documentation
94 verifying (1) the employee's rank, (2) that the employee is on active duty, and (3) the
95 amount of military pay to which the employee is entitled.

96 SECTION 3. Ordinance 9967 Section 2, as amended, and K.C.C. 3.12.262 are
97 each hereby amended to read as follows:

98 A. ~~((Any employee eligible for leave and insured benefits who upon demand by~~
99 ~~the United States Government vacates his or her position with the county either to~~
100 ~~determine his or her physical fitness to enter, or to actually enter upon active duty or~~
101 ~~training in the Washington National Guard, the United States Armed Services, or the~~
102 ~~United States Public Health Service shall receive medical, dental and life benefits for the~~
103 ~~time period commencing with the beginning of an employee's military leave of absence~~
104 ~~and continuing until active duty has been completed. These employees shall continue to~~
105 ~~receive the medical, dental and life benefits that they received prior to separation from~~
106 ~~county employment.)) An employee who is eligible for benefits under K.C.C. 3.12.040
107 and who volunteers or is ordered to serve in the Armed Forces or the United States Public
108 Health Service Commissioned Corps, or to receive associated training that requires a
109 leave of absence from the employee's county position, shall continue to receive medical,
110 dental, vision, and life insurance benefits, and shall continue to accrue vacation and sick~~

111 leave, until the conclusion of the employee's active duty service in the Armed Forces or
112 the United States Public Health Service Commissioned Corps.

113 B. Receipt of medical, dental, vision, and life insurance benefits and leave
114 accruals is contingent upon the employee providing his or her employing county agency
115 with supporting documentation verifying that the employee is on active duty. The
116 documentation shall be provided by the employee upon commencing military leave,
117 annually in September and upon leaving military service.

118 SECTION 4. This ordinance authorizes and ratifies prior acts of the executive in
119 granting special additional military leave and benefits after September 11, 2001, and
120 provides specific legislative authorization for such leave and benefits.

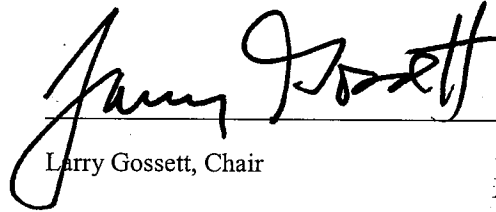
121 SECTION 5. Severability. If any provision of this ordinance or its application to
122 any person or circumstance is held invalid, the remainder of the ordinance or the
123 application of the provision to other persons or circumstances is not affected.

124 SECTION 6. This ordinance is not retroactive, except to the extent provided in
125 Section 4.
126

Ordinance 17223 was introduced on 9/26/2011 and passed as amended by the
Metropolitan King County Council on 11/9/2011, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,
Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr.
McDermott
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

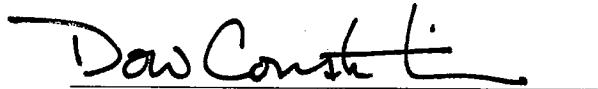

Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 18 day of NOVEMBER, 2011.



Dow Constantine, County Executive

Attachments: None

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CLERK
KING COUNTY COUNCIL