# Title 3
# PERSONNEL

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## 3.04 EMPLOYEE CODE OF ETHICS*

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**3.04.010 Code of ethics.** There is established a code of ethics for all county officials and employees to provide guidance for public employees in the event of conflicts and to prevent conflicts of interest. (Ord. 1308 § 2, 1972).

**3.04.015 Policy.**

A. It is the policy of King County that the private conduct and financial dealings of public officials and employees and of candidates for public office shall present no actual or apparent conflict of interest between the public trust and private interest.

B. Public confidence in government is essential and must be sustained by establishing and enforcing rules to assure the impartiality and honesty of officials and employees in all public transactions and decisions. Each affected agency of county government should inform its employees of the provisions of this chapter and strive to effectively enforce its requirements by seeking appropriate assistance from the office of citizen complaints, the board of ethics and the prosecuting attorney when considering and acting upon allegations of misconduct.

C. Former county employees should engage in transactions with the county consistent with the highest level of ethical conduct. It is essential that former county employees and the county maintain public confidence and ensure fair dealings with all persons by the county. A former county employee should not act, or appear to act, in such a manner as to take improper advantage of the former county employee's previous office or position with the county. A former county employee should not request or otherwise seek special consideration, treatment or advantage beyond that which is available to every other person. A former county employee should avoid circumstances in which it appears, or to a reasonable person might appear, that the former county employee is requesting or otherwise seeking special consideration, treatment or advantage. (Ord. 14689 § 1, 2003: Ord. 9704 § 1, 1990).

**3.04.017 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

1. Solicits, commands, encourages or requests another individual to commit the crime or violation; or

2. Aids or agrees to aid another individual in planning or committing the crime or violation.

B. "Close relative" means spouse, domestic partner, parent, child, child of domestic partner, sibling, aunt, uncle, niece, nephew, grandparent, grandchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law or relatives of a domestic partner who would be included in this subsection if the employee and the domestic partner were married.

C. "Compensation" means anything of economic value that is paid, granted or transferred, or is to be paid, granted or transferred for, or in consideration of, personal services to any person.

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

1. Any decision, determination, finding, ruling or order; and

2. Any grant, payment, award, license, contract, transaction, sanction or approval, or the denial thereof or the failure to act with respect thereto. "County action" shall not include actions of the county's judicial branch but shall include employees of the department of judicial administration.

E. "County employee" or "employee" means any individual who is appointed as an employee by the appointing authority of a county agency, office, department, council, board, commission or other separate unit or division of county government, however designated, but does not include employees of the county's judicial branch. "County employee" also includes county elected officials and members of county boards, commissions, committees or other multimember bodies, but does not include officials or employees of the county's judicial branch but does include employees of the department of judicial administration.

F. "De minimis personal use" means: personal use that is brief and infrequent, incurs negligible or no additional cost to the county and does not interfere with the conduct of county business.

G. "Department" means:

1. In the executive branch, an executive department or administrative office that reports to the executive or the county administrative officer, as applicable;

2. The department of assessments;

3. The prosecuting attorney's office;

4. In the legislative branch, the council together with any subordinate legislative branch agency;

5. The department of judicial administration;

6. The department of public safety;

7. The office of economic and financial analysis; and

8. The department of elections.

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

1. Is, or will be, the subject of county action;

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.

I. "Gift or thing of value" or "gift or other thing of value" means anything of economic value or tangible worth that is not compensation. It shall not include campaign contributions regulated by chapter 42.17A RCW or the charter and ordinances implementing it; informational materials exclusively for official or office use; memorials, trophies and plaques of no commercial value; gifts of fifty dollars or less for bona fide, nonrecurring, ceremonial occasions; any gifts that are not used and that, within thirty days after receipt, are returned to the donor, or donated to a charitable organization without seeking a tax deduction; or promotional benefits that an employee receives from a travel service provider in connection with official travel if obtained under the same conditions as those offered to the general public at no additional cost to the county.

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

K. "Ombuds" means the director of the office of citizen complaints established under Section 260 of the King County Charter and K.C.C. chapter 2.52 or designee.

L. "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. However, for the purposes of K.C.C. 3.04.035, "participate" does not include the provision of legal advice or other activities involving the practice of law and does not include, as an elected official, preparation, consideration or enactment of legislation or the performance of legislative duties.

M. "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 or within the United States.

N. "Respondent" means the individual against whom a complaint is filed or an investigation is conducted.

O. "Retaliatory action" means any action by a supervisor or other employee that is intended to embarrass or to harass any individual as a result of the individual 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 this chapter.

P. "Substantial financial interest" means a financial interest in a person that exceeds one-tenth of one percent of the outstanding securities of the person, or, if the interest is in an unincorporated business concern, exceeds one percent of the net worth of the concern; or a financial interest that exceeds five percent of the net worth of the employee and the employee's immediate family. (Ord. 18618 § 58, 2017: Ord. 17504 § 1, 2012: Ord. 16758 § 1, 2010: Ord. 16391 § 15, 2009: Ord. 14689 § 3, 2003: Ord. 14199 § 25, 2001: Ord. 12014 § 2, 1995).

**3.04.020 Just and equitable treatment.**

A. No county employee shall request, use or permit the use of county-owned vehicles, equipment, materials or other property or the expenditure of county funds for personal convenience or profit. Use or expenditure is to be restricted to such services as are available to the public generally or for such employee in the conduct of official business. However, de minimis personal use of county-owned property by county employees may be authorized by policies of the executive, council or other elected county officials.

B. No county employee shall grant any special consideration, treatment or advantage beyond that which is available to every other citizen.

C. Except as authorized by law and in the course of the employee's official duties, no county employee shall use the power or authority of the employee's office or position with the county in a manner intended to induce or coerce any other person, directly or indirectly to provide the county employee or any other person with any compensation, gift or thing of value.

D. No county employee shall seek or receive, directly or indirectly, any compensation, gift or thing of value, or promise thereof, for performing or for omitting or deferring the performance of any official duty, or action by the county other than the compensation, costs or fees provided by law.

E. County employees are encouraged to participate in the political process on their own time and outside of the workplace by assisting a campaign for the election of any individual to any office or for the promotion of or opposition to any ballot proposition, but shall not use or authorize the use of the facilities of King County for such purposes except as authorized by RCW 42.17A.555.

F. No county employee shall disclose or use for the personal benefit of the employee or the employee's immediate family any information acquired in the course of official duties that is not available as a matter of public knowledge or public record.

G. No county employee shall engage in retaliatory action. (Ord. 18618 § 59, 2017: Ord. 17504 § 2, 2012: Ord. 9704 § 3, 1990: Ord. 1308 § 3, 1972).

**3.04.030 Conflict of interest**.

A. No county employee shall engage in any act that is in conflict with the performance of official duties.

B. A county employee shall be deemed to have a conflict of interest if the employee directly or indirectly:

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

2. Is beneficially interested or has a substantial financial interest in, or accepts any compensation, gift or thing of value from any other person beneficially interested in, any contract, sale, lease, option or purchase that may be made by, through, or under the supervision of the employee, in whole or in part;

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

4. Accepts, any favor, loan, retainer, entertainment, travel expense, compensation, gift or other thing of value from any person doing business or seeking to do business with the county when such an acceptance may conflict with the performance of the employee's official duties. A conflict shall be deemed to exist where a reasonable and prudent individual would believe that it was given for the purpose of obtaining special consideration or to influence county action. The financing of county election campaigns shall continue to be governed by chapter 42.17A RCW and the provisions of the charter and ordinances implementing it;

5. Participates in, influences or attempts to influence, the selection of, or the conduct of business or a transaction with a person doing or seeking to do business with the county if the employee has a substantial financial interest in or with said person;

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

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

b. the employee has responsibility for a matter upon which the person is doing or seeking to do business with the county, unless the employee has given notice in accordance with K.C.C. 3.04.037 and a method of providing for an alternative decision maker for the matter has been designated by the employee's appointing authority in a memorandum filed with the board of ethics, a copy of which is maintained by the appointing authority;

7. Within one year of entering county employment:

a. participates in a county action benefiting a person that formerly employed the employee, except that participation may be authorized in a memorandum by the appointing authority following written disclosure by the affected employee and the authorization shall be filed with the board of ethics and a copy maintained by the appointing authority; or

b. awards a county contract benefiting a person that formerly employed the employee;

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

9. Engages in or accepts compensation, employment or renders services for any person or a governmental entity other than the county when such employment or service is incompatible with the proper discharge of official duties or would impair independence of judgment or action in the performance of official duties;

10. Enters into a business relationship outside county government:

a. with any other employee for whom the employee has any supervisory responsibility; or

b. with any person with regard to a matter for which the employee has responsibility as a county employee;

11. Possesses a substantial financial interest in any person which does or seeks to do business with the county, without disclosing such interest as provided by this chapter;

12. As an appointive member of a board or commission, has a close relative serving on the same board or commission; or

13. Acts as an accomplice in any act by an immediate family member which, if the act were performed by the employee, would be prohibited by this subsection. However, it shall not be a conflict of interest for the family member to enter into a bona fide contract of employment that is not intended to influence the action of the county employee.

C.1. The following employees must obtain the prior written consent of their highest ranking supervisor authorizing new or continued employment outside King County government, or authorizing the acceptance of any compensation or anything of value for services performed outside King County government:

a. the county administrative officer, the chief officer of each executive department or administrative office as defined by the charter, the manager of each division of the department or office and all individuals who report directly to them;

b. all nonelected council employees, except that the personal staff of each individual councilmember shall obtain the consent from the councilmember;

c. all nonelected employees of the prosecuting attorney;

d. all nonelected employees of the department of judicial administration;

e. all nonelected employees of the department of assessments; and

f. the chief economist of the office of economic and financial analysis.

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

D. A county employee shall be deemed to have a conflict of interest if the employee appears on behalf of a person before any regulatory governmental agency, or represents a person in any action or proceeding against the interest of the county in any litigation to which the county is a party, unless the employee has a personal interest in the litigation and this personal interest has been disclosed to the regulatory governmental agency or adjudicating individual or body. A county councilmember may appear before regulatory governmental agencies on behalf of constituents in the course of the councilmember's duties as a representative of the electorate or in the performance of public or civic obligations; however, no official or employee shall accept a retainer or compensation, or any gift or thing of value that is contingent upon a specific action by a county agency.

E.1. A county councilmember shall be deemed to have a conflict of interest if the councilmember, directly or indirectly, has a substantial financial or other private interest in

any legislation or other matter coming before the council, and fails to disclose the interest on the records of the county council. This subsection shall not apply if the county councilmember is excused from voting by stating the nature and extent of such an interest.

2. Any other employee who is not a county councilmember, who, directly or indirectly, has a substantial financial or other private interest in, and who participates in, an action or proposed action of the county council and fails to disclose on the records of the county council the nature and extent of the interest, shall be deemed in violation of this chapter.

F.1. A county employee shall be deemed to have a conflict of interest if the employee, directly or indirectly, has an interest in any property being considered for revaluation by the county board of appeals and equalization or has a personal interest or connection with another person's petition for revaluation while the employee is:

a. an elected county official;

b. the executive's administrative assistant or office manager;

c. a county councilmember's executive secretary;

d. the county administrative officer, the county administrative officer's administrative assistants or the county administrative officer's confidential secretary;

e. the chief officer of an executive department, the chief officer's administrative assistant or the chief officer's confidential secretary;

f. the chief officer of an administrative office, the chief officer's administrative assistants or the chief officer's confidential secretary;

g. the council administrator, the council administrator's administrative assistant or the council administrator's secretary;

h. the ombuds or the ombuds's staff;

i. an employee of the department of assessments;

j. an employee assigned to either the board of equalization or the board of appeals, or both;

k. any other county employee who has direct contact with the board of appeals and equalization in the carrying out of the employee's duties;

l. a member of either the county board of appeals or the board of equalization, or both; or

m. The clerk of the council or the clerk's secretary.

2. All individuals listed in this subsection who wish to appeal to the county board of equalization on a matter of property revaluation shall be governed by the procedure in K.C.C. 3.04.040. (Ord. 18618 § 60, 2017: Ord. 17504 § 3, 2012: Ord. 16391 § 16, 2009: 14218 § 1, 2001: Ord. 14199 § 26, 2001: Ord. 12014 § 3, 1995).

**3.04.035 Conflict of interest - former members of county board, commission, committee or other multimedia body - former employee.**

A. For one year after terminating service to the county, a former member of a county board, commission, committee or other multimember body may not appear before that board, commission, committee or other multimember body, or receive compensation for any services rendered on behalf of or for assistance to any person, in relation to any county action in which the former member participated during the period of the former member's service. This prohibition also applies during the same period of time to any person with which the former member has a financial or beneficial interest. However, this prohibition does not apply if the former member's financial or beneficial interest in any entity listed in this subsection is limited to investments and does not include managerial or other influential authority, including holding controlling interest in any class of stock.

B. For one year after leaving county employment, a former county employee may not have a financial or beneficial interest in a contract or grant that was planned,

authorized or funded by a county action in which the former county employee participated during county employment.

C. For one year after leaving county employment, a former county employee may not assist a person, whether or not for compensation, in any county action in which the former county employee participated during county employment. This subsection does not prohibit a former county employee from rendering assistance to county employees in the course of union or guild business.

D. For one year after leaving county employment, a former employee must disclose the former employee's past county employment before participation in any county action. The disclosure shall be made in writing to the department considering or taking the county action on which the former employee is or would be participating.

E. A former county employee may not, for the personal benefit of the former employee or a member of the former employee's immediate family, disclose or use any privileged or proprietary information gained by reason of the former employee's county employment unless the information is a matter of public knowledge or is available to the public on request.

F. A former county employee may not assist any person for compensation on matters in which the former employee is personally prohibited from participating.

G. It is not a violation of this chapter for a former county employee to render assistance to a person if the assistance is provided without compensation in any form and is limited to one or more of the following:

1. Providing names, work addresses and work telephone numbers of county agencies or county employees, to the extent the information is available as a matter of public record under state law;

2. Providing free transportation to another for the purpose of conducting business with a county agency;

3. Assisting oneself or another person in obtaining or completing forms required by a county agency for the conduct of a county business;

4. Providing assistance to the poor or infirm; or

5. Engaging in conduct that is authorized or protected by the constitutions or laws of Washington state or the United States.

H.1. This section does not prohibit a former county employee from accepting future employment with the county at any time, including employment with a former department.

2. Except as otherwise provided in this section, a former county employee is not prohibited from appearing before the county or seeking a county action on the former county employee's own behalf to the same extent other persons may appear before or seek actions by the county.

I. Except as otherwise limited by this chapter, a former county employee may contract with the county, or participate in a contract with the county, to provide materials, equipment, supplies or services. However, any such a contract must comply with applicable requirements and procedures related to procurement. (Ord. 18618 § 61, 2017: Ord. 17504 § 4, 2012: Ord. 14689 § 2, 2003: Ord. 10841 § 1, 1993: Ord. 9704 § 5, 1990: Ord. 6144 § 2, 1982).

**3.04.037 Duty to notify supervisor.** Any employee who becomes aware that the employee might have a potential conflict of interest that arises in the course of the employee's official duties shall notify in writing the employee's supervisor or appointing authority of the potential conflict.

Upon receipt of such a notification, the supervisor or appointing authority shall take action to resolve the potential conflict of interest within a reasonable time, which may include, but is not limited to, designating an alternative employee to perform the duty that is involved in the potential conflict. The supervisor or appointing authority shall

document the disposition of the potential conflict in writing in files maintained by the appointing authority. The supervisor or appointing authority may request an advisory opinion from the board of ethics before disposing of the potential conflict. (Ord. 18618 § 62, 2017: Ord. 17504 § 5, 2012: Ord. 11185 § 3, 1993: Ord. 9704 § 8, 1990).

**3.04.040 Board of equalization appeals.** All persons deemed to have a conflict of interest, in accordance with K.C.C. 3.04.030.F., and wishing to appeal to the county board of equalization shall be governed by the following procedure:

A. The appeal shall be automatically denied by the county board of equalization without hearing and a minute entry shall be made. The petitioner may then take action to appeal the decision of the county board of equalization to the state Board of Appeals in accordance with RCW 84.08.130; and

B. However, the board of equalization may grant a change of venue to a board of equalization of another county, as provided in K.C.C. Title 2, in lieu of automatic denial, when:

1. A quorum cannot be achieved due to members of the board disqualifying themselves because of conflicts of interest or the appearance of fairness doctrine; or

2. When the appeal relates to property either owned by or in which the following has an interest: a member of the board; assistants to the board; or any member of the county governmental authority. (Ord. 18618 § 63, 2017: Ord. 17504 § 6, 2012: Ord. 16758 § 2, 2010: Ord. 11185 § 4, 1993: Ord. 6411, 1983: Ord. 1308 § 5, 1972).

**3.04.050 Statement of financial and other interests.**

A. All nominees for appointment to any county elective office except for judicial candidates, within two weeks of becoming a nominee, and all elected officials who are defined as county employees under K.C.C. 3.04.017, paid in whole or in part by county funds, shall file with the board of ethics a statement of financial and other interests as prescribed in subsection D. of this section. This requirement may be satisfied by filing with the board of ethics a signed copy of the report required to be filed by RCW 42.17A.700.

B.1. Within two weeks of employment or appointment and on or before April 15 of each year thereafter, the following employees shall file a statement of financial and other interests, as prescribed in subsection D. of this section, with the board of ethics: all elected county officials; all employees appointed by the county executive; all employees appointed by the county administrative officer or department directors and who are subject to the approval of the county executive; all employees of the council; all employees of the office of economic and financial analysis; and such additional employees as may be determined in accordance with criteria adopted by the board of ethics under subsection C. of this section. Statements of financial and other interests that are to be filed within two weeks of employment or appointment shall report on information for the preceding twelve calendar months. Annual statements of financial and other interests shall report on information for the preceding calendar year.

2. Within two weeks of becoming a nominee for appointment to county boards and commissions, the nominee shall file with the board of ethics a statement of financial and other interests, as prescribed in subsection D. of this section, reporting on information for the preceding twelve calendar months.

C. The board of ethics shall adopt by rule criteria for determining which employees, in addition to those designated in subsection B. of this section, are required to complete and file statements of financial and other interests. The criteria must consider the association between the duties and responsibilities of employees and the conflict of interest provisions in K.C.C. 3.04.030.

D. The statement of financial and other interests required to be filed under this

section must include the following information of which the employee has, or reasonably should have, knowledge for the reporting period:

1.a. the name of each person engaged in a transaction with the county in which the employee may participate or has responsibility for, where the employee or a member of the employee's immediate family received any compensation, gift or thing of value, possessed a financial interest or held a position with the person;

b. the name of the individual who received the compensation, gift or thing of value from, possessed the financial interest in, or held a position with the person engaged in the transaction with the county, and the individual's relationship to the employee; and

c. the title of the position; and

2.a. Real property, listed by street address, assessor parcel number or legal description that was involved in or the subject of an action by the county, in which the employee or a member of the employee's immediate family possessed a financial interest, except that property for which the only county action was valuation for tax purposes does not have to be reported except by those employees of the department of assessments and the board of appeals who are required to file a report related to the valuation;

b. the name of the individual who possessed the financial interest and the individual's relationship to the employee; and

c. the name of the King County department involved in the transaction.

d. The use the individual made of the real property, such as recreation, personal residence or income, does not have to be reported.

E. The statement of financial and other interests must be signed with location of signing, dated and declared to be complete, true and correct under penalty of perjury of the laws of the state of Washington.

F. The financing of election campaigns shall continue to be governed by other applicable local, state and federal laws, and not by the provisions of this chapter.

G. Filing of the statement of financial and other interests does not relieve the employee of the duty to notify the employee's supervisor of a potential conflict of interest as required by K.C.C. 3.04.037.

H. The board may adopt rules and regulations by which affected employees may request suspension or modification of the requirements to disclose financial and other interests set forth in this section if the literal application of the requirements would cause a manifestly unreasonable hardship and the suspension or modification would not frustrate the purposes of this chapter.

I. The board of ethics may adopt necessary and appropriate rules, regulations and forms related to completing, filing, maintaining and disclosing statements of financial and other interests under this section. The board shall follow the requirements of K.C.C. chapter 2.98 for rule making. (Ord. 18618 § 64, 2017: Ord. 17504 § 7, 2012: Ord. 16391 § 17, 2009: Ord. 15971 § 41, 2007: Ord. 15148 § 1, 2005: Ord. 14218 § 2, 2001: Ord. 14199 § 27, 2001: Ord. 13657 § 1999: Ord. 9704 § 6, 1990: Ord. 4808 § 1, 1980: Ord. 2294 § 1, 1975: Ord. 2184 § 2, 1974: Ord. 1308 § 6, 1972).

**3.04.055 Complaints - investigations - enforcement - early resolution agreement.**

A. It shall be the responsibility of the ombuds to investigate and report apparent criminal violations of this chapter to the appropriate law enforcement authorities and to enforce this ordinance according to the powers granted herein. The ombuds is expressly authorized to serve as an enforcement officer for this chapter and to impose the civil penalties authorized in K.C.C. 3.04.060.

B.1. Complaints alleging a violation of this chapter shall be filed with the ombuds.

2. The complaint shall describe the basis for the complainant's belief that this chapter has been violated. Any such a complaint shall be in writing, signed by the complainant with location of signing, dated and declared to be true and correct to the best of the complainant's knowledge under penalty of perjury of the laws of the state of Washington. The complainant may state in writing whether the complainant wishes the complainant's name not to be disclosed in accordance with RCW 42.56.240(2).

3. Any complaint filed under this chapter must be filed within five years from the date of the violation. However, if it is shown that the violation was not discovered because of concealment by the person charged, then the complaint must be filed within two years from the date the violation was discovered or reasonably should have been discovered.

C. Upon receipt of a complaint meeting the requirements of subsection B. of this section, and upon a determination that the alleged conduct could constitute a violation of this chapter, the ombuds shall cause to be served or mailed, by certified mail, return receipt requested, a copy of the complaint to the person alleged to have violated this chapter within twenty days after the filing of said complaint, and shall promptly make an investigation thereof. If the ombuds determines that the complaint does not meet the requirements of subsection B. or C. of this section, the ombuds shall inform the complainant in writing of that determination and the reason.

D. An investigation by the ombuds under this chapter shall be directed to ascertain the facts concerning the alleged violation or violations of this chapter and shall be conducted in an objective and impartial manner. In furtherance of the investigation the ombuds is authorized to use the subpoena power to compel sworn testimony from any person, and to require the production of any records relevant or material to the investigation except information that is legally privileged or otherwise required by law not to be disclosed.

E. During the investigation, the ombuds shall consider any statement of position or evidence with respect to the allegations of the complaint that the complainant or respondent wishes to submit.

F. The results of the investigation shall be reduced to written findings of fact and the finding shall be made that there either is or is not reasonable cause for believing that the respondent has violated this chapter.

G. If a finding is made that there is no reasonable cause, said finding shall be served or mailed, by certified mail, return receipt requested, to the complainant and the respondent, and a copy shall be provided to the board of ethics.

H.1. If the finding is made that reasonable cause exists to believe that the respondent has violated this chapter, the ombuds shall prepare an order to that effect, a copy of which shall be served or mailed, by certified mail, return receipt requested, to the respondent, and the original thereof filed with the board of ethics. The ombuds shall provide a copy of the order to the prosecuting attorney's office. Such a reasonable cause order shall include:

a. a finding that one or more violations of the chapter has occurred;

b. the factual basis for the finding;

c. any civil penalties; and

d. a notice informing the respondent that the respondent has the right to request a hearing before the board of ethics as set forth in K.C.C. 3.04.057.

2. In determining civil penalties, the ombuds may consider any notification made by the employee under K.C.C. 3.04.037 as a mitigating factor.

3. If the respondent does not request an appeal hearing in a timely manner under K.C.C. 3.04.057, the ombuds shall provide a copy of the reasonable cause order to the complainant and the respondent's appointing authority.

I.1. At any stage in the investigation, the respondent may agree to an early resolution agreement in lieu of a finding of reasonable cause by the ombuds.

2. An early resolution agreement may not be appealed.

3. The agreement shall be in writing and signed by the ombuds and the respondent.

4. The respondent shall acknowledge in the agreement that an ethical violation has occurred and that the agreement may not be appealed. The respondent may include a statement explaining circumstances surrounding the ethical violation.

5. The agreement shall identify the violations of the chapter that occurred, the factual basis for the violation and any civil penalties.

6.a. The early resolution agreement is not effective unless approved by the board of ethics. If approved by the board of ethics, the board shall send a copy of the approved early resolution agreement to the ombuds, who shall forward a copy to the respondent, the respondent's appointing authority, to the prosecuting attorney's office and to the complainant.

b. If the early resolution agreement is not approved by the board of ethics, the board shall notify the ombuds. (Ord. 18618 § 65, 2017: Ord. 17504 § 8, 2012: Ord. 16758 § 3, 2010: Ord. 14218 § 3, 2001: Ord. 11185 § 5, 1993: Ord. 9704 § 9, 1990).

**3.04.057 Appeal.**

A. Any respondent who disagrees with an order of reasonable cause of the ombuds may file a written request, within twenty days of the service of the order upon the respondent or delivery of the order by certified mail, for an appeal hearing before the board of ethics. The request shall be filed with the board of ethics, with a copy provided to the ombuds. The request shall cite the order appealed from and specify with particularity the findings being contested.

B. Any order of reasonable cause issued by the ombuds pursuant to K.C.C. 3.04.055 shall become final twenty days after service of the order or delivery of the order by certified mail, unless a timely written request for an appeal hearing is filed as set forth above.

C. If an order of reasonable cause has been timely appealed, a hearing shall be conducted by the board of ethics for the purpose of affirming, reversing or modifying the order. The parties to the hearing shall be the respondent and the ombuds or designee. There shall be a verbatim record kept of the hearing and the board of ethics shall have the power to administer oaths and affirmations, issue subpoenas and compel attendance, take evidence and require the production of any books, papers, correspondence, memoranda or other records relevant or material to the hearing. The burden of proving that a violation occurred shall at all times be upon the ombuds. The board of ethics's decision shall be based upon a preponderance of the evidence. Such a hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given to the parties at least ten days prior to the hearing date.

D. At the hearing, each party shall have the following rights:

1. To call and examine witnesses on any matter relevant to the issues raised by the order of the ombuds or designee;

2. To introduce documentary and physical evidence;

3. To cross-examine opposing witnesses on any relevant matter;

4. To impeach any witness regardless of which party first called the witness to testify;

5. To rebut evidence against the party; and

6. To self-represent or to be represented by anyone of the party’s choice who is lawfully permitted to do so.

E. Following review of the evidence submitted, the board shall within a reasonable time enter written findings and conclusions and shall affirm or modify the order previously issued if the board finds that one or more violations of this chapter has occurred. The board shall reverse the order if it finds no violations of this chapter have occurred. A copy of the

board's decision shall be served or mailed, by certified mail, return receipt requested, to the respondent, and the original thereof retained by the board. The board shall provide a copy of its decision to the ombuds, the respondent's appointing authority, the prosecuting attorney's office and the complainant. (Ord. 18618 § 66, 2017: Ord. 17504 § 9, 2012: Ord. 14218 § 4, 2001: Ord. 11185 § 6, 1993: Ord. 9704 § 10, 1990).

**3.04.060 Penalties.**

A. Any negligent or willful violation of the provisions of this chapter shall constitute a misdemeanor and upon conviction be punishable by a fine not to exceed $1,000 or imprisonment in the county jail not to exceed ninety days; or both;

B.1. Any elected official who commits a violation of this chapter may be subjected to penalties as provided by RCW 42.12.010 and the King County Charter, and may also be subjected to a civil penalty of an amount not to exceed the lesser of one month of the respondent's county pay or the amount authorized by law.

2. An employee of the county who commits a violation of this chapter may be subjected to disciplinary action, up to and including termination from employment; provided that such disciplinary action is consistent with Career Service Guidelines and collective bargaining agreements. An employee of the county who commits a violation of this chapter may also be subjected to a civil penalty; provided that such penalty shall not exceed the lesser of one month of the respondent's county pay or the amount authorized by law.

3. Members of boards and commissions who commit a violation of this chapter may be subjected to immediate removal from such appointment.

C. Civil and criminal liability under the provisions of this section shall be imposed on any person who either directly or as an accomplice commits a violation of this chapter.

D. Any person having an existing contract with King County or seeking to obtain a contract who willfully attempts to secure preferential treatment in the person's dealings with the county by offering any valuable consideration, gift or thing of value, whether in the form of services, loan, thing or promise, in any form to any county official or employee, shall have the person's current contracts with the county canceled and shall not be able to bid on any other county contract for a period of two years. (Ord. 18618 § 67, 2017: Ord. 17504 § 10, 2012: Ord. 11185 § 7, 1993: Ord. 9704 § 7, 1990: Ord. 1308 § 7, 1972).

**3.04.080 Board of ethics - membership and terms.** There is created a board of ethics, composed of five members, two to be appointed by the county executive, two to be appointed by the county executive from a list of nominees submitted by the county council, and the fifth, who shall be chair, to be appointed by the county executive from a list of nominees submitted by the other four members. All appointments are to be confirmed by the county council. The terms of the board members shall be three years. The first three members shall be appointed for one, two and three-year terms respectively. The chair shall have a three-year term; the other terms are to be determined by lot. A member of the board of ethics may be removed for just cause by a two-thirds vote of the county council, after written charges have been served on the member and a public hearing has been held by the county council. The board shall be advisory and shall meet as frequently as it deems necessary. A majority of the board shall constitute a quorum. (Ord. 17504 § 11, 2012: Ord. 11185 § 8, 1993: Ord. 1321 § 2, 1972).

**3.04.090 Board of ethics - purpose.** The purpose of the board of ethics shall be to insure proper implementation and interpretation of the code of ethics under this chapter. (Ord. 17504 § 12, 2012: Ord. 1321 § 3, 1972).

**3.04.100 Board of ethics - authority.** Whenever requested by a county officer or employee, or whenever it deems it in the public interest, the board of ethics shall render

advisory opinions, in writing, concerning questions of ethics, conflicts of interest, and the applicability of the code of ethics. Copies of the opinion shall be delivered to any officer or employee requesting the opinion, the ombuds, the county executive and all members of the King County council. (Ord. 18618 § 68, 2017: Ord. 17504 § 13, 2012: Ord. 9704 § 12, 1990: Ord. 1321 § 4, 1972).

**3.04.120 Disclosure of interests by consultants.**

A.1. Each consultant entering into a contract to provide professional services or technical services to the county costing in excess of the amount specified in K.C.C. chapter 2.93 shall file both with the King County board of ethics and the executive a signed, sworn written statement disclosing the following information:

a. any office or directorship in the consultant held by any county employee or any member of the employee's immediate family;

b. any financial interest in the consultant held or received by any county employee or any member of the employee's immediate family as follows:

(1) ownership of over five percent of the stock or other form of interest in the consultant; and

(2) receipt of any compensation, gift or thing of value from the consultant;

c. a list of all contracts between the consultant and the county in the five years immediately preceding the presently contemplated contract including the amount of money paid by the county to the consultant in accordance with to each contract;

d. any position or positions on any county board or commission, whether salaried or unsalaried, held by any officer or director of the consultant in the five years immediately preceding the presently contemplated contract; and

e. any other information known to the consultant about any interest or relationship whatsoever between any county employee, including any member of the employee's immediate family, and the consultant, other than that disclosed in accordance with subsection A.1.a. through d. of this section.

2. Unless otherwise specified in this section, the information disclosed shall cover the period twenty-four months before and including the date of filing the sworn statement.

3. A consultant filing a King County consultant disclosure form in accordance with this section shall execute a signed, dated with location of signing, written declaration that the information in the disclosure form is complete, true and correct under penalty of perjury of the laws of the state of Washington.

B. No payment shall be made on any contract with any consultant until five days after receipt by the board of ethics and the executive of the information required to be disclosed by this section.

C. For purposes of this section, "consultant" means a person who by experience, training and education has established a reputation or ability to provide professional services or technical services, as defined in K.C.C. 2.93.030, on a discrete, nonrecurring basis over a limited and preestablished term as an independent contractor to the county. (Ord. 18618 § 69, 2017: Ord. 17504 § 15, 2012: Ord. 16758 § 4, 2010: Ord. 15148 § 2, 2005: Ord. 13710 § 1, 2000: Ord. 12138 § 4, 1996).

**3.04.130 Authorization to implement procedures.** The ombuds and the board of ethics are each authorized to implement such forms, administrative processes, and operational procedures as are necessary to comply with the provisions of this chapter. Any rules governing the conduct of contested hearings shall be promulgated in compliance with K.C.C. chapter 2.98, Rules of County Agencies.

The executive is directed to prepare, with the assistance of council staff, the office of the prosecuting attorney, the ombuds and the board of ethics, information regarding the provisions of this chapter to be made available to employees and members of boards and

commissions. The availability of these materials and of copies of this chapter shall be described in a summary form, which shall be distributed to all new county employees, who shall sign and return the form within two weeks of commencing work for King County or at the new employee orientation, whichever is sooner. A summary of the ethics code shall also be distributed to all county employees at least once every two years, and any time there are material changes to this chapter. (Ord. 18618 § 70, 2017: Ord. 17504 § 16, 2012: Ord. 11185 § 9, 1993: Ord. 9704 § 13, 1990).

**3.04.210 Solicitation or receipt of contributions for or from public office fund not a violation.**

A. It is not a violation of this chapter for an elected official to solicit or receive contributions for or from a public office fund, as described in this section, if the solicitation occurs outside of the workplace and without use of county facilities. An elected official is authorized to solicit and receive such contributions.

B. For purposes of this section, "public office fund" means a privately administered account that:

1. Is established for the sole purpose of directly paying or reimbursing an elected official or employee acting on the official's behalf for expenses that are incurred in carrying out activities relating to the official's public office responsibilities, including, among other matters, costs of travel, meals, accommodations, event admissions and gifts presented on behalf of the county or county official to recognize service or promote goodwill, and excluding the purchase of goods or services for the official's personal use or enrichment;

2. Precludes fund amounts from being transferred to a political committee or used to promote or oppose a candidate or ballot measure;

3. Limits contributions from a person or legal entity to an amount of no more than an average of two hundred and fifty dollars per year over any four year time period; and

4. Provides that any funds or property acquired through funds remaining in possession of the fund or the official after all permissible public office related expenses have been paid shall be:

a. returned to contributors in amounts not exceeding their respective contributions;

b. donated to a charitable organization registered in accordance with chapter 19.09 RCW; or

c. transferred to the county.

C. Within two weeks of establishing a public office fund, the elected official shall file a statement with the board of ethics, identifying the fund administrator, indicating the amount and source of all contributions received by the public office fund and identifying all items and services acquired or reimbursed through any payments made from the public office fund and associated amounts paid. Quarterly statements updating such information shall be filed with the board of ethics by the 20th day of the month following the end of each calendar quarter.

D. Nothing in this section is intended to alter the requirements imposed by chapter 42.17 RCW, the county charter or county ordinance regarding campaigns for elected office or ballot measures.

E. By November 1, 2013, the board of ethics shall establish a limit on the total amount of money to be held in any given public office fund at any given time. The board of ethics shall analyze the issue and establish a revised limit at least once every four years. The board of ethics analysis shall include consideration of all state, federal and other legal requirements. (Ord. 17612 § 2, 2013).

**3.04.220 Solicitation or acceptance of certain gifts, bequests or donations under K.C.C. chapter 2.35A not a violation.** Neither the solicitation nor the acceptance

of gifts, bequests or donations permitted under K.C.C. chapter 2.35A constitutes a violation of this chapter. (Ord. 18254 § 3, 2016).

## 3.08 PERSONNEL BOARD

**Sections:**


3.08.010 Elections for career service employee representative on board.
3.08.020 Election dates.
3.08.030 Voters eligible.
3.08.035 Candidates.
3.08.040 Filing.
3.08.050 Ballot listing.
3.08.060 Notice of elections.
3.08.070 Conduct of elections.
3.08.100 Subpoena power of board.
3.08.110 Compensation.
3.08.120 Administrative support.


**3.08.010 Elections for career service employee representative on board.** Primaries and elections are hereby established for the purpose of nominating and electing a personnel board member by the King County career service employees as provided in Section 540 of the King County Charter. (Ord. 11808 § 1, 1995: Ord. 543 § 1, 1970).

**3.08.020 Election dates.**

A. Commencing in 1995, a nominating primary for candidates for the position of career service representative on the personnel board shall be held on the first Tuesday of June and the election of candidates nominated at the primary shall be conducted on the fourth Tuesday of June, and shall continue to be conducted on the first and fourth Tuesday in June every five years thereafter.

B. The candidate receiving the highest number of votes and the candidate receiving the second highest number of votes in the nominating primary shall both be nominated for the election.

C. At the election held on the fourth Tuesday of June, the nominee receiving the highest number of votes shall be elected.

D. If a candidate receives more than fifty percent of the votes cast by the eligible voters in the nominating special elections primaries as authorized herein, there shall be no further elections and the candidate will be elected.

E. In the event of a vacancy, as defined in RCW 42.12.010, an election to fill the vacancy shall be held on the fourth Tuesday of June that is more than two months following the vacancy, a special three day filing period will be held in the first week of June. The candidate receiving the highest number of votes of all candidates shall be elected to fill the remainder of the term commencing immediately upon certification of the election. (Ord. 11808 § 2, 1995: Ord. 602 § 1, 1970: Ord. 543 § 2, 1970).

**3.08.030 Voters eligible.** Persons eligible to vote in elections authorized herein are the members of the county career service as set forth in Chapter 3.12 of this title and Section 550 of the County Charter. (Ord. 543 § 3, 1970).

**3.08.035 Candidates.** Any resident of the State of Washington except a current employee of King County including the department of metropolitan services as defined in

K.C.C. 3.12.010 is eligible to file for the candidacy for the position of career service employee representative. (Ord. 11808 § 6, 1995).

**3.08.040 Filing.** Candidates for county personnel board member shall file declarations of candidacy with the elections division not earlier than twenty-nine days and not later than twenty-five days prior to the primary during each election year prescribed in this chapter. Any candidate may withdraw the candidate's own declaration not later than nineteen days prior to the first election during each election year prescribed in this chapter. A nonrefundable five-dollar filing fee shall be charged for filing a declaration of candidacy. (Ord. 18618 § 71, 2017: Ord. 15971 § 42, 2007: Ord. 11808 § 3, 1995: Ord. 543 § 4, 1970).

**3.08.050 Ballot listing.** The names of candidates for personnel board member to be voted upon at both special elections shall be printed upon the official ballots in alphabetical order. (Ord. 543 § 5, 1970).

**3.08.060 Notice of elections.**

A. Notice of the candidacy filing period and of each primary and election shall be prepared by the elections division and distributed to all county agencies employing persons eligible to vote. Agency directors and managers shall ensure that eligible employees under their supervision are provided notification. Copies of the notices shall be posted in prominent places within buildings in which eligible employees are employed.

B. The notice for the candidacy filing period shall be made not later than thirty-five days prior to the date of the primary. The notice of the primary and election shall be made not later than twenty-five days prior to the date of the primary prescribed by this chapter. (Ord. 15971 § 43, 2007: Ord. 11808 § 4, 1995: Ord. 543 § 6, 1970).

**3.08.070 Conduct of elections.** The primaries and elections called for in this chapter shall be conducted by the elections division generally following the procedures for conducting county elections except as otherwise provided in this chapter or as prescribed by administrative rules promulgated by the elections division manager. The manager is authorized to conduct such elections by mail ballot including distribution with employee paychecks or by the United States Postal Service. Ballots may be returned to the elections division via the United States Postal Service or in a secure manner as approved by the manager of the elections division. The results of the election shall be certified by the elections division manager. The manager shall issue certificates of nomination as applicable and a certificate of election to the successful candidate.

Any resident of the state of Washington, except a current employee of the county, is eligible to file for candidacy for the position of career service employee representative. (Ord. 15971 § 44, 2007: Ord. 12014 § 4, 1995).

**3.08.100 Powers of board.** Under Section 540 of the King County Charter, the King County personnel board is hereby granted the power to administer oaths and affirmations and to issue subpoenas and subpoenas duces tecum to compel the attendance of witnesses before the board and to provide information relevant to any appeal within the jurisdiction of the board: provided, that any witness shall have the right to be represented by counsel. (Ord. 13509 § 1, 1999: Ord. 327 § 1, 1970).

**3.08.110 Compensation.** For time devoted to the official work of the personnel board, each member thereof shall receive a per diem of one hundred dollars to be paid out of the current expense fund; provided that a per diem of seventy-five dollars shall be paid for official board work of three hours or less; provided further that an additional twenty-five

dollars per day will be paid to the chair of the board during any full day (six hours or more) or thirteen dollars for work of three hours or less in which board business is conducted. The county is further authorized to pay for reasonable parking expenses of personnel board members while board business is conducted. (Ord. 18635 § 14, 2017: Ord. 13370 § 1, 1998: Ord. 4809 § 1, 1980: Ord. 1572 § 1, 1973: Ord. 174 (part), 1970).

**3.08.120 Administrative support.** Administrative support to the personnel board will be provided by the clerk of the board of appeals and equalization authorized by K.C.C. 2.34.040. Authority for appointment of the clerk and staff will remain with the board of appeals and equalization; however, the chair of the personnel board may bring concerns about performance and related issues to the attention of the chair of the board of appeals and equalization for resolution.

The board of appeals and equalization will be reimbursed by the department of human resources for costs related to personnel board activities such as board per diem, supplies, and services other than staffing, employee benefits, and office equipment. (Ord. 18793 § 6, 2018: Ord. 13370 § 2, 1998).

## 3.10 CIVIL RIGHTS COMMISSION

**Sections:**


3.10.010 Creation (in effect until April 1, 2021, if contingencies in Ordinance 19047, Section 59, are met).
3.10.020 Composition (in effect until April 1, 2021, if contingencies in Ordinance 19047, Section 59, are met).
3.10.030 Purpose and functions (in effect until April 1, 2021, if contingencies in Ordinance 19047, Section 59, are met).
3.10.040 Review process (in effect until April 1, 2021, if contingencies in Ordinance 19047, Section 59, are met).
3.10.050 Rules (in effect until April 1, 2021, if contingencies in Ordinance 19047, Section 59, are met).
3.10.060 Staff (in effect until April 1, 2021, if contingencies in Ordinance 19047, Section 59, are met).
3.10.070 Meetings (in effect until April 1, 2021, if contingencies in Ordinance 19047, Section 59, are met).


**3.10.010 Creation (in effect until April 1, 2021, if contingencies in Ordinance 19047, Section 59, are met*).** There is hereby created a King County civil rights commission referred to in this chapter as the commission. (Ord. 12058 § 1, 1995: Ord. 2647 § 3, 1976).

***Reviser's note: "This ordinance takes effect April 1, 2021, but only if by that date the executive has transmitted a status report on the status of the feasibility study as required in this section, a feasibility study and recommendations establishing the human and civil rights commission and a motion approving the feasibility study, and a motion approving the feasibility study is passed by council. The motion should reference the subject matter, this ordinance, ordinance section in both the title and body of the motion. The executive should file the feasibility study and motion required by this section by February 1, 2021, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the law and justice committee, or its successor." (Ord. 19047 § 59 (part)).**

**3.10.020 Composition (in effect until April 1, 2021, if contingencies in Ordinance 19047, Section 59, are met*).**

A. The civil rights commission shall be composed of twelve members, one nominated from each council district by the county councilmember and three at-large members appointed by the executive. Members shall be appointed by the executive and confirmed by the county council by motion.

B. Commission members representing council districts shall be appointed in the manner set forth in K.C.C. 2.28.0015.

C. Officers shall be elected annually from the voting body of members as follows: chair; vice chair; and secretary. (Ord. 15548 § 6, 2006: Ord. 12058 § 2, 1995: Ord. 6891 § 2, 1984: Ord. 2647 § 4, 1976).

***Reviser's note: "This ordinance takes effect April 1, 2021, but only if by that date the executive has transmitted a status report on the status of the feasibility study as required in this section, a feasibility study and recommendations establishing the human and civil rights commission and a motion approving the feasibility study, and a motion approving the feasibility study is passed by council. The motion should reference the subject matter, this ordinance, ordinance section in both the title and body of the motion. The executive should file the feasibility study and motion required by this section by February 1, 2021, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the law and justice committee, or its successor." (Ord. 19047 § 59 (part)).**

**3.10.030 Purpose and functions (in effect until April 1, 2021, if contingencies in Ordinance 19047, Section 59, are met*).** The commission shall serve in an advisory capacity to the county executive and the council on matters concerning affirmative action, disability access, equal employment opportunity, contract compliance, fair housing, minority/woman business and public accommodations to ensure the consistent application of all county ordinances, rules and regulations concerning these programs. The powers of the commission shall be advisory only, and when the commission is granted authority to review, monitor, lead, report, identify, assess, evaluate, adopt or perform, such actions shall be consistent with, and strictly limited to, offering advice and recommendations to the county executive and the county council. The functions of the commission shall include, but not be limited to, the following:

A. Review the affirmative action plan and make recommendations concerning its adoption and subsequent amendment to the county executive.

B. Monitor and review the implementation of civil rights ordinances and policies to determine compliance and effectiveness.

C. Propose legislation to the county council.

D. Take a strong leadership role in raising community awareness and involvement on civil rights issues.

E. Review civil rights issues brought to the commission by concerned individuals or groups. Requests for review of civil rights issues shall follow the procedure set out in K.C.C. 3.10.040.B. through E.

F. Report to the county council committee-of-the-whole semi-annually; provided that the civil rights commission shall, prior to July 1, 1996, carry out the following tasks:

1. Identify the goals, program components and characteristics and anticipated outcomes resulting from the county's civil rights policies, taking into consideration the limitations placed upon such policies by recent court decisions;

2. Assess community needs and issues with respect to civil rights, including unincorporated King County, taking into consideration the fact that King County has consistently met or exceeded affirmative action goals in most categories.

3. Evaluate and make recommendations on the organizational structure, program resources, goals and objectives, and program policies necessary to address needs and issues and achieve an updated civil rights program;

4. The commission shall submit its report to the executive. The executive shall review the report and submit it, with the executive's recommendations and implementation plans to the King County council. (Ord. 18618 § 72, 2017: Ord. 12058 § 3, 1995: Ord. 6891 § 2, 1984: Ord. 2647 § 5, 1976).

***Reviser's note: "This ordinance takes effect April 1, 2021, but only if by that date the executive has transmitted a status report on the status of the feasibility study as required in this section, a feasibility study and recommendations establishing the human and civil rights commission and a motion approving the feasibility study, and a motion approving the feasibility study is passed by council. The motion should reference the subject matter, this ordinance, ordinance section in both the title and body of the motion. The executive should file the feasibility study and motion required by this section by February 1, 2021, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the law and justice committee, or its successor." (Ord. 19047 § 59 (part)).**

**3.10.040 Review process (in effect until April 1, 2021, if contingencies in Ordinance 19047, Section 59, are met*)**.

A. Any person who has filed a complaint under the minority/women's business ordinance, K.C.C. 4.18*; or the contract compliance ordinance, K.C.C. 12.16; and who disagrees with a finding of no reasonable cause issued in the case by the minority and women's business enterprises and contract compliance division or under the Fair Employment Ordinance, K.C.C. 12.18, the Fair Housing Ordinance, K.C.C. 12.20, or the public accommodations ordinance, K.C.C. 12.22, and who disagrees with a finding of no reasonable cause issued in the case by the department of information and administrative services, and who has requested reconsideration of the finding which has been denied, may request that the commission review the procedures and processes utilized by the minority and women's business enterprises and contract compliance division or department of information and administrative services, as appropriate.

B. Requests for review shall be in writing addressed to the King County Civil Rights Commission, in care of the minority and women's business enterprises and contract compliance division or department of information and administrative services, as appropriate.

C. Requests for review shall be granted in accordance with the purposes of the commission and such rules as are adopted by the commission.

D. In conducting its reviews, the commission may hold informal fact finding sessions with respect to processes and procedures.

E. Where appropriate, commission reviews shall result in recommendations to the county executive. (Ord. 12058 § 4, 1995).

***Reviser's note: "This ordinance takes effect April 1, 2021, but only if by that date the executive has transmitted a status report on the status of the feasibility study as required in this section, a feasibility study and recommendations establishing the human and civil rights commission and a motion approving the feasibility**

**study, and a motion approving the feasibility study is passed by council. The motion should reference the subject matter, this ordinance, ordinance section in both the title and body of the motion. The executive should file the feasibility study and motion required by this section by February 1, 2021, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the law and justice committee, or its successor." (Ord. 19047 § 59 (part)).**

***Reviser's note: K.C.C. chapter 4.18 was repealed by Ordinance 17652.**

**3.10.050 Rules (in effect until April 1, 2021, if contingencies in Ordinance 19047, Section 59, are met*).** The commission is empowered to adopt such procedures as deemed necessary to ensure its proper functioning and to handle all reviews and other issues consistent with the commission's stated purpose. This includes, but it is not limited to, the formation of standing committees as follows:

A. Executive committee. This committee shall perform administrative oversight activities of the commission, including representing the commission, conducting business outside of regular commission meetings, and performing other relating and necessary activities in the interest of ensuring an effective county human and civil rights program.

B. Public policy committee. This committee shall review and make recommendations on legislation, public rules and/or policies related to any of the county's equal opportunity, affirmative action, disability, access minority and women business utilization programs.

C. Economic development. This committee shall review and make recommendations for enhancing the opportunities for utilization and participation of minority and women businesses on county contracts and other related businesses on county contracts and other related business development activities.

D. Community relations. This committee shall recommend methods for educating concerned communities and the public at large on the work of the commission and King County in advancing human and civil rights for all in the region and shall establish liaison with other regional and civil rights commissioners. (Ord. 12058 § 5, 1995: Ord. 2647 § 7, 1976).

***Reviser's note: "This ordinance takes effect April 1, 2021, but only if by that date the executive has transmitted a status report on the status of the feasibility study as required in this section, a feasibility study and recommendations establishing the human and civil rights commission and a motion approving the feasibility study, and a motion approving the feasibility study is passed by council. The motion should reference the subject matter, this ordinance, ordinance section in both the title and body of the motion. The executive should file the feasibility study and motion required by this section by February 1, 2021, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the law and justice committee, or its successor." (Ord. 19047 § 59 (part)).**

**3.10.060 Staff (in effect until April 1, 2021, if contingencies in Ordinance 19047, Section 59, are met*).** Appropriate staff for the commission will be appointed by the county executive. (Ord. 12058 § 6, 1995: Ord. 6891 § 3, 1984: Ord. 2647 § 8, 1976).

***Reviser's note: "This ordinance takes effect April 1, 2021, but only if by that date the executive has transmitted a status report on the status of the feasibility study as required in this section, a feasibility study and recommendations establishing the human and civil rights commission and a motion approving the feasibility study, and a motion approving the feasibility study is passed by council. The motion should reference the subject matter, this ordinance, ordinance section in both the title and body of the motion. The executive should file the feasibility study and motion required by this section by February 1, 2021, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the law and justice committee, or its successor." (Ord. 19047 § 59 (part)).**

**3.10.070 Meetings (in effect until April 1, 2021, if contingencies in Ordinance 19047, Section 59, are met*).** The civil rights commission shall meet no less often than quarterly and as designated by the chair if deemed necessary. A quorum shall consist of a simple majority of all voting commissioners. (Ord. 12058 § 7, 1995: Ord. 6891 § 4, 1984).

***Reviser's note: "This ordinance takes effect April 1, 2021, but only if by that date the executive has transmitted a status report on the status of the feasibility study as required in this section, a feasibility study and recommendations establishing the human and civil rights commission and a motion approving the feasibility study, and a motion approving the feasibility study is passed by council. The motion should reference the subject matter, this ordinance, ordinance section in both the title and body of the motion. The executive should file the feasibility study and motion required by this section by February 1, 2021, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the law and justice committee, or its successor." (Ord. 19047 § 59 (part)).**

## 3.12 PERSONNEL SYSTEM

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**3.12.005 Statement of intent.** King County recognizes that, in the past, employment and contracting practices did not afford equal opportunities for women, minorities and persons with disabilities, and that such practices have resulted in the underrepresentation of such persons in county employment, in employment by county contractors, and in the utilization of minority-owned and women-owned businesses in county contracts. King County also recognizes that many of the causes of this

underrepresentation are societal in nature, and beyond the scope and power of the county to remedy on its own. Nevertheless, King County is determined to be a leader in the implementation of civil rights and compliance policies and programs which will remedy the effects of past discrimination and set the county on an affirmative action path. (Ord. 9088 § 1, 1989).

**3.12.010 Definitions.** For the purposes of this chapter, all words shall have their ordinary and usual meanings except those defined in this section which shall have, in addition, the following meanings. In the event of conflict, the specific definitions set forth in this section shall presumptively, but not conclusively, prevail.

A.1. "Administrative interns" means employees who are:

a. enrolled during the regular school year in a program of education, internship or apprenticeship;

b. legal interns who have graduated from law school but have not yet been admitted to the Washington State Bar Association; or

c. veterans temporarily working to gain practical workforce experience.

2. All administrative internships in executive departments shall be approved by the director. Administrative interns are exempt from the career service under Section 550 of the charter.

B. "AmeriCorps" means those who apply for and are selected to serve in positions at King County government through either AmeriCorps or Washington Service Corps programs, or both.

C. "Appointing authority" means the county council, the county auditor, 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.

D. "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.

E. "Board" means the county personnel board established by Section 540 of the charter.

F. "Budgetary furlough" means a circumstance in which projected county revenues are determined to be insufficient to fully fund county agency operations and, in order either to achieve budget savings or to meet unallocated budget reductions, which are commonly known as contras, or both, cost savings may be achieved through reduction in days or hours of service, resulting in placing an employee for one or more days in a temporary furlough status without duties and without pay.

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

H. "Career service position" means all positions in the county service except for those that 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; the chief economist and other employees of the office economic and financial analysis; the chief economist and other employees of the office of economic and financial analysis; 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 administrative office, and for each administrative assistant specified in this section; all employees of those officers who are exempted from the provisions of this chapter by the state constitution; persons employed in a professional or scientific capacity to conduct a special inquiry, investigation or examination; part-time and temporary employees; administrative interns; election precinct officials; all persons serving the county without compensation; physicians; surgeons; dentists; medical interns; and student nurses and inmates employed by county hospitals, tuberculosis sanitariums and health departments of the county.

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

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

I. "Charter" means the King County Charter, as amended.

J. "Child" means a biological, adopted or foster child, a stepchild, a legal ward or a child of an employee standing in loco parentis to the child, who is:

1. Under eighteen years of age; or
2. Eighteen years of age or older and incapable of self care because of a mental or physical disability.

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

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

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

N. "Competitive employment" means a position established in the county budget and that requires at least twenty-six weeks of service per year as the work schedule established for the position.

O. "Comprehensive leave benefits" means those leave benefits described in and subject to this chapter, including leaves for vacations, promotional or qualifying examinations, bereavement, life-giving or life-saving procedures, sickness, volunteer service, parental leave, donated leave and leaves of absence without pay.

P. "Council" means the county council as established by Article 2 of the charter.

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

R. "Department" means the department of human resources or its successor agency.

S. "Developmental disability" means a developmental disability, as defined in RCW 71A.10.020(2), as amended, attributable to mental retardation, cerebral palsy, epilepsy, autism or other neurological or other condition of an individual found by the secretary of the Washington state Department of Social and Health Services or the secretary's designee to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, that has continued or can be expected to continue indefinitely and that constitutes a substantial handicap for the individual.

T. "Direct cost" means the cost aggregate of the actual weighted average cost of insured benefits, less any administrative cost therefor. Any payments to part-time and

temporary employees under this chapter shall not include any administrative overhead charges applicable to administrative offices and executive departments.

U. "Director" means the manager of the department human resources or its successor agency.

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

W. "Domestic partnership" is a relationship whereby two people:

1. Have a close personal relationship;

2. Are each other's sole domestic partner and are responsible for each other's common welfare;

3. Share the same regular and permanent residence;

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

5. Are not married to anyone;

6. Are each eighteen years of age or older;

7. Are not related by blood closer than would bar marriage in the state of Washington;

8. Were mentally competent to consent to contract when the domestic partnership began.

X. "Employed at least half time or more" means employed in a regular position that has an established work schedule of not less than one-half the number of hours of the full-time positions in the work unit in which the employee is assigned, or when viewed on a calendar year basis, nine hundred ten hours or more in a work unit in which a work week of more than thirty-five but less than forty hours is standard or one thousand forty hours or more in a work unit in which a forty hour work week is standard. If the standard work week hours within a work unit varies (employees working both thirty five and forty hours) the director, in consultation with the department, is responsible for determining what hour threshold applies.

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

Z. "Employees eligible for comprehensive leave benefits" means full-time regular, part-time regular, provisional, probationary and term-limited temporary employees.

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

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

CC. "Exempt position" means any position excluded as a career service position by Section 550 of the charter. Exempt positions are positions to which appointments may be made directly without a competitive hiring process.

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

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

FF. "Furlough day" means a day for which an employee shall perform no work and shall receive no pay due to an emergency budget crisis necessitating emergency budget furloughs.

GG. "Furloughed employee" means an employee who is placed in a temporary status without duties and without pay due to a financial emergency necessitating budget reductions.

HH. "Grievance" means an issue raised by an employee relating to the interpretation of rights, benefits, or condition of employment as contained in either the administrative rules or procedures, or both, for the career service.

II. "Immediate family" means spouse, child, parent, son-in-law, daughter-in-law, grandparent, grandchild, sibling, domestic partner and the child, parent, sibling, grandparent or grandchild of the spouse or domestic partner.

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

KK. "Insured benefits" means those insurance benefits described in and subject to this chapter, including medical, dental, life, disability and vision benefits.

LL. "Integrated work setting" means a work setting in which the majority of people employed are individuals without disabilities and wages are paid at minimum wage or better.

MM. "King County family and medical leave" means a leave of absence taken under K.C.C. 3.12.221.

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

OO. "Marital status" means the presence or absence of a marital relationship and includes the status of married, separated, divorced, engaged, widowed, single or cohabiting.

PP. "Part-time employee" means an employee employed in a part-time position. Under Section 550 of the charter, part-time employees are not members of the career service.

QQ. "Part-time position" means an other than a regular position in which the part-time employee is employed less than half time, that is less than nine hundred ten hours in a calendar year in a work unit in which a thirty-five hour work week is standard or less than one thousand forty hours in a calendar year in a work unit in which a forty-hour work week is standard, except as provided elsewhere in this chapter. Where the standard work week falls between thirty-five and forty hours, the director, in consultation with the department, is responsible for determining what hour threshold will apply. Part-time position excludes administrative intern.

RR. "Part-time regular employee" means an employee employed in a part-time regular position and, for part-time career service positions, is not serving a probationary period. Under Section 550 of the charter, such part-time regular employees are members of the career service.

SS. "Part-time regular position" means a regular position in which the part-time regular employee is employed for at least nine hundred ten hours but less than a full-time basis in a calendar year in a work unit in which a thirty-five hour work week is standard or for at least one thousand forty hours but less than a full-time basis in a calendar year in a work unit in which a forty-hour work week is standard. Where the standard work week falls between thirty-five and forty hours, the director, in consultation with the department, is responsible for determining what hour threshold will apply.

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

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

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

WW. "Personnel guidelines" means only those operational procedures promulgated by the director necessary to implement personnel policies or requirements previously stipulated by ordinance or the charter. Such personnel guidelines shall be applicable only to employees assigned to executive departments and administrative agencies.

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

YY. "Probationary employee" means an employee serving a probationary period in a regular career service. Probationary employees are temporary employees and excluded from career service under Section 550 of the charter.

ZZ. "Probationary period" means a period of time, as determined by the director, for assessing whether an individual is qualified for a career service position to which the employee has been newly appointed or has moved from another position, whether through promotion, demotion or transfer, except as provided in K.C.C. 3.12.100.

AAA. "Probationary period salary increase" means a within-range salary increase from one step to the next highest step upon satisfactory completion of the probationary period.

BBB. "Promotion" means the movement of an employee to a position in a classification having a higher maximum salary.

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

DDD. "Provisional employee" means an employee serving by provisional appointment in a regular career service. Provisional employees are temporary employees and excluded from career service under Section 550 of the charter.

EEE. "Qualifying event" means the birth of the employee's child, the employee's adoption of a child or the foster-to-adopt placement of a child with the employee.

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

GGG. "Regular position" means a position established in the county budget and identified within a budgetary unit's authorized full time equivalent (FTE) level as set out in the budget detail report.

HHH. "Salary or pay rate" means an individual dollar amount that is one of the steps in a pay range paid to an employee based on the classification of the position occupied.

III. "Section" means an agency's budget unit comprised of a particular project program or line of business as described in the budget detail plan for the previous fiscal period as attached to the adopted appropriation ordinance or as modified by the most recent supplemental appropriations ordinance. This definition is not intended to create an organization structure for any agency.

JJJ. "Serious health condition" means an illness or injury, impairment or physical or mental condition that involves one or more of the following:

1. An acute episode that requires more than three consecutive calendar days of incapacity and either multiple treatments by a licensed health care provider or at least

one treatment plus follow-up care such as a course of prescription medication; and any subsequent treatment or period of incapacity relating to the same condition;

2. A chronic ailment continuing over an extended period of time that requires periodic visits for treatment by a health care provider and that has the ability to cause either continuous or intermittent episodes of incapacity;

3. In-patient care in a hospital, hospice or residential medical care facility or related out-patient follow-up care;

4. An ailment requiring multiple medical interventions or treatments by a health care provider that, if not provided, would likely result in a period of incapacity for more than three consecutive calendar days;

5. A permanent or long-term ailment for which treatment might not be effective but that requires medical supervision by a health care provider; or

6. Any period of incapacity due to pregnancy or prenatal care.

KKK. "Short-term temporary employee" means a temporary employee who is employed in a short-term temporary position.

LLL. "Short-term temporary position" means a type of position in which a temporary employee works less than nine hundred ten hours in a calendar year in a work unit in which a thirty-five-hour work week is standard or less than one thousand forty hours in a calendar year in a work unit in which a forty-hour work week is standard. Where the standard work week falls between thirty-five and forty hours, the director, in consultation with the department, is responsible for determining what hour threshold will apply.

MMM. "Temporary employee" means an employee employed in a temporary position and in addition, includes an employee serving a probationary period or under provisional appointment. Under Section 550 of the charter, temporary employees shall not be members of the career service.

NNN. "Temporary position" means a position that is not a regular position as defined in this chapter and excludes administrative intern. Temporary positions include both term-limited temporary and short-term temporary positions.

OOO. "Term-limited temporary employee" means a temporary employee who is employed in a term-limited temporary position. Term-limited temporary employees are not members of the career service. Term-limited temporary employees may not be employed in term-limited temporary positions longer than three years beyond the date of hire, except that for grant-funded projects capital improvement projects and information systems technology projects the maximum period may be extended up to five years upon approval of the director. The director shall maintain a current list of all term-limited temporary employees by department.

PPP. "Term-limited temporary position" means a temporary position with work related to a specific grant, capital improvement project, information systems technology project or other nonroutine, substantial body of work, for a period greater than six months. In determining whether a body of work is appropriate for a term-limited temporary position, the appointing authority will consider the following:

1. Grant-funded projects: These positions will involve projects or activities that are funded by special grants for a specific time or activity. These grants are not regularly available to or their receipt predictable by the county;

2. Information systems technology projects: These positions will be needed to plan and implement new information systems projects for the county. Term-limited temporary positions may not be used for ongoing maintenance of systems that have been implemented;

3. Capital improvement projects: These positions will involve the management of major capital improvement projects. Term-limited temporary positions may not be used for ongoing management of buildings or facilities once they have been built;

4. Miscellaneous projects: Other significant and substantial bodies of work may be appropriate for term-limited temporary positions. These bodies of work must be either nonroutine projects for the department or related to the initiation or cessation of a county function, project or department;

5. Seasonal positions: These are positions with work for more than six consecutive months, half-time or more, with total hours of at least nine hundred ten in a calendar year in a work unit in which a thirty-five hour work week is standard or at least one thousand forty hours in a calendar year in a work unit in which a forty hour work week is standard, that due to the nature of the work have predictable periods of inactivity exceeding one month. Where the standard work week falls between thirty-five and forty hours, the director, in consultation with the department, is responsible for determining what hour threshold will apply; and

6. Temporary placement in regular positions: These are positions used to back fill regular positions for six months or more due to a career service employee's absence such as extended leave or assignment on any of the foregoing time-limited projects.

All appointments to term-limited temporary positions will be made by the appointing authority in consultation with the director before the appointment of term-limited temporary employees.

QQQ. "Volunteer for the county" means an individual who performs service for the county for civic, charitable or humanitarian reasons, without promise, expectation or receipt of compensation from the county for services rendered and who is accepted as a volunteer by the county, except emergency service worker volunteers as described by chapter 38.52 RCW. A "volunteer for the county" may receive reasonable reimbursement of expenses or an allowance for expenses actually incurred without losing status as a volunteer. "Volunteer for the county" includes, but is not limited to, a volunteer serving as a board member, officer, commission member, volunteer intern or direct service volunteer.

RRR. "Volunteer intern" means volunteers who are either:

1. Enrolled during the regular school year in a program of education, internship or apprenticeship and receiving scholastic credit or scholastic recognition for participating in the internship; or

2. Legal interns who have graduated from law school but have not yet been admitted to the Washington State Bar Association.

SSS. "Washington state registered domestic partner" means persons who have met the requirements for a valid state-registered domestic partnership as established by RCW 26.60.030 and who have been issued a certificate of state-registered domestic partnership by the Secretary of State's office.

TTT. "Work study student" means a student enrolled or accepted for enrollment at a post-secondary institution who, according to a system of need analysis approved by the higher education coordinating board, demonstrates a financial inability, either parental, familial or personal, to bear the total cost of education for any semester or quarter. (Ord. 18799 § 14, 2018: Ord. 18793 § 7, 2018: Ord. 18727 § 1, 2018: Ord. 18621 § 1, 2017: Ord. 18618 § 73, 2017: Ord. 18431 § 1, 2016: Ord. 18408 § 1, 2016: Ord. 18197 § 1, 2015: Ord. 18191 § 2, 2015: Ord. 18028 § 2, 2015: Ord. 17450 § 2, 2012: Ord. 16962 § 3, 2010: Ord. 16735 § 3, 2009: Ord. 16640 § 2, 2009: Ord. 16391 § 18, 2009: Ord. 16339 § 3, 2008: Ord. 16054 § 1, 2008: Ord. 14801 § 2, 2003: Ord. 14233 § 1, 2001: Ord. 13377 § 2, 1998: Ord. 12943 § 1, 1997: Ord. 12498 § 3, 1996; Ord. 12014 § 5, 1995).

**3.12.020 General provisions - conflicts of interest.**

A. All employees shall hold their positions subject to the conditions stated in the charter, this chapter, other applicable ordinances, and the personnel guidelines.

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

C. The employment of members of the same family or other close relatives of employees shall not be limited except where required by business or job-related necessity. For purposes of this section, "business or job-related necessity" includes those circumstances where the county's actions are based upon a compelling and essential need to avoid business or job-related conflicts of interest, or to avoid the reality or appearance of improper influence or favor. For purposes of this section, "same family or other close relatives" means the mother, father, child, sister, brother, wife, husband, aunt, uncle, niece, nephew, grandparent, grandchild, in-laws, domestic partner, children of a domestic partner and relatives of a domestic partner to the same extent such relatives would be included in this paragraph if the employee and the domestic partner were married. Nothing in this subsection shall be construed to prevent or impede the advancement or promotion of any person employed by the county prior to January 1, 1996. (Ord. 12014 § 6, 1995).

**3.12.030 Classes of employees.** County employees shall either be members of the career service or be exempt from the career service. (Ord. 9498 § 3, 1990: Ord. 4324 § 7, 1979).

**3.12.040 Benefits.**

A. Full-time regular, part-time regular, provisional, probationary and term-limited temporary employees shall receive the comprehensive leave benefits provided in this chapter. Short-term temporary employees and administrative interns do not receive comprehensive leave benefits and are only eligible for the sick leave benefits outlined in K.C.C. 3.12.220.

B. Full-time regular, part-time regular, provisional, probationary, term-limited temporary employees and those employees who meet the definition of full time employee under the Patient Protection and Affordable Care Act of 2010, as amended, and including applicable regulations promulgated under the Patient Protection and Affordable Care Act of 2010, as amended, and their spouses or Washington state registered domestic partners, each of their dependent children and each of the dependent children of their spouses or Washington state registered domestic partners shall be eligible for medical, dental, life, disability and vision benefits, except in those instances where contrary provisions have been agreed to in the collective bargaining process and to the extent such benefits are available through insurers selected by the county. The director shall establish specific provisions governing eligibility for these benefits as part of the personnel guidelines and consistent with budget requirements. The provisions may include waiting periods for employees newly-hired to the county.

C. Part-time and temporary employees, other than probationary, provisional and term-limited temporary employees, who exceed the calendar year working hours threshold defined in this chapter shall receive compensation in lieu of leave benefits at the rate of fifteen percent of gross pay for all hours worked less the value of any sick leave benefits provided under K.C.C. 3.12.220.A.2, paid retroactive to the first hour of employment and for each hour worked thereafter. If an employee has not previously received insured benefits provided under K.C.C. 3.12.040.B, the employee shall also receive a one-time only payment in an amount equal to the direct cost of three months of insured benefits, as determined by the director, and, in lieu of insured benefits, in an amount equal to the direct cost to the county for each employee for whom insured benefits are provided, prorated to

reflect the affected employee's normal work week, for each hour worked thereafter. The additional compensation shall continue until termination of employment or hire into a full-time regular, part-time regular or term-limited position. Further, employees receiving pay in lieu of insured benefits may elect to receive the medical component of the insured benefit plan, with the cost to be deducted from their gross pay, but an employee who so elects shall remain in the selected plan until: termination of employment; hire into a full-time regular, part-time regular or term-limited position; or service of an appropriate notice of change or cancellation during the employee benefits annual open enrollment.

Part-time and temporary employees, other than probationary, provisional and term-limited temporary employees, who exceed the applicable threshold are also eligible for cash in lieu of the bus pass benefit provided to regular employees. The value shall be determined based on the average annual cost per employee as determined in the adopted budget, prorated to an hourly equivalent based on the employee's normal work week, and shall be paid retroactive to the first hour worked and for each hour worked thereafter until termination of employment or hire into a full-time regular, part-time regular or term limited position. (Ord. 18727 § 2, 2018: Ord. 18621 § 2, 2017: Ord. 17948 § 2, 2014, Ord. 12943 § 2, 1997: Ord. 12014 § 7, 1995).

**3.12.042 Dependent care assistance benefit.**

A. The county shall offer to those employees who are qualified to receive medical benefits the opportunity to participate in a qualifying Internal Revenue Code Sections 125 and 129 dependent care assistance program. The department of human resources shall incorporate the dependent care assistance program in its employee flexible benefit program.

B. The costs of administering the dependent care assistance program shall be fully borne by the county and existing and future employee benefits shall not be reduced as a result of the cost of administering the program. Savings in county paid payroll taxes, if any, resulting from this program shall accrue to the county.

C. Non-represented employees who are qualified to receive medical benefits shall be offered the dependent care assistance program whether or not represented employee groups choose to participate in the program. (Ord. 18793 § 8, 2018: Ord. 12014 § 8, 1995).

**3.12.044 Benefits eligibility for spouse/domestic partner.**

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

1. Attest to the following:

a. if married, that the employee is currently married to the individual identified by name on the affidavit, or

b. if participating in a domestic partnership, that:

(1) the employee is currently in a domestic partnership with the individual identified by name on the affidavit;

(2) the employee meets all the qualifications of a domestic partnership, as defined by this chapter; and

(3) any prior domestic partnership in which the employee or the employee's domestic partner participated with a third party was terminated at least ninety days prior to the date of said affidavit or by the death of that third party, and if such prior domestic partnership had been acknowledged pursuant to this chapter, that notice of the termination

of the prior domestic partnership, whether by death of the domestic partner or otherwise, was provided to the county at least ninety days prior to the date of said affidavit;

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

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

B. The employee shall provide the county with a notice of termination of marriage or 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. 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. (Ord. 18618 § 74, 2017: Ord. 12014 § 9, 1995).

**3.12.050 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. (Ord. 12014 § 10, 1995).

**3.12.060 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 have had, had the employee been a county employee during the term of the former employment. Nothing in this section shall derogate from the county's power to eliminate positions and lay off employees because of lack of work, lack of funds or considerations of operational efficiency. (Ord. 18618 § 75, 2017: Ord. 12014 § 11, 1995).

**3.12.080 Appointing authorities.** Appointment of county employees within the executive branch shall be accomplished by the executive, department directors and division managers. In all cases, the appointing authority shall have the power to remove. The appointing authority shall be responsible for the merit evaluation of all employees under that authority. (Ord. 4324 § 14, 1979).

**3.12.090 Selection procedure.**

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

B. All examinations for career service positions shall be competitive. (Ord. 12014 § 12, 1995).

**3.12.100 Probationary period**.

A. There shall be a probationary period during which time a probationary employee shall be evaluated by the appointing authority to determine qualification for entry into the

career service. Except as otherwise provided in this section, an individual's appointment, promotion, demotion or transfer to a career service position is not final unless the employee successfully completes the probationary period. The probationary period shall be determined by the director, but shall be not less than six months or more than one year of actual service, and shall be served by those employees who have been newly hired or reemployed or have moved from another career service position, whether through promotion, demotion or transfer except:

1. A furloughed employee's probationary period shall not be extended as a result of a budgetary furlough; and

2. A career service employee who transfers to a position within the employee's same classification, pay range and department or agency shall not be required to serve a probationary period unless the director of the department of human resources or its successor or the director's designee makes a written finding, in advance of the transfer, that the essential functions of the new position are substantially different from those of the employee's previous position, taking into consideration: the specific duties of the position; the work setting; the skills, training, and experience needed; the level of available support and supervision; and any other factors the director or designee deems relevant.

B. A probationary employee may be separated from county service at any time during the probationary period without right of appeal to the personnel board. Notwithstanding any other provisions of this section, an employee who does not successfully complete the probationary period in a position to which the employee had been promoted or transferred may be restored to the employee's former position. Such restoration is not mandatory, but is optional at the discretion of the former appointing authority within the limits of available authorized positions. Such restoration shall include restoration of the employee's former salary and all other benefits to which the employee would have been entitled if the promotion or transfer had not occurred. (Ord. 18793 § 9, 2018: Ord. 18618 § 76, 2017: Ord. 18028 § 3, 2015: Ord. 16735 § 3, 2009: Ord. 16339 § 4, 2008: Ord. 12014 § 13, 1995).

**3.12.110 Training**.

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

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

C. The county shall pay for any training, certification or license, except for a driver's license, that is required by the county for the employee's position. This includes necessary release time for training that is preapproved by the employee's supervisor.

D. The county shall not reimburse employees for unauthorized training.

E. Employees wishing to complete educational programs may request a leave of absence without pay for this purpose. (Ord. 18727 § 3, 2018: Ord. 12014 § 14, 1995).

**3.12.120 Working conditions.**

A. Nothing contained in this chapter shall prevent, relieve or otherwise excuse any county officer or employee from the performance of any duty imposed upon the officer or employee by any other law of this county, or from the rendering of service at such times and places as are necessary in order to properly perform the functions of the officer or employee's office or employment.

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

employees shall be determined by the director. In the case of service reductions resulting in a budgetary furlough, departments may reduce work hours or county offices may be closed.

C. Except as otherwise provided by ordinance, the official workweek shall consist of five working days for all full-time regular and full-time probationary employees. The official workweek for other employees shall be determined by the director. In the case of service reductions resulting from a budgetary furlough, county offices may be closed, resulting in the reduction of the workweek.

D. The county recognizes that there is an occasional need for an employee to return to work outside of the employee's normal workday. The personnel guidelines shall contain procedures relating to call duty.

E. The county recognizes a responsibility for action regarding on-the-job injuries. The personnel guidelines shall contain procedures relating to on-the-job injury.

F. A career service employee who accepts an appointment to an exempt position effective on or after January 1, 1996, and which position and appointment resulted from the reorganization of the executive branch as reflected in the creation of certain new positions contained in Attachment A to Ordinance 12013* shall retain the employee's career service status and rights while holding such exempt position and have the restoration rights set forth in this section. This provision is not intended to provide the career service employee with a right to the exempt position. But, such employee, if selected for the exempt position, could be terminated from the position only for just cause.

G. A career service employee who accepts a transfer or promotion to an exempt position before December 1, 1979, shall, upon separation from the exempt position, be allowed to re-enter career service at a position comparable in terms of responsibilities and salary or wage (including normal cost-of-living increases) to the career service position formerly held by the employee. A career service employee accepting such a transfer or promotion on or after December 1, 1979, shall have such a right to restoration, but only if:

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

2.a. the former appointing authority, at the appointing authority's discretion, approves the restoration within the limits of available authorized positions; or

b. a different appointing authority, having jurisdiction over comparable authorized positions, and at the different appointing authority's discretion, approves the restoration within the limits of available authorized positions.

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

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

J. If a county agency or the benefits, payroll and retirement operations section of the finance and business operations division has determined that an overpayment of wages to a nonrepresented employee has occurred, the agency or the benefits, payroll and retirement operations section of the finance and business operations division shall provide written notice to the nonrepresented employee consistent with state law.

K. The following adjudicative process is available, subject to subsection K.1. though 12. of this section, after a decision regarding a nonrepresented employee's challenge to an initial determination of an overpayment of wages:

1. A nonrepresented county employee who is dissatisfied with the decision regarding the employee's challenge to the overpayment determination must submit to the manager of the benefits, payroll and retirement operations section of the finance and

business operations division a written request for an adjudicative proceeding consistent with RCW 49.48.210;

2. The request must comply with RCW 49.48.210;

3. A county agency's determination concerning an overpayment to a nonrepresented employee shall be final if the nonrepresented employee fails to request an adjudicative proceeding in the manner prescribed by RCW 49.48.210;

4. The manager of benefits, payroll and retirement operations section of the finance and business operations division shall log the date and time of the request and forward the request to the agency and to the manager of the finance and business operations division, who shall be responsible for the adjudicative proceeding;

5. Within forty-five business days of receipt of the nonrepresented employee's written request for an adjudicative hearing, the manager of the finance and business operations division shall conduct an adjudicative hearing to review the decision regarding the challenge to the overpayment determination and to determine the final amount of the overpayment, if any, received by the nonrepresented employee. However, the manager of the finance and business operations division may, under extenuating circumstances, schedule the adjudicative hearing at a time that is more than forty-five days after the receipt of the request for a hearing. The manager of the finance and business operations division shall set the time and place of the hearing and give not less than fifteen business days advance written notice to all parties; notice to the nonrepresented employee shall be by certified mail, return receipt requested;

6. At the hearing, evidence may be presented by the nonrepresented employee, the agency and the benefits, payroll and retirement operations section of the finance and business operations division, but any documents must be provided to the other parties at least five business days before the hearing;

7. If the nonrepresented employee fails to attend or participate in the hearing, upon a showing of valid service, the manager of the finance and business operations division may enter an administrative order declaring the amount claimed, in the notice sent to the employee after the employer's review of the employee's challenge to the overpayment determination, to be assessed against the employee and subject to collection action by the employer as provided in RCW 49.48.200;

8. Within thirty business days after the hearing, the manager of the finance and business operations division shall issue an administrative order that determines the final amount of the overpayment, if any, received by the nonrepresented employee. The manager of the finance and business operations division shall send a copy of the administrative order, by certified mail, return receipt requested, to the nonrepresented employee at the employee's last known address, to the agency and to the manager of benefits, payroll and retirement operations section of the finance and business operations division; however, the manager of the finance and business operations division may, under extenuating circumstances, issue an administrative order more than thirty days after the hearing;

9. The administrative order issued by the manager of the finance and business operations division shall be final;

10. Once a final administrative order determining the final overpayment amount owed by the nonrepresented employee has been entered, a payroll deduction to recover the overpayment may begin as authorized by state law;

11. Nothing in this section precludes an agency or the benefits, payroll and retirement operations section of the finance and business operations division from entering into a voluntary agreement with a nonrepresented employee to repay any overpayment of wages, consistent with state law; and

12. The manager of the finance and business operating division may be recused from conducting an adjudicative hearing, at the manager’s discretion, to avoid any real

conflict of interest. If this occurs, the county administrative officer or designee shall assume responsibility for the hearing. (Ord. 18618 § 77, 2017: Ord. 17895 § 1, 2014: Ord. 16735 § 5, 2009: Ord. 16339 § 5, 2008: Ord. 12014 § 15, 1995).

***Available in the King County Archives.**

**3.12.123 Weapons.** The council desires to continue the weapons policy established by the Municipality of Metropolitan Seattle prior to assumption of metropolitan functions on January 1, 1994, by the county and continued by the council during the 1994 - 1995 transition period. The council recognizes that employees in the Metro transit department interact daily with the public in providing public transportation services, are expected to avoid any potentially volatile situation or confrontation, and are required to contact the appropriate authority for assistance when necessary. In conjunction with the behavior expected of such employees, it is also the policy that the use, threatened use, or possession of a weapon concealed, licensed or otherwise, by such an employee while in the performance of the employee's official duties or while on county property is strictly prohibited and will result in termination. This policy does not apply to commissioned police officers under contract with or employed by the county for investigatory, undercover or enforcement reasons. (Ord. 18777 § 12, 2018: Ord. 18618 § 78, 2017: Ord. 12014 § 34, 1995).

**3.12.125 Change in work week -- adjustment to sick leave and vacation accruals.**

A. Notwithstanding any other provision of this chapter, in the event the number of hours in the standard work week of a position occupied by a full-time regular employee, part-time regular employee or, term-limited temporary employee is increased, the sick leave and vacation leave accruals of such employee at the time of the increase shall be adjusted upward so as to insure that the equivalent number of sick leave and vacation leave days accrued does not change. For example, if the standard work week of such a position is increased from thirty-five to forty hours, and if at the time of such change the employee occupying the position had accrued seven hours of sick leave, the sick leave accrual of that employee would be adjusted upward to eight hours. This section shall apply to all employees eligible for comprehensive leave benefits occupying positions where the standard work week of the position was increased on or after July 1, 1991. After such an increase, such employees shall accrue vacation and sick leave in accordance with the otherwise applicable provisions of K.C.C. chapter 3.12.

B. Separate accounts shall be maintained for any vacation or sick leave accrued before an increase in the number of work-week hours. The "adjusted leave account" shall be used for leave accrued before an increase in the number of work-week hours. The "unadjusted leave account" shall be used for leave accrued subsequent to an increase in the number of work-week hours. Leave in the adjusted leave account shall be used first.

C. In the event the number of work-week hours is reduced for any employee whose vacation and sick leave accruals have been adjusted upward under the terms of this section, the remaining hours in the adjusted leave account shall be reduced in the same proportion as the work-week hours are reduced. Under no circumstances shall the adjusted leave account be reduced by a greater proportion than the proportion of the previous upward adjustment. Any leave accrued in the unadjusted leave account shall not be affected by this reduction.

D. No adjustment to reduce sick leave or vacation accruals for a furloughed employee shall be made as a result of a budgetary furlough. (Ord. 18621 § 3, 2017: Ord. 16735 § 6, 2009: Ord. 16339 § 6, 2008: Ord. 12943 § 3, 1997: Ord. 12077 § 3, 1995).

**3.12.130 Salary ordinance.** The executive shall prepare and submit a recommended salary ordinance to the council, which shall adopt a salary ordinance. The salary ordinance shall establish a standardized salary schedule for all classifications, excluding classifications for temporary employees other than provisional employees and probationary employees, part-time employees, administrative interns, elected officials and employees of the council. (Ord. 12014 § 16, 1995).

**3.12.140 Cost-of-living increase.** Cost-of-living increases as passed by the council annually for county employees shall include elected officials whose salaries are not set by the state. (Ord. 4324 § 38, 1979).

**3.12.150 Compensation other than salary and wages.** Compensation may include items other than salary and wages, including but not limited to rent subsidized housing, utility costs, meals at reduced rates. (Ord. 4324 § 37, 1979).

**3.12.160 Unemployment compensation.** All services performed for the county by county employees subsequent to December 31, 1977, shall be deemed to be services in employment subject to the provisions of the State Unemployment Compensation Law, RCW Title 50, as amended. The unemployment compensation program of the county shall be administered, with respect to such services in employment, in accordance with the mandatory provisions of RCW Title 50, as amended. In the event that the mandatory coverage feature of state law ceases, through judicial decision or otherwise, to be in compliance with valid and constitutional federal law, the county may legislate a self-insured form of unemployment compensation. (Ord. 4324 § 34, 1979).

**3.12.170 Equal pay for equal work—policy--findings.** It is the general policy of the county that compensation for all county employees shall be equitably provided on the basis of equal pay for equal work consistent with state and federal law. The council finds that federal, state and local laws against discrimination provide adequate and appropriate remedies for any pay that is unequal on the basis of unlawful discrimination. Consistent with state and federal law, the equal pay policy in this section is intended to set forth general county policy for equitable pay in county government. Pay for represented employees is determined in accordance with the collective bargaining procedures established by law. This section shall not affect the collective bargaining position of the exclusive bargaining representatives of any employee or of the county. This general equal pay policy does not constitute an express or implied contract; it is a general statement of county policy that cannot form the basis of a private right of action. (Ord. 14801 § 1, 2003: Ord. 12014 § 17, 1995).

**3.12.180 Equality of county employment - reporting requirements.**

A. For purposes of this section:

1. "County work force" means persons employed by King County executive departments;

2. "Job group" means a grouping of jobs as defined by the United States Department of Labor;

3. "Labor force availability rate" means the percentage of persons of color or women with requisite job skills in King County as reported by the United States Census Bureau;

4. "Persons of color" means persons in each of the following groups: Blacks; Hispanics; Asian/Pacific Islanders; and Native Americans; and

5. "Placement goal" shall equal the labor force availability rate.

B. The county is an equal opportunity employer and shall carry out federal, state and local laws and regulations prohibiting discrimination in employment on the basis of race, color, religion, religious affiliation, creed, national origin, ancestry, sex, sexual orientation, gender identity or expression, age (except by minimum age and retirement provisions), marital status, honorably discharged veteran or military status, or the presence of a sensory, mental or physical disability. Further, it is the intent of the county to ensure that employment is based on the principle of equal opportunity and that such a principle shall be implemented in all county personnel-related actions including, but not limited to, recruitment, hiring, testing, training, promotion, compensation, transfer and all other terms and conditions of employment in all job classifications.

C. In order to comply with federal contracting requirements and to ensure equal opportunity for all persons, all county departments shall establish and maintain an effective equal employment opportunity affirmative action plan, as adopted by the council by ordinance. Such an equal employment opportunity affirmative action plan shall promote the objectives of public policy set forth in applicable federal and state laws relating to nondiscrimination, equal employment opportunity, affirmative action and civil rights. Specifically, the plan shall promote the objectives of the State Law Against Discrimination, chapter 49.60 RCW (applicable parts), and provisions of the Washington Administrative Code adopted thereunder. As part of the county's equal employment opportunity affirmative action plan, the executive shall submit by June 1 of every fourth year, commencing with 2018, a proposed ordinance for the approval of an equal employment opportunity affirmative action plan pertaining to executive county departments and agencies to be approved, or modified, by the council by ordinance, or rejected by the council, by January 1 following the plan's submittal to council. The equal employment opportunity affirmative action plan shall include:

1. Information related to county work force statistics, which shall include:

a. a comparison of labor force availability for women and persons of color to the county's actual labor force for women and persons of color as a summary across all departments. The plan shall also compare labor force availability for women and persons of color to the county's actual labor force for women and persons of color by departments and job group. The plan shall also summarize the percentage of total goal setting areas which meet or exceed the labor force availability rate;

b. a summary of the county work force by job group and by race and gender;

c. a discussion of the methodology by which the labor force availability and county work force data is developed and a listing of the county job classifications that are included in each job group;

d. the total number of persons with disabilities in each job group within the county work force and the total number of persons with disabilities by department voluntarily reported by individuals for equal employment opportunity affirmative action purposes. The plan shall include the number of positions for which an accommodation is currently in effect;

e. the total number and percentage of employees by salary range and by race and gender. Salary ranges shall be reported in a manner consistent with the equal employment opportunity data reported by the United States Census Bureau. The plan shall include data reported by the United States Census bureau on the total number and percentage of the labor force working in King County by salary range and by race and gender;

f. an analysis by race and gender of the positions filled by promotion during the prior plan period. For the purposes of this subsection, "promotions" means those instances in which an individual advances in salary level because the individual changed to a position with a higher pay range assignment;

g. a summary by year for the prior plan period on executive branch discrimination complaints by basis of complaint and complaint status. The summary shall also include data by department on the number of complaints filed by complaint type and the number of people filing complaints; and

h. historical data on the county work force by race and gender. Historical data before 2014 is required only to the extent it is readily available;

2. Placement goals for the plan period. For those job groups within departments where the actual number of women and persons of color employed is less than projected by labor force availability, a placement goal by race and gender shall be established for the entire plan period. A placement goal shall equal the labor force availability rate. Placement goals are used to measure progress toward achieving equal employment opportunity. Placement goals may not be quotas, which must be met, nor do they create set-asides for specific groups. Placement goals may not be used to supersede merit selection principles. Further, existence of a placement goals does not constitute evidence of discrimination. If a placement goal has been established, the plan shall identify the labor force availability rate;

3. Implementation plans for departments. Each implementation plan shall:

a. identify the activities proposed each year during the plan period to meet the department's placement goals. The plan shall discuss how the proposed activities will help the department achieve its placement goals;

b. identify the activities proposed during the plan period by year to recruit, retain and promote women and persons of color in the work force; and

c. identify the specific activities during the plan period, by year, that each department will undertake to increase its hiring, retention and promotion of persons with disabilities; and

4. A summary of the results of the prior equal employment opportunity affirmative action plan, which shall include:

a. A description of the progress of each department in completing the activities listed in subsection C.3. a. through c. of this section proposed in the previous implementation plan. The outcomes of each activity shall be reported. The department of human resources shall provide an evaluation of the effectiveness of each department's implementation activities during the plan period;

b. the status of each placement goal established in the prior equal employment opportunity affirmative action plan. For each identified placement goal, the status report shall report the:

(1) labor force availability rate;

(2) total number of positions filled for the corresponding job group within a department;

(3) of the total number reported under subsection C.4.b.(2) of this section, the number of positions that were filled by each race and gender category; and

(4) an actual hiring rate for each race and gender category calculated by dividing the number of positions filled by the number of positions filled by each race and gender category; and

c. a separate listing of those placement goals for the plan period that were not achieved. Placement goals are considered not achieved when the actual hiring rate is less than the availability rate for the overall plan period. For each placement goal not achieved, the plan shall provide an analysis of why the goals were not met including whether the planned implementation activities were completed. Placement goals shall only be considered not achieved in those instances in which the total number of hires is large enough such that it is statistically reasonable to expect under conditions of equal employment opportunity that the number of hires by race and gender will reflect work force availability.

D. A progress report on each year's placement goals and implementation plans shall be delivered to the council annually on June 1. Eleven copies of the report shall be filed with the clerk of the council, for distribution to all councilmembers. For each category where a placement goal is established, the following shall be reported:

1. Labor force availability rates as proposed in the equal employment opportunity affirmative action plan by department, job group, race and gender;

2. Data by department and job group of the total number of positions filled;

3. For each department and job group, the number of positions that were filled by each race and gender category;

4. For each department and job group, the percentage of positions that were filled by each race and gender category;

5. A separate listing of placement goals not achieved. Placement goals are considered not achieved when the availability rates are greater than the hiring rates. Placement goals shall only be considered not achieved in those instances in which the total number of hires is large enough such that it is statistically reasonable to expect under conditions of equal employment opportunity that the number of hires by race and gender will reflect work force availability;

6. Beginning in the second year, cumulative data for the plan period for the information required under subsection D. 1. through 5. of this section; and

7. The status of each activity proposed in each department's implementation plan as required by subsection C.3. a. through c. of this section. The progress report shall include updates to the implementation plans in order that the plans consist of more than repeating the same activities which have previously produced inadequate results.

E. The executive shall submit a proposed ordinance approving a new four-year equal employment opportunity affirmative action plan to the council within twelve months of the publication of the appropriate data from the ten-year United States census. (Ord. 18793 § 10, 2018: Ord. 18635 § 15, 2017: Ord. 17631 § 1, 2013: Ord. 15777 § 1, 2007: Ord. 12014 § 18, 1995).

**3.12.184 Ruth Woo emerging leaders fellowship.**

A. The Ruth Woo emerging leaders fellowship is hereby created. The fellowship shall be a paid, full-time, term-limited temporary position and shall be awarded to a person who has demonstrated a commitment to public service. Priority in selection will be given to economically disadvantaged college graduates from backgrounds that have historically lacked equitable access to education, employment, and professional development opportunities. There shall be at least five fellows at a time in county employment, who shall serve for a term of one year.

B. The fellow shall be an employee of the department of human resources. The fellow shall be assigned to work in various county agencies for periods of three to four months at a time with the written approval of the presiding elected official or designee of such agency. The assignments shall include periods with the council and with executive branch agencies. While assigned to an agency the fellow shall be subject to the administrative supervision of that agency.

C. The Ruth Woo fellow shall have the following responsibilities:

1. Assignments may include following a piece of legislation through the legislative process, preparing briefings, correspondence or other documents, communicating with constituents and other county departments, assisting in outreach and executive branch policy administration;

2. The work in the branches and departments shall include:

a. working on projects related to each branch or department and seeing them to completion;

b. experiencing buy directly working on how policies are developed and implemented and how they relate to the communities served by the county;

c. participating in internship orientations, workshops and policy exercises; and

d. maintaining professional, nonpartisan conduct.

D. Each agency shall reimburse the department of human resources for the cost of the fellow for the period assigned to the agency.

E. Annually, a committee to review applicants for the fellowship shall be formed, composed of members appointed by the executive and the chair of the council. The committee shall recommend to the department of human resources criteria for the selection of applicants, shall screen, interview and score the applicants and shall recommend to the department of human resources appointment of the fellow. (Ord. 18839 § 1, 2018: Ord. 18793 § 11, 2018: Ord. 18572 § 1, 2017).

**3.12.187 Apprenticeship training program.**

A. The King County council finds as a fact that minorities, women and disabled persons are underrepresented in the construction trades. The council also finds as a fact that a major reason for the underrepresentation of minorities, women and disabled persons in the construction trades is the lack of opportunity for those persons to serve apprenticeships in state-approved apprenticeship programs designed to have them earn the hours necessary to reach journey-level status. Further, the council finds that the traditional methods for persons to find opportunities as apprentices in the construction trades serve as a barrier to minorities, women and disabled persons. Therefore, the council finds that the temporary employment of these individuals as construction trade apprentices enrolled in state-approved apprenticeship programs will serve to benefit the public by assisting minority, women and disabled persons gain entry to the construction trades by their earning a portion of the hours needed to reach the journey level while placed with King County.

B. Notwithstanding any King County ordinance to the contrary, persons who are enrolled in state approved apprenticeship programs and are employed by King County to earn hours to complete such apprenticeship programs, shall be classified as temporary employees. Such person shall be entitled to only such rights, working conditions and benefits as are granted by ordinance to other temporary employees of King County.

C. All persons who are enrolled in state approved apprenticeship programs and who are employed by King County to earn hours towards completing such programs shall, prior to becoming a temporary employee of King County, sign a sworn statement, in substantially the same form contained in Attachment A to Ordinance 11149* and indicating an understanding as to the temporary nature of the employment, the absence of career service rights and entitlements, the right of the county to terminate employment at any time without just cause, the absence of appeal rights for any action pertaining to appointment, promotion, suspension, discipline, reduction in pay or rank, removal and the absence of the right to grieve under any collective bargaining agreement, and recognition and understanding that upon termination of temporary employment no right exists to any career service or other position with King County.

It shall be the responsibility of the department of human resources to retain the originals of such sworn statements.

D. If any provision of this section or its application to any person or circumstance is held invalid, the remainder of the section or the application of the provision to other persons or circumstances is not affected. (Ord. 18793 § 12, 2018: Ord. 11149 § 1-4, 1993).

***Available in the King County Archives.**

**3.12.188 Transit passes.**

A. Employees eligible for comprehensive leave benefits under this chapter, administrative interns, volunteer interns, work study students, AmeriCorps members and eligible department of transportation or Metro transit department retirees shall be issued a transit pass entitling the holder to ride without payment of fare on public transportation services operated by or under the authority of the county. In addition, those employees shall be entitled to use the transit pass to ride without payment of fare on public transportation services operated by or under the authority of Pierce Transit, Kitsap Transit, Sound Transit, Everett Transit and Community Transit, subject to agreements with such agencies as may be entered into by the executive. Use of transit passes shall be restricted to such employees, administrative interns, volunteer interns, work study students, AmeriCorps members and department of transportation or Metro transit department retirees and any unauthorized use shall, at a minimum, result in forfeiture of the passes. With the exception of administrative interns, volunteer interns, work study students and AmeriCorps members, employees not eligible for comprehensive leave benefits under this chapter shall not receive transit passes or any transit pass subsidy.

B. The executive shall cause an appropriate survey to be conducted biennially of the use of public transportation services by county employees and volunteer interns. Based on the results of the survey, the projected usage of public transportation services by county employees, the county's commute trip reduction objectives and other factors determined appropriate by the executive, the executive shall recommend in the annual budget an amount to be paid to the public transportation operating account for transit passes. The amount recommended by the executive shall not include any payment for transit passes for commissioned police officers, eligible department of transportation or Metro transit department retirees and employees whose positions are determined by the director of the Metro transit department to be dedicated exclusively to the public transportation function. The final amount to be transferred to the public transportation operating account for transit passes shall be determined by the council as part of the annual budget and appropriation process consistent with the requirements of the King County Charter and applicable state law.

C. For purposes of this section, "eligible department of transportation or Metro transit department retiree" means an employee eligible for comprehensive leave under this chapter who:

1. Separates from employment with the county before January 1, 2019, while holding a position in the department of transportation determined by the director of the department of transportation to be dedicated exclusively to the public transportation function or separates from employment with the county on or after January 1, 2019, while holding a position in the Metro transit department determined by the director of the Metro transit department to be dedicated exclusively to the public transportation function; and

2. On the date of the separation is eligible to receive benefits from a retirement system established pursuant to state law. (Ord. 18777 § 13, 2018: Ord. 18621 § 4, 2017: Ord. 18197 § 2, 2015: Ord. 17398 § 1, 2012: Ord. 17197 § 1, 2011: Ord. 16054 § 2, 2008: Ord. 12933 § 2, 1997: Ord. 12077 § 6, 1995: Ord. 12014 § 36, 1995).

**3.12.190 Vacation leave.**

A. Employees eligible for comprehensive leave benefits shall accrue vacation leave benefits as described in and further qualified by this section.

| Months of Service | Hourly Accrual Rate | Approximate Days/Year |
|---|---|---|
| 0 | 0.04620 | 12.01200 |
| 60 | 0.05770 | 15.00200 |
| 96 | 0.06160 | 16.01600 |

| | | |
|---|---|---|
| 120 | 0.07700 | 20.02000 |
| 192 | 0.08080 | 21.00800 |
| 204 | 0.08470 | 22.02200 |
| 216 | 0.08850 | 23.01000 |
| 228 | 0.09240 | 24.02400 |
| 240 | 0.09620 | 25.01200 |
| 252 | 0.10010 | 26.02600 |
| 264 | 0.10390 | 27.01400 |
| 276 | 0.10780 | 28.02800 |
| 288 | 0.11160 | 29.01600 |
| 300 | 0.11540 | 30.00400 |

B. Vacation accrual rates for an employee who works other than the full time schedule standard to the employee's work unit shall be prorated to reflect the employee's normally scheduled work week. No adjustment to vacation accrual rates for a furloughed employee shall be made as a result of a budgetary furlough.

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

D.1. Employees hired before December 31, 2017, who are eligible for vacation leave may accrue up to four hundred eighty hours of vacation leave, prorated to reflect their normally scheduled work schedule.

2. Employees hired January 1, 2018, or thereafter, who are eligible for vacation leave may accrue up to three hundred twenty hours of vacation leave, prorated to reflect their normally scheduled work schedule.

3. All employees shall use vacation leave beyond the employee's maximum accrual amount before December 31 of each year. Failure to use vacation leave beyond the employee's maximum accrual amount shall result in forfeiture of the vacation leave beyond the employee's maximum accrual amount unless the appointing authority has approved a carryover of the vacation leave because of cyclical workloads, work assignments or other reasons as may be in the best interests of the county.

E. Employees eligible for comprehensive leave benefits may use vacation leave hours in the pay period after they are accrued. Employees who leave county employment before successfully completing their first six months of county service shall forfeit their vacation leave hours and are excluded from the payout provisions in this section.

F. A furloughed employee shall not be eligible to take or be paid for vacation in lieu of taking a budgetary furlough day.

G. In lieu of the remuneration for fifty percent of unused accrued vacation leave at retirement, the director may, with equivalent funds and in accordance with the procedures in K.C.C. 3.12.220.G.2.b, provide eligible employees with a voluntary employee beneficiary association plan that provides for reimbursement of retiree and other qualifying medical expenses.

H. An employee who is eligible for comprehensive leave benefits shall be paid for accrued vacation leave to the employee's date of separation up to the employee's maximum accrual amount if the employee has successfully completed the employee's first six months of county service and is in good standing. Except with the written approval of the executive, the position, if vacated by a nonrepresented employee, shall not be filled until salary savings for the position are accumulated in an amount sufficient to pay the cost of the cash out. 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.

I. Employees shall not work for compensation for the county in any capacity during the time that the employees are on vacation leave.

J. For employees covered by the overtime requirements of the Fair Labor Standards Act, vacation leave may be used in fifteen-minute increments, at the discretion of the appointing authority.

K. In cases of separation from county employment by death of an employee with accrued vacation leave and who has successfully completed the employee's first six months of county service, payment of unused vacation leave up to the employee's maximum accrual amount shall be made to the employee's estate, or, in applicable cases, as provided for by state law, Title 11 RCW. Except with the written approval of the executive, the position, if vacated by a nonrepresented employee, shall not be filled until salary savings for the position are accumulated in an amount sufficient to pay the cost of the cashout.

L. If an employee resigns from a full-time regular or part-time regular position with the county in good standing or is laid off and subsequently returns to county employment within two years from the resignation or layoff, as applicable, the employee's prior county service shall be counted in determining the vacation leave accrual rate under subsection A. of this section. (Ord. 18727 § 4, 2018: Ord. 18621 § 5, 2017: Ord. 18618 § 79, 2017: Ord. 16735 § 7, 2009: Ord. 16592 § 1, 2009: Ord. 16339 § 7, 2008 Ord. 12943 § 4, 1997: Ord. 12422 § 1, 1996: Ord. 12014 § 19, 1995).

**3.12.200 Leave - examinations.** Employees eligible for comprehensive leave benefits shall be entitled to necessary time off with pay for the purpose of taking county qualifying or promotional examinations. This shall include time required to complete any required interviews. (Ord. 18621 § 6, 2017: Ord. 12943 § 5, 1997: Ord. 12077 § 4, 1995).

**3.12.210 Leave - bereavement.**

A. Employees eligible for comprehensive leave benefits shall be entitled to up to five working days, with a maximum of forty hours, of bereavement leave for each death of the following family members: the employee's spouse or domestic partner; the parent, grandparent, child, son or daughter-in-law, grandchild or sibling of the employee, the employee's spouse or the employee's domestic partner; or the employee's legal guardian, ward or any person whom the employee has legal custody. Part-time employees' bereavement leave benefits shall be prorated to reflect their work week.

B. A furloughed employee shall not be eligible to take or be paid for bereavement leave in lieu of taking a budgetary furlough day.

C. Employees who are not eligible for comprehensive leave benefits may be granted leave without pay or be allowed to use compensatory time, if available, for bereavement leave.

D. In the application of any of subsections A., B. and C. of this section, holidays or regular days off falling within the prescribed period of absence shall not be charged.

E. Any additional paid leave, including sick leave, may be approved by mutual agreement between the county and the employee. (Ord. 18727 § 5, 2018: Ord. 18621 § 7, 2017: Ord. 16735 § 8, 2009: Ord. 16339 § 8, 2008: Ord. 12943 § 6, 1997: Ord. 12052 § 1, 1995).

**3.12.215 Leave - organ donors.**

A.1. The appointing authority shall allow an employee eligible for comprehensive leave benefits who is voluntarily participating as a donor in a life-giving or life-saving procedure such as, but not limited to, a bone marrow transplant, kidney transplant or blood transfusion to take five days paid leave without having the leave charged to family leave, sick leave, vacation leave or leave of absence without pay, but only if the employee:

a. gives the appointing authority reasonable advance notice of the need to take time off from work for the donation of bone marrow, a kidney or other organs or

tissue where there is a reasonable expectation that the employee's failure to donate may result in serious illness, injury, pain or the eventual death of the identified recipient; and

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

2. A furloughed employee shall not be eligible to take or be paid for an organ donor leave in lieu of taking a budgetary furlough day.

B. Time off from work for the purposes set out above in excess of five working days shall be subject to existing leave policies in this chapter or in any applicable collective bargaining agreement. (Ord. 18621 § 8, 2017: Ord. 16735 § 9, 2009: Ord. 16339 § 9, 2008: Ord. 12014 § 20, 1995).

**3.12.218 Leave - smallpox vaccinations.**

A. Any employee who is immunized for smallpox and who subsequently misses work for medical reasons related to the smallpox immunization shall be granted paid leave without having such charged to vacation or sick leave for the period the employee is unable to work due to medical complications from the immunization. Paid leave shall be granted if:

1. The employee is a member of one or more categories of individuals covered by a declaration by the United States Secretary of Health and Human Services specifying the administration of smallpox countermeasures.

2. The employee has been authorized by the county to receive the immunization in order to participate in the county's response under Section 304 of the Homeland Security Act.

B. Any part of the leave that is covered by worker's compensation time loss shall be paid from that fund. If the amount of worker's compensation time loss payment is less than the employee's regular net pay, the county will supplement the time loss payment up to the level needed to equal the employee's regular net pay.

C. A furloughed employee shall not be eligible to take or be paid for smallpox vaccination leave in lieu of taking a budgetary furlough day. However, any part of the leave that is covered by worker's compensation time loss shall be paid from that fund. (Ord. 16735 § 10, 2009: Ord. 16339 § 10, 2008: Ord. 14591 § 2, 2003).

**3.12.219 Parental leave program.**

A. Employees eligible for comprehensive leave benefits who have been employed with the county for at least six months of continuous service at the time of a birth, adoption or foster-to-adopt placement of a child, and are either nonrepresented or represented by a union that has signed a paid parental leave memorandum of agreement with the county, are eligible for up to twelve weeks of paid parental leave.

B. If both parents work for King County, then each employee is entitled to up to twelve weeks of paid parental leave.

C. An employee's supplemental paid parental leave benefit shall be calculated based on the employee's accrued paid leave balances at the time of the qualifying event. The employee shall receive the equivalent of the employee's full salary for up to a total of twelve weeks, when combined with the employee's accrued leaves, except for one week of sick leave and one week of vacation leave, or the equivalent for benefit time off. For example, if an employee has two weeks of accrued vacation and three weeks of accrued sick leave at the time of the qualifying event, the employee shall be granted nine weeks of supplemental paid leave, bringing the total available paid parental leave to twelve weeks.

D. An employee may use supplemental paid leave and accrued paid leave in any order and is not required to use any of the accrued paid leave as paid parental leave.

E. An employee on paid parental leave shall be compensated at the employee's base pay rate.

F. An employee should provide notice to the designated representative of the employee's department that the employee intends to participate in the program. The notice should meet the notice requirements for taking family and medical leave under federal law.

G. Paid parental leave must begin and end within twelve months after the qualifying event.

H. The employee and the employee's supervisor shall agree upon a schedule for taking paid parental leave that is consistent with the county's operational needs. An employee may use the paid parental leave on a part-time or intermittent basis as long as it is consistent with the county's operational needs and is approved in writing by the supervisor before the leave begins.

I. Paid parental leave shall run concurrently with King County family and medical leave, as well as federal and state family and medical leave, to the extent permitted by law.

J. During the time that an employee is on leave in the program, the employee's job shall be protected to the same extent that an employee's job is protected while the employee is on family or medical leave under federal or state law. No retaliatory action may be taken against an employee for participating or planning to participate in the program or for exercising the employee's rights under this ordinance. In particular, permission to use accrued paid leave shall not be denied or delayed on the basis that the employee intends to participate in the program. This is a general statement of county policy that cannot form the basis of a private right of action.

K. Taking leave under the paid parental leave program shall not affect an employee's health benefits or an employee's accrual of paid leave, which shall continue during the period of paid parental leave.

L. Employees shall not be compensated in any manner for not using the supplemental paid parental leave.

M. An employee who does not return to work for at least six months of continuous service following the paid parental leave, shall be required to reimburse King County for the supplemental paid parental leave funds received. (Ord. 18727 § 6, 2018: Ord. 18621 § 9, 2017: Ord. 18408 § 2, 2016).

**3.12.220 Sick leave and time off for medical and family reasons.**

A.1. Except for employees covered by subsection A.3. of this section, employees eligible for comprehensive leave shall accrue sick leave benefits at the rate of 0.04616 hours for each hour in pay status exclusive of overtime up to a maximum of eight hours per month; except that if an hourly employee works in excess of seventy-four hours in one week, the employee shall accrue sick leave at the rate of 0.025 hours for each hour worked in excess of seventy-four. No adjustment to reduce sick leave accruals for furloughed employee shall be made as a result of a budgetary furlough.

2. Short-term temporary employees and administrative interns shall accrue sick leave at the rate of 0.025 hours for each hour in pay status.

3. Employees who are members of the Law Enforcement Officers and Firefighters (LEOFF) 1 retirement system and short-term temporary employees who are employed in social service programs designed to help youth gain basic work training skills, such as Work Experience (WEX) participants and Division of Youth Services (DYS) youth employment workers, shall not accrue sick leave.

B. Employees are entitled to use sick leave after it is accrued.

C. For employees covered by the overtime requirements of the Fair Labor Standards Act, sick leave may be used in fifteen-minute increments.

D. There shall be no limit to the number of sick leave hours accrued and carried over to the following year by employees eligible for comprehensive leave benefits. Short-term temporary employees and administrative interns may carry over forty hours of unused sick leave to the following year, all other unused accrued sick leave shall be forfeited.

E. For employees covered by the overtime requirements of the Fair Labor Standards Act, sick leave may be used in fifteen-minute increments.

F.1. Separation from or termination of county employment except by reason of retirement or layoff due to lack of work, funds, efficiency reasons or separation for medical reasons, shall cancel all sick leave accrued to employees eligible for comprehensive leave benefits as of the date of separation or termination.

2. Separation from, retirement from or termination of county employment shall cancel all sick leave accrued to short-term temporary employees and administrative interns as of the date of the separation, retirement or termination.

3. Should an employee return to county employment within two years, accrued sick leave shall be restored. If a retiree is rehired, that employee is not entitled to have any sick leave restored.

G.1. Except for short-term temporary employees, administrative interns, and employees covered by the Law Enforcement Officers and Firefighters (LEOFF) 1 retirement system, employees eligible to accrue sick leave who have successfully completed at least five years of county service and who retire as a result of length of service or who terminate by reason of death shall be paid, or their estates paid or as provided for by Title 11 RCW, as applicable, an amount equal to thirty-five percent of their unused, accumulated sick leave multiplied by the employee's rate of pay in effect upon the date of leaving county employment less mandatory withholdings. This provision is predicated on the requirement that, except with the written approval of the executive, the position, if vacated by a nonrepresented employee, shall not be filled until salary savings for the position are accumulated in an amount sufficient to pay the cost of the cash out. For the purposes of this subsection G.1., "retire as a result of length of service" means an employee is eligible, applies for and begins drawing a pension from the Law Enforcement Officers and Firefighters (LEOFF), Public Employees' Retirement System (PERS), Public Safety Employees' Retirement System (PSERS) or the city of Seattle Retirement Plan immediately upon terminating county employment.

2.a. In lieu of the remuneration for unused sick leave at retirement, the director may, with equivalent funds, provide eligible employees with a voluntary employee beneficiary association plan that provides for reimbursement of retiree and other qualifying medical expenses. Under K.C.C. 3.12.190.G., in lieu of the remuneration for fifty percent of unused vacation leave at retirement, the director may also fund the voluntary employee beneficiary association plan.

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

(1) each group of employees hold an election to decide whether to implement a voluntary employee beneficiary association plan for a defined group of employees. The determination of the majority of voting employees in a group shall bind the remainder. Elections for represented employees shall be conducted by the appropriate bargaining representative. Elections for nonrepresented employees shall be conducted in accordance with procedures established by the director;

(2) the director has discretion to determine the scope of employee groups voting on whether to adopt a voluntary employee beneficiary association plan. The

director shall consult with bargaining representatives and elected officials in determining the scope of voting groups;

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

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

H.1. An employee must use all of the employee's accrued sick leave and any donated sick leave before taking unpaid leave for the employee's own health reasons. If the employee has an injury or illness that is compensable under the county's workers compensation program, then the employee has the option to augment or not augment wage replacement pay with the use of accrued sick leave. A furloughed employee shall not be eligible to take or be paid for sick leave in lieu of taking a budgetary furlough day.

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

3. An employee who has exhausted all of the employee's accrued sick leave may use accrued vacation leave before going on leave of absence without pay, if approved by the employee's appointing authority. A furloughed employee shall not be eligible to take or be paid for vacation leave in lieu of sick leave in lieu of taking a furlough day.

I. Sick leave may be used for the following reasons:

1. An absence:

a. resulting from the employee's mental or physical illness, injury, or health condition;

b. to accommodate the employee's need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or

c. for the employee's need for preventive medical care;

2. To allow the employee to provide care:

a. for a family member with a mental or physical illness, injury or health condition;

b. for a family member who needs medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or

c. for a family member who needs preventive medical care;

3. When a King County facility is closed by order of public official for any health-related reason, or when an employee's child's school or place of care is closed by order of a public official for a health-related reason;

4. For absences that qualify for leave under the domestic violence leave act, chapter 49.76 RCW;

5. For absences to increase the safety of the employee or a family member when the employee or a family member has been a victim of trafficking under RCW 9A.40.100; and

6. For family and medical leave available under federal law, state law or King County ordinance.

J. For purposes of sick leave, "family member" means any of the following:

1. A child, including a biological, adopted or foster child, a stepchild or a child to whom the employee stands in loco parentis, is a legal guardian or is a de facto parent, regardless of age or dependency status, or the child of the employee's domestic partner;

2. The parent of an employee, employee's spouse or employee's domestic partner. Parent includes:

a. a biological parent;

b. an adoptive parent;

c. a de facto parent;

d. a foster parent;

e. a stepparent;

f. a legal guardian; or

g. a person who stood or stands in loco parentis to the employee, employee's spouse or employee's domestic partner.

3. A spouse;

4. A domestic partner;

5. A grandparent;

6. A grandchild; or

7. A sibling.

K.1. An employee injured on the job may not simultaneously collect sick leave and workers' compensation payments in a total amount greater than the net regular pay of the employee, though an employee who chooses not to augment the employee's workers' compensation wage replacement pay through the use of sick leave shall be deemed on unpaid leave status.

2. An employee who chooses to augment workers' compensation payments with the use of accrued sick leave shall notify the safety and workers' compensation program office in writing at the beginning of the leave.

3. An employee may not collect sick leave and workers' compensation wage replacement pay for physical incapacity due to any injury or occupational illness that is directly traceable to employment other than with the county;

L. Management of the employee's department is responsible for the proper administration of sick leave benefits. Management of the employee's department may require an employee to provide reasonable notice of an absence from work, so long as the notice does not interfere with an employee's lawful use of sick leave.

M. Verification that an employee's use of sick leave is for an authorized purpose may be required for absences exceeding three days. Verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law. (Ord. 18727 § 7, 2018: Ord. 18621 § 10, 2017: Ord. 18618 § 80, 2017: Ord. 18191 § 3, 2015: Ord. 16735 § 11, 2009: Ord. 16592 § 2, 2009: Ord. 16339 § 20, 2008: Ord. 15557 § 1, 2006: Ord. 13377 § 3, 1998: Ord. 12943 § 7, 1997: Ord. 12422 § 2, 1996: Ord. 12014 § 21, 1995).

**3.12.221 Family and medical leave – up to eighteen weeks for certain circumstances.**

A. An employee may take a total of up to eighteen weeks of King County family and medical leave within a twelve-month period for either the employee's own serious health condition or to care for a family member with a serious health condition, if the employee has been employed by the county for twelve months or more and has worked a minimum of nine hundred ten hours for a thirty-five-hour employee and one thousand forty hours for a forty- hour employee, and:

1. The family member is the employee's spouse or domestic partner, the employee's child, a child of the employee's spouse or domestic partner, the parent of the

employee or the employee's spouse or domestic partner, or an individual who stood in loco parentis to the employee or the employee's spouse or domestic partner; and

2. The reason for the leave is one of the following:

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

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

c. the care of a family member with a serious health condition; or

d. any qualifying reason under federal family and medical leave law, 29 U.S.C. Sec. 2601 et seq., or state family and medical leave law, chapter 49.78 RCW.

B. King County family and medical leave may be taken intermittently to the same extent permitted under federal and state family and medical leave laws.

C.1. King County family and medical leave shall run concurrently with leave under 29 U.S.C. Sec. 2601 et seq., and chapter 49.78 RCW, and any other leaves that are available under federal or state law.

2. When leave is taken for the serious health condition of the employee in conjunction with an occupational injury or illness for which the employee is receiving workers' compensation wage replacement payments, the leave shall run concurrently with leave under the federal and state family and medical leave and King County family and medical leave.

D. The department is responsible for the proper administration of the King County family and medical leave benefit. Verification from a health care provider may be required to certify the health condition of the employee or family member for leave requests.

E. The county shall continue its contribution toward health care benefits when an employee is on King County family and medical leave, regardless of whether the employee is in a paid or unpaid status during the leave.

F. An employee who returns from King County family and medical leave within the time provided in this section is entitled to the same job protection as an employee returning from leave under 29 U.S.C. Sec. 2601 et seq., subject to reductions-in-force provisions as specified in K.C.C. 3.12.300.

G. Failure of an employee to return to work by the expiration date of a leave of absence may be cause for termination of the employee from county service. (Ord. 18191 § 4, 2015).

**3.12.222 Donation of vacation or compensatory hours to nonprofit organizations.**

A. Annually, from the first business day in October through the last business day in November, an employee eligible for comprehensive leave benefits may sign a written authorization subject to approval by the employee's department director to convert accrued vacation or accumulated compensatory hours, or both, into cash to benefit up to three nonprofit organizations participating in the King County employee annual drive in accordance with K.C.C. chapter 3.36, of the employee's choice.

B. Notwithstanding K.C.C. 3.12.190, an employee eligible for comprehensive leave benefits may convert accrued vacation or accumulated compensatory hours, or both, into cash to benefit natural disaster relief efforts. Upon the occurrence of a natural disaster and with the exception of the employee annual drive-related period designated under subsection A. of this section the executive may authorize a forty-five-day opportunity for employees eligible for comprehensive leave benefits to sign a written authorization to convert accrued vacation or accumulated compensatory hours, or both, into cash to benefit up to three nonprofit organizations designated by the executive. The

employee's written authorization is subject to approval by the employee's department director. The designated nonprofit organization must be a King County employee annual drive participant in accordance with K.C.C. chapter 3.36. This section shall be administered in accordance with K.C.C. chapter 3.36.

C. The hours converted under subsection A. or B. of this section must be in full-hour increments. The employee's donation must be a minimum of four hours and no more than forty hours per calendar year with the exception of the conditions described in subsection D. of this section.

D. An employee eligible for comprehensive leave benefits who earned excess vacation leave or compensatory hours, or both, beyond the amount that may be carried over into the next fiscal year may donate greater than forty hours under subsection A. or B. of this section with approval from the employee's department director.

E. All King County [benefit-eligible]* employees eligible for comprehensive leave benefits may donate in accordance with this section voluntarily.

F. The finance and business operations division shall value the hours donated under this section based on the regular hourly rate of the employee in effect at the time the approved conversion authorization is processed. The finance and business operations division shall process leave donations authorized under subsection A. of this section within the first two full weeks in December. The finance and business operations division shall process leave donations authorized under subsection B. of this section within the first two full weeks after the forty-five-day period designated in accordance with subsection B. of this section.

G. The net cash value of the accrued vacation or compensatory hours, or both, after all mandatory withholdings, including, but not limited to, withholding in accordance with retirement plans, federal income tax and the Federal Insurance Contributions Act, have been deducted must be distributed by the finance and business operations division to the designated nonprofit organization or organizations. (Ord. 18727 § 8, 2018: Ord. 17698 § 2, 2013: Ord. 17332 § 11, 2012: Ord. 15558 § 2, 2006).

***Reviser's note: In double parentheses but not struck through in Ordinance 18727. See K.C.C. 1.24.075.**

**3.12.223 Donation of vacation or sick leave to other employees.**

A.1. Any employee eligible for comprehensive leave benefits may donate a portion of the employee's accrued vacation leave to another employee eligible for comprehensive leave benefits. Such a donation may only occur upon written request to and approval of the donating and receiving employees' department director or directors.

2. The number of hours donated shall not exceed the donor's accrued vacation leave as of the date of the request. No donation of vacation hours shall be permitted where it would cause the employee receiving the transfer to exceed that employee's maximum vacation accrual.

3. A furloughed employee shall not be eligible to take or be paid for donated vacation in lieu of taking a furlough day, except as provided in K.C.C. 3.12F.040.

4. Donated vacation leave hours remain with the recipient. Donated vacation leave hours shall be excluded from vacation leave payoff provisions in this chapter.

B.1. Any employee eligible for comprehensive leave benefits may donate a portion of the employee's accrued sick leave to another employee eligible for comprehensive leave benefits upon written request to and approval of the donating and receiving employees' department director or directors.

2. No donation of sick leave hours shall be permitted unless the donating employee's sick leave accrual balance immediately subsequent to the donation is one

hundred hours or more. No employee may donate more than twenty-five hours of the employee's accrued sick leave in a calendar year.

3. Donated sick leave hours remain with the recipient. Donated sick leave hours shall be excluded from the sick leave payoff provisions contained in this chapter, and sick leave restoration provisions contained in this chapter.

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

D. All vacation and sick leave hours donated shall be converted to a dollar value based on the donor's straight time hourly rate at the time of donation. Such dollar value shall then be divided by the receiving employee's hourly rate to determine the actual number of hours received. Vacation leave donated to a furloughed employee, who is designated by a department director and confirmed by the chief administrative officer as eligible to use donated leave on a furlough day, is donated on an hour-for-hour basis, without an hourly rate conversion. (Ord. 18727 § 9, 2018: Ord. 18621 § 11, 2017: Ord. 18618 § 81, 2017: Ord. 16735 § 12, 2009: Ord. 16339 § 12, 2008: Ord. 12943 § 8, 1997: Ord. 12014 § 22, 1995).

**3.12.224 Leave - donation to an account or program to benefit children of deceased employee.** Notwithstanding K.C.C. 3.12.190, if an employee dies while engaged within the scope of the employee's employment, the executive may implement a process providing a one-time opportunity to allow employees eligible for comprehensive leave benefits to convert either accrued vacation or accumulated compensatory time hours, or both, to cash to benefit any children of the deceased employee who are under twenty-three years old at the time of the employee's death. This process must conform to the following requirements:

A. The executive shall establish a forty-five-day period during which time employees may sign a written request, subject to approval by the executive, to convert either accrued vacation or accumulated compensatory time hours, or both, to cash and to authorize a payroll deduction of the cash to benefit the children of the deceased employee who are under twenty-three years old at the time of the employee's death. The hours must be in full-hour increments, with a minimum of four;

B. The executive shall determine the maximum hours that any employee can convert to cash, but the maximum may not be greater than a total of forty by each employee;

C. The value of the hours must be determined based on the regular hourly rate of the employee in effect at the time the approved conversion request is received by the county's payroll office;

D. If employees elect to convert either accrued vacation or accumulated compensatory time hours, or both, to cash as set forth in this section, the executive shall identify one or more support accounts or programs to which the cash may be paid for the benefit of the children. Unless the executive determines that another support account or program is more suitable given the circumstances of the children, the executive shall first insure the establishment of a Washington state college tuition prepaid program-guaranteed education tuition (GET) account with the state of Washington treasury to benefit the children of the deceased employee. In addition to or in lieu of the GET program, the executive may direct that some or all of the cash collected under this section be paid to other support accounts or programs that the executive has determined:

1. Are established in the names of the children or their legal guardian for the benefit of the children;

2. Are held by a governmental agency, nonprofit organization, bank, trust or lawful entity other than an individual;

3. Contain adequate safeguards against theft, diversion, loss or wasting of the funds paid under this section; and

4. Restrict the permissible use of funds paid under this section to paying for minimal, if any, administrative expenses and providing for the children's reasonable food, shelter and educational expenses; and

E. The cash resulting from converted accrued vacation or compensatory time hours, or both, net of all mandatory deductions, including, but not limited to, deductions for retirement plans and federal income tax and the Federal Insurance Contributions Act, must be transmitted to the Washington state college tuition prepaid program-guaranteed education tuition (GET) account established by the executive, or such other accounts or programs as may be determined by the executive, under subsection D. of this section[; and]*. (Ord. 18727 § 10, 2018: Ord. 18621 § 12, 2017: Ord. 18618 § 82, 2017: Ord. 14750 § 1, 2003: Ord. 13743 § 1, 2000).

***Reviser's note: In double parentheses but not struck through in Ordinance 18727. See K.C.C. 1.24.075.**

**3.12.225 Leave for volunteer service.**

A. Division managers shall allow the division's employees who are eligible for comprehensive leave benefits the use of up to three days of sick leave each calendar year to perform volunteer services at a local school or at a nonprofit organization on the approved list for the employee giving program. During a calendar year, an employee may use sick leave for volunteer service for both school and nonprofit organization participation. The aggregate number of sick leave days used for those purposes shall not exceed three days in a calendar year.

B. A furloughed employee shall not be eligible to take or be paid for volunteer sick leave in lieu of taking a furlough day.

C. Employees requesting to use sick leave for this purpose shall submit such a request in writing specifying the name of the school or organization and the nature of the volunteer services to be performed. The employee's supervisor may request in advance that the employee obtain written proof of the service from the school or organization. (Ord. 18727 § 12, 2018: Ord. 18621 § 13, 2017: Ord. 16735 § 13, 2009: Ord. 16339 § 13, 2008: Ord. 7956 § 6, 1987).

**3.12.230 Holidays.**

A. All employees eligible for comprehensive leave benefits shall be granted the following designated holidays with pay:

1. January 1, New Year's Day;
2. Third Monday in January, Martin Luther King, Jr. Day;
3. Third Monday in February, President's Day;
4. Last Monday in May, Memorial Day;
5. July 4, Independence Day;
6. First Monday in September, Labor Day;
7. November 11, Veteran's Day;
8. Fourth Thursday in November, Thanksgiving Day;
9. Friday after Thanksgiving, Day after Thanksgiving;
10. December 25, Christmas Day; and
11. For an employee who is eligible for comprehensive leave benefits, two personal holidays, which shall be added to the employee's vacation bank in the second full pay period of the calendar year or upon hire.

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

C. An employee must be eligible for comprehensive leave benefits and in a pay status on the day before and the day following a holiday to be eligible for holiday pay. However, an employee who has successfully completed at least five years of county service and who retires at the end of a month in which the last regularly scheduled working day is observed as a holiday, shall be eligible for holiday pay if the employee is in a pay status the day before the day observed as a holiday. An employee otherwise eligible for holiday pay shall not be ineligible as a result of not being in a pay status on the day before or after the holiday due to budgetary furlough.

D. When a holiday falls on the scheduled day off of a full time employee entitled to comprehensive leave benefits who works other than a five-day, eight-hour schedule, the employee shall be given a deferred holiday. The employee's supervisor shall jointly select another day, preferably within the same pay period, for the employee to take as holiday. Deferred holidays for a part-time employee eligible for comprehensive leave benefits shall be prorated to the employee's schedule. (Ord. 18727 § 13, 2018: Ord. 18621 § 14, 2017: Ord. 18618 § 83, 2017: Ord. 16735 § 14, 2009: Ord. 16339 § 14, 2008: Ord. 12943 § 9, 1997: Ord. 12014 § 23, 1995).

**3.12.240 Leave - jury duty.**

A. An employee eligible for comprehensive leave benefits who is ordered on a jury shall be entitled to the employee's regular county pay but only if any fees received for jury duty are deposited, exclusive of mileage, with the finance and business operations division of the department of executive services.

B. An employee who is not eligible for comprehensive leave benefits shall be released, unpaid, from work duties for the duration of the employee's jury duty, and may retain any fees paid for jury service.

C. A furloughed employee shall not be eligible to take or be paid for jury duty leave in lieu of taking a furlough day.

D. Employees shall report to their work supervisor when dismissed from jury service. (Ord. 18727 § 14, 2018: Ord. 18621 § 15, 2017: Ord. 18618 § 84, 2017: Ord. 16735 § 15, 2009: Ord. 16339 § 15, 2008: Ord. 12943 § 10, 1997: Ord. 12077 § 5, 1995).

**3.12.247 Limited duty assignment policy due to pregnancy.**

A. The council finds that:

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

2. Pregnancy is a normal occurrence.

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

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

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

C.1. It is the policy of the county to recognize that pregnancy is a normal event and that provisions shall be made to provide every employee the opportunity to continue to participate in the work force during and up to three months after the employee's pregnancy.

2. An employee, who upon the advice of the employee's physician, cannot safely perform all of the normal duties of the employee's job due to pregnancy and who indicates a desire to continue working before taking sick or maternity leave for which the employee may otherwise be eligible, shall upon concurrence of the director receive consideration for

temporary reassignment. The county shall, where reasonably possible, accommodate an employee's desire for medically approved continued employment during the employee's pregnancy and up to three months thereafter via one or more of the three alternatives listed. The first alternative shall have preference, and either assignments or reassignments, or both, shall be given within the employee's department where possible. The department of human resources shall be responsible for coordination of the following limited duty alternatives:

a. temporary assignment to limited duties within the employee's classification;

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

c. only if the director concurs that an employee cannot reasonably be accommodated by subsection C.2.a. or b. of this section, temporary reassignment of the employee can be made to another classification for which the employee is qualified but with lesser pay, to be assigned at the pay step closest to that which the employee was receiving in the employee's normal job classification.

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

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

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

2. For the purposes of this section, "temporary incapacity" means the period during which because of pregnancy the employee cannot perform all of the employee's regular duties but is capable of performing a temporary limited duty assignment provided by the county as listed in subsection C. of this section and, for purposes of this policy, in no instance shall such a temporary incapacity extend more than three months after termination of the pregnancy.

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

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

F. Should any subsection, paragraph, sentence, clause or phrase of this section be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 18793 § 13, 2018: Ord. 18618 § 85, 2017: Ord. 12014 § 24, 1995).

**3.12.250 Leave of absence - without pay.**

A. An employee eligible for comprehensive leave benefits may take a leave of absence without pay for thirty calendar days or less if authorized in writing by the employee's division manager.

B. An employee eligible for comprehensive leave benefits may take a leave of absence without pay for more than thirty calendar days for nonmedical reasons if authorized in writing by the employee's division manager.

C. An employee eligible for comprehensive leave benefits may take a leave of absence without pay for more than thirty days for medical reasons if authorized in writing by the director.

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

E. Other employee benefits as provided in this chapter shall not be provided to or accrue to the employee while on leave of absence without pay, except as provided in K.C.C. 3.12.220 or K.C.C. 3.12.040.

F. If a leave of absence without pay was granted for purposes of recovering health, the employee shall be required to submit a physician's statement concerning the employee's ability to resume duties prior to return to work.

G. An employee on leave of absence without pay may return from the leave before its expiration date if the employee provides the division manager with a written request to that effect at least fifteen days prior to resuming duties.

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

I. A leave of absence without pay may be revoked by the employee's division manager or the director upon evidence submitted to the director by the division manager of the employee indicating that such leave was requested and granted under false pretenses, or that the need for such leave has ceased to exist. (Ord. 18727 § 15, 2018: Ord. 18621 § 15, 2017: Ord. 13377 § 5, 1998: Ord. 12014 § 25, 1995).

**3.12.260 Leave of absence - United States Uniformed Services.**

A.1. A leave of absence shall be granted, in accordance with applicable provisions of state or federal law, to any employee who voluntarily or upon demand by the Washington state or the United States government leaves the employee's position with the county, either to determine the employee's physical fitness to enter or to actually enter active duty or training in the United States Uniformed Services, which includes, but is not limited to, the Armed Services, the Washington National Guard and the United States Public Health Service Commissioned Corps and its reserve. Under the Uniform Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. Secs. 4301 through 4335, Uniformed Services may also include an appointee when the National Disaster Medical System is activated.

2. The leave of absence shall continue until the employee has exhausted the employee's employment and reemployment rights under the Uniform Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. Secs. 4301 through 4335, which is generally up to five years, subject to certain exceptions provided under federal law.

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

C. An employee who is eligible for comprehensive leave benefits under K.C.C. 3.12.040 and volunteers or is ordered to serve in the United States Uniformed Services, as described in subsection A.1. of this section, or to receive associated training that requires a leave of absence from the employee's county position, and has exhausted annual military leave provided pursuant to state and federal law or a collective bargaining agreement, shall be granted a paid leave of absence from the employee's county position at the employee's regular base rate of county pay less the amount of the employee's regular base rate of military pay to which the employee is entitled. The paid leave of absence shall continue

until the lesser of the conclusion of the employee's service in the United States Uniformed Services, or until the employee has exhausted the employee's employment and reemployment rights under the Uniform Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. Secs. 4301 through 4335, which is generally up to five years, subject to certain exceptions provided under federal law.

D. Receipt of the pay provided for in the preceding section is contingent upon the employee providing the employing county agency with supporting documentation verifying:

1. The employee's rank;
2. That the employee is on active duty; and
3. The employee's military pay grade statement and military pay grade change statement. (Ord. 18621 § 17, 2017: Ord. 18618 § 86, 2017: Ord. 17605 § 2, 2013: Ord. 17223 § 2, 2011: Ord. 12422 § 3, 1996: Ord. 12014 § 26, 1995).

**3.12.262 Extension of benefits - United States Uniformed Services.**

A. An employee who is eligible for comprehensive leave benefits under K.C.C. 3.12.040 and who volunteers or is ordered to serve in the United States Uniformed Services, as described in K.C.C. 3.12.260.A.1, or to receive associated training that requires a leave of absence from the employee's county position, shall continue to receive medical, dental, vision and life insurance benefits, and shall continue to accrue vacation and sick leave. Receipt of medical, dental, vision and life insurance benefits and vacation and sick leave accruals shall continue until the lesser of the conclusion of the employee's service in the United States Uniformed Services, or until the employee has exhausted the employee's employment and reemployment rights under the Uniform Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. Secs. 4301 through 4335, which is generally up to five years, subject to certain exceptions provided under federal law.

B. Receipt of medical, dental, vision and life insurance benefits and leave accruals is contingent upon the employee providing the employing county agency with supporting documentation verifying that the employee is in service. The documentation shall be provided by the employee upon commencing military leave, annually in September and upon leaving military service. (Ord. 18621 § 18, 2017: Ord. 18618 § 87, 2017: Ord. 17605 § 3, 2013: Ord. 17223 § 3, 2011: Ord. 12943 § 11, 1997: Ord. 9967 § 2, 1991).

**3.12.270 Disciplinary action.**

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

1. Dishonesty, including but not limited to dishonesty in securing appointment;
2. Incompetency;
3. Inefficiency;
4. Unauthorized absence, including patterns of continual tardiness;
5. Neglect of duty;
6. Insubordination;
7. Consumption of alcoholic beverages or use of illegal drugs while on duty during the workday;
8. Conviction of a crime;
9. Disorderly conduct while on duty;
10. Negligent, reckless or knowing damage to or waste of public property;
11. Violation of any of the provisions of applicable federal or state law relating to political activities;
12. Negligent, reckless or knowing violation of any of the provisions of the personnel guidelines;

13. Violation of any lawful order, directive, or policy of a superior, including but not limited to the executive, department directors and division managers, or a violation of the employee code of ethics, K.C.C. 3.04.

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

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

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

1. The reason for discipline;
2. The facts supporting the discipline;
3. The form of discipline to be imposed;
4. The effective date of the discipline;
5. Unless otherwise provided in an applicable collective bargaining agreement, the right of the employee to appeal the following disciplinary action to the personnel board:
   a. Suspension of more than sixty days;
   b. Reduction in rank or pay; or
   c. Discharge;
6. Unless otherwise provided in an applicable collective bargaining agreement, the right of the employee to appeal any disciplinary action to appropriate authorities through the initiation of grievance procedures, as authorized by or approved under this chapter.

E. Written notice of the discipline shall be delivered to the career service employee or mailed to the employee's last known address by certified mail, return receipt requested. An employee shall be deemed notified of the disciplinary action on the date the notice was delivered to the employee or the date on the return receipt, as applicable. (Ord. 18618 § 88, 2017: Ord. 12014 § 27, 1995).

**3.12.280 Grievance procedures.**

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

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

C. Appropriate grievance procedures designed to accomplish the intent of this section shall be developed and incorporated by the director into the personnel guidelines authorized by this chapter. Such grievance procedures shall apply to career service employees only. (Ord. 12014 § 28, 1995).

**3.12.290 Personnel board appeals.**

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

fourteen calendar days from the action from which the appeal is taken, or fourteen calendar days from the time the employee should reasonably have known of the action, whichever is longer. The written notice of appeal shall contain a statement of the following:

1. The action or alleged action from which the appeal is taken;
2. The grounds for appeal; and
3. The relief requested.

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

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

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

D. Upon request, the director shall provide the council with a status report of appeals filed with the personnel board. (Ord. 18635 § 16, 2017: Ord. 12014 § 29, 1995).

**3.12.300 Reductions in force.** In the event of a reduction in force due to lack of work, lack of funds or considerations of efficiency, layoffs shall be conducted at a department, division or section level. The order of layoff shall be conducted by class on the basis of merit. Where two or more career service employees within a class are of equal merit, county seniority shall determine the order of layoff as between those employees. Where there is an applicable collective bargaining agreement, the order of layoff shall be determined by the collective bargaining agreement. In lieu of laying off a career service employee, the director may reassign the employee to a comparable, vacant position, when the director determines the reassignment to be in the best interests of the county. (Ord. 16962 § 2, 12010: Ord. 12014 § 30, 1995).

**3.12.310 Tenure.** The tenure of each employee shall be subject to the rendering of efficient service. Career service employees may be removed only for cause, as specified by this chapter; provided, that such cause need not be demonstrated where an employee is retired or is laid off in accordance with the provisions of this chapter. Exempt employees serve at the pleasure of the appointing authority. Nothing in this section shall derogate from the county's power to abolish positions and lay off employees because of lack of work, lack of funds, or considerations of efficiency. (Ord. 4324 § 9, 1979).

**3.12.320 Retirement.** Retirement from county employment shall be administered in accordance with the provisions set forth in state law, RCW Chapter 41.40. Former employees who have retired from county employment shall be eligible for temporary and part-time employment on the same basis as other applicants; provided that PERS Plan I retirees shall not be hired on such basis into retirement eligible positions. Per RCW 41.60.690, no PERS Plan II retiree shall be eligible to receive a monthly retirement allowance if the retiree is performing service for any nonfederal public employer in the state. (Ord. 8097, 1987: Ord. 4324 § 33, 1979).

**3.12.330 Administration - responsibility.** The executive shall be responsible for the administration of the county personnel system in accordance with the policies and standards established by this chapter, which shall constitute the personnel rules of the

county. The director as the executive's designee shall be responsible to administer the personnel system and directly-related affairs of the county to include collective bargaining; provided, that such a role will not infringe on the authority of the county administrative officer to exercise supervisory authority on those matters not directly relating to the formal administration of the county's personnel system; provided further, that the equal employment officer and program, to include the affirmative action program, shall be directly responsible to the county administrative officer in all applicable affairs in which there has not been a formally defined relationship, by virtue of council action or personnel guideline, between said office and the director. (Ord. 14199 § 29, 2001: Ord. 12014 § 31, 1995).

**3.12.335 Supported employment.**

A. It is the policy of King County to provide opportunities for paid, competitive employment for individuals with developmental disabilities, as defined in this chapter, in integrated work settings. The executive shall seek the cooperation, assistance and participation of all county departments in the successful implementation of this policy.

B. Persons with developmental disabilities as defined in RCW 71A.10.020(5), as amended, shall be eligible for supported employment pursuant to this section.

C. The department of human resources, or its successor agency, is designated as the lead agency responsible for the management of the supported employment program, with technical support provided by the developmental disabilities division, or its successor agency.

D. The executive is authorized to adopt administrative rules to implement this section pursuant to K.C.C. 3.12.350. (Ord. 18793 § 14, 2018: Ord. 18727 § 16, 2018: Ord. 15777 § 3, 2007: Ord. 12498 §§ 1, 4 - 7, 1996).

**3.12.340 Administration - employer-employee relations.** Employer-employee relations shall be maintained and conducted in a manner which will assure the rights of employees, through, or independent of, their organizations, to communicate their desires to the agencies and officers of county government, and at the same time, to insure the orderly process of governmental operations. (Ord. 4324 § 4, 1979).

**3.12.350 Administration - personnel guidelines.**

A. The director shall adopt personnel guidelines for the purpose of implementing the directives, policies and standards contained in this chapter and in Article 5 of the charter.

Such personnel guidelines shall be subject to approval by the executive. Before adoption, amendment or repeal of any guideline, the department shall give at least forty-five days' notice of its intended action by filing notice with the clerk of the council and mailing notice of the intended action to each member of the council, each department director and agency head, each collective bargaining unit that has a collective bargaining agreement with the county, the chief of staff of the council and the council policy staff director, or their successors. After adoption of the guideline, the department shall post all guidelines to the Internet.

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

1. Purpose, objectives and intent;
2. Definitions;
3. Preemployment administration:
   a. role of the director and the department;
   b. recruitment procedures;
   c. application procedures;

d. examinations;
e. employment lists;
f. certification;
g. appointment; and
h. process requirements of equal employment opportunity;

4. Postemployment administration:
a. role of the department of human resources;
b. probationary periods;
c. classification system;
d. employee performance evaluation;
e. disciplinary procedures;
f. separation, including reductions in force;
g. employee relations; and
h. process requirements of equal employment opportunity;

5. Special duty;

6. Grievance and appeals procedures:
a. role of the department of human resources and other departments, including relationship and processes of the equal employment program;
b. role of the director;
c. grievance procedures;
d. appeals procedures; and
e. role of the personnel board;

7. Conditions of employment;

8. Employee benefits;

9. Procedures for leaves of absence; and

10. Procedures for salary and administration. (Ord. 18793 § 15, 2018: Ord. 14233 § 2, 2001: Ord. 12014 § 32, 1995).

**3.12.360 Effect of collective bargaining.** When a collective bargaining agreement establishes a condition of employment, benefit or procedure which conflicts with a condition, benefit or procedure established by this chapter or otherwise by ordinance, the collective bargaining agreement shall take precedence with respect to those employees covered by the agreement, so long as the following conditions are met:

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

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

Adoption of the agreement by ordinance shall be deemed an amendment of this chapter only with respect to the affected employees and subject condition, benefit or procedure. (Ord. 12014 § 33, 1995).

**3.12.365 Effect on sheriff's civil service.** In the event of a conflict between the provisions of this chapter and any statute or regulation governing members of the sheriff's civil service system, such statute or regulation shall take precedence. (Ord. 9498 § 14, 1990)

**3.12.400 Volunteers for the county.**

A. It is the policy of the county to support the endeavors of volunteers for the county in a manner that benefits the community and is in the best interest of the county, and provides scope of work direction to its volunteers.

B. Volunteers for the county are expected to act within the scope of assigned volunteer work responsibilities. Volunteers for the county are authorized agents of the county only when acting within the scope of their assigned volunteer work responsibilities.

Volunteers for the county are entitled to defense and indemnification as provided in K.C.C. chapter 2.21.

C. Volunteers for the county shall be administered as follows:

1. A county employee may be a volunteer for the county only if the service as a volunteer for the county is not the same type of services that the employee is employed to perform for the county;

2. A volunteer for the county may be asked by an agency to enter into a volunteer agreement, waiver or other type of liability mitigation protection agreement;

3. The county retains the sole right to accept, decline or terminate the services of a volunteer for the county for any reason. A volunteer for the county is expected to comply with all federal, state and local laws and to adhere to all county policies and procedures related to workplace conduct and use of county resources, including all those applicable to the specific department, division, section and work place that oversees their volunteer work. If the volunteer for the county violates any law, county policy or procedure, or any workplace expectation, including those related to workplace conduct or the use of county resources the county, at its sole discretion, may impose corrective measures upon the volunteer for the county. Such corrective measures may include, but not be limited to, verbal counseling in an effort to achieve acceptable compliance up to and including dismissal the volunteer for the county. Progressive measures are not required and there shall be no formal right of appeal for any corrective action taken by the county. The services of a volunteer for the county may be terminated at any time by either the volunteer for the county or by the county for any reason without cause or notice;

4. The use of county resources and property by a volunteer for the county is limited to the conduct appropriately required to deliver the volunteer services within the scope of work identified for the volunteer and uses that are available to the general public as provided in K.C.C. 3.04.020;

5. For each program that uses volunteers for the county, departments shall develop a code of conduct. The department shall provide volunteers for the county with a copy of the relevant code of conduct or post the code of conduct in an area where volunteers report for work. Codes of conduct shall include the principles of behaving with respect toward other volunteers for the county, behaving with respect toward members of the public, behaving with respect toward county employees and behaving with respect for individuals, animals or property that are the focus of the program using volunteers for the county. Individuals who violate the code of conduct shall be subject to the corrective measures in subsection C.3. of this section; and

6. The departments, in consultation with the director of the department of human resources, shall be responsible for the administration of volunteer programs and the management of volunteers for the county in accordance with the policies and standards established by this chapter. (Ord. 18793 § 16, 2018: Ord. 16640 § 3, 2009).

## 3.12A CAREER SERVICE REVIEW

**Sections:**


3.12A.010 Findings and policy statement.
3.12A.020 Definitions.
3.12A.030 Annual review
3.12A.040 Effect of exceeding threshold hours.
3.12A.050 Appeal procedure.
3.12A.060 Termination.


**3.12A.010 Findings and policy statement.** The council finds that both operational efficiency and fair and equitable employment practices are advanced by the use of regular,

career service employees where appropriate. Therefore, it is the policy of King County to have ongoing, relatively stable, and predictable bodies of work necessary to the provision of services to the public performed by career service employees, and to minimize its use of part-time and temporary employees. To achieve that goal, the council hereby adopts the procedures set forth in this chapter. (Ord. 12943 § 13, 1997).

**3.12A.020 Definitions.** The definitions set forth in K.C.C. chapter 3.12 are hereby incorporated in this chapter. Words not defined in K.C.C. chapter 3.12 or in this chapter shall have their ordinary and usual meanings. In the event of conflict, the specific definitions set forth in this chapter shall presumptively, but not conclusively, prevail.

A. "Committee" means the career service review committee, which shall consist of:

1. The following three permanent members:

a. the county executive or designee;

b. the chief officer of the office of budget or successor organizational unit or designee; and

c. the director of the department of human resources or successor organizational unit or designee; and

2. One member representing the department whose body of work or employees are then under review. (Ord. 18793 § 17, 2018: Ord. 18618 § 89, 2017: Ord. 14199 § 30, 2001: Ord. 12943 § 14, 1997).

**3.12A.030 Annual review.** The executive shall conduct an annual review as described herein. By March 1 of each year, beginning March 1, 1999, each executive department and administrative office shall prepare and submit to the committee a comprehensive report documenting its use of part-time and temporary employees, other than probationary and provisional employees, in the preceding calendar year.

Within 60 days of submission of the above reports, the committee shall make a factual determination as to whether an ongoing, relatively stable and predictable body of work on an annualized basis has been identified. If the committee determines that such a body of work exists, the committee may recommend: (1) the creation of any new part-time or full-time regular career service position(s); or (2) the filling of an existing vacant career service position in which the work is being performed by a temporary or part-time employee(s); or (3) the creation of a term-limited temporary employee position; or (4) the cessation of the work. If the committee identifies such a body of work, but the committee does not make any of the recommendations described above, the department must discontinue the use of part-time or temporary employees to perform that work. If the committee recommends creation of a regular career service position, but the executive does not recommend or the council does not create such a position, the department shall discontinue performance of the pertinent body of work by temporary or part-time employees.

Any regular career service position created as a result of this process will be filled by a competitive hiring process.

The reports of each department and of the committee and the records of their proceedings shall be considered disclosable public records and shall also be made available to the council upon request. (Ord. 12943 § 15, 1997).

**3.12A.040 Effect of exceeding threshold hours.** Part-time and temporary employees, other than probationary, provisional and term-limited temporary employees, who exceed the calendar year working hour thresholds set forth in the definitions contained in K.C.C. 3.12 shall receive pay in lieu of benefits as provided in K.C.C. 3.12. Provided, that exceeding the threshold hours does not confer career service status on any employee.

**3.12A.050 Appeal procedure.**

A. Part-time and temporary employees, other than probationary and provisional employees, who exceed the calendar-year working-hour thresholds set forth in the definitions contained in K.C.C. chapter 3.12 may seek conversion of a body of work in which they perform into a part-time or full-time regular career service position by appeal to the committee. Conversion decisions shall be based on whether the work performed by the employee is an ongoing, relatively stable, and predictable body of work that is half time or more, even though the work was not perceived as such previously, and whether it should be performed by a regular part-time or full-time career service employee. The committee shall also decide, if the body of work does not warrant a career service position, whether the position should be converted to a term-limited temporary employee position. The committee shall determine whether the work performed by the employee shall:

1. Remain outside career service as part-time or temporary[;]
2. Be converted to a term-limited temporary employee position that receives benefits[;] or
3. Be converted to a part-time or full-time regular career service position.

The committee shall make its determination within forty-five days of the employee's request. In the event of a tie vote by the committee, where half the committee finds that the body of work should be converted, the appeal shall be deemed to have prevailed. The committee shall make a recommendation to the executive for recommendation to the council. The executive's recommendation shall be submitted to the council if the executive decides the body of work should be performed by a career service employee and that further position authority is required. If the council does not approve the additional position, the work shall promptly be discontinued and not performed by temporary or part-time employees.

If the committee finds that the work performed by the employee should remain part-time or temporary, the employee may appeal within ten days from the date of receipt of the committee's finding by filing a notice of appeal with the committee. The committee shall direct the appeal to be considered by a hearing examiner of the county or, at its option, the committee may direct the appeal be considered by an independent, neutral arbitrator who will make a final determination. The arbitrator shall be chosen by the director and the appellant, and shall be paid by the employing department or administrative office. The hearing examiner's or arbitrator's decision shall be limited to either upholding the committee's finding or overturning the committee's finding. The decision shall be based on whether the work performed by the employee is an ongoing, relatively stable, and predictable body of work and is half-time or more, under the same standards applicable to the committee, or on whether the work meets the definition of term-limited temporary position. Employees covered by a grievance procedure contained in a collective bargaining agreement may elect either to use the grievance procedure, if the applicable collective bargaining agreement permits it, or to use the appeal procedure described above, but not both procedures.

If the hearing examiner or arbitrator overturns the committee's findings, any new career service or term-limited temporary position must be absorbed by the department within its authorized position level, or within funds available for term-limited temporary position work, provided that the department may request additional position or budget authority. The appealing employee will be placed in the career service position as a provisional appointee, with insured benefits and leave benefits, until a competitive hiring process, which substantially takes into account and weighs the experience of the employee performing the tasks of the position, is completed. If the appealing employee is selected for the position, the employee's start date will be the date of the provisional appointment for all purposes, including seniority and/or a probationary period, except that those employees covered by a collective bargaining agreement the date of the appointment shall

be determined in accordance with the collective bargaining agreement or by the collective bargaining process. If the employee is placed in a term-limited temporary position, the employee's start date will be the date of the [employee's]* appointment to the term-limited temporary position for all purposes, except for those employees covered by collective bargaining agreements, whose start date will be determined by the collective bargaining agreement or by the collective bargaining agreement process.

B. Appeal Procedure For Term-Limited Temporary Employees. A term-limited temporary employee who exceeds the employee's term may appeal to the committee to have the body of work converted to a career service position. The committee shall decide whether the body of work still warrants a term-limited temporary position designation or should be converted to a career service position. If a majority of the committee finds that the body of work should continue as a term-limited temporary position, the employee may appeal within ten days from the date of receipt of the committee's finding by filing a notice of appeal with the committee. In the event of a tie vote, the appeal shall be deemed to prevail. The appeal process shall be the same as for part-time and temporary employees (other than probationary and provisional employees), provided, however, if the employee prevails in the appeal, the employee shall be placed in a career service position, not a provisional appointment, and the employee shall not be required to serve a probationary period. (Ord. 18618 § 90, 2017: Ord. 12943 § 17, 1997).

***Reviser's note: Added but not underlined in Ordinance 18618 § 90. See K.C.C. 1.24.075.**

**3.12A.060 Termination.** Nothing in this chapter shall restrict King County's ability to terminate part-time and temporary employees who exceed the calendar year working hour thresholds or term-limited temporary employees who exceed the calendar years threshold set forth in the definitions contained in K.C.C. 3.12; provided, however, that if an employee seeks conversion of their position by appeal to the committee, termination of that employee for reasons related to the appeal shall be deferred until the conclusion of the appeal process described herein. If the employee's appeal is successful, the employee shall not be terminated but rather be assigned to a position as required by the appeal process described herein. (Ord. 12943 § 18, 1997).

## 3.12D DISCRIMINATION, HARASSMENT, AND INAPPROPRIATE CONDUCT

**Sections:**


3.12D.010 General policy – revision of policies, new policies, procedures and training – training and communications options development – addressing power dynamics.

3.12D.020 Biennial reports (in effect until April 1, 2021, if contingencies in Ordinance 19047, Section 59, are met).

3.12D.020 Biennial reports (takes effect April 1, 2021, if contingencies in Ordinance 19047, Section 59, are met).


**3.12D.010 General policy – revision of policies, new policies, procedures and training – training and communications options development – addressing power dynamics.**

A. It is the policy of King County to promote a respectful, nondiscriminatory work environment, free of behavior that is illegal or contributes to interpersonal conflicts, poor performance or poor morale. Therefore, King County prohibits discrimination and harassment, including sexual harassment, and inappropriate conduct, toward any employee on the basis of the employee's race, color, gender, age, creed, disability,

marital status, national origin, religion, pregnancy, gender identity or expression, domestic violence victimization, sexual orientation, honorably discharged veteran or military status, use of a service or assistive animal by a person with a disability, or any other status protected by federal, state or local law. Additionally, King County prohibits retaliation of any kind against anyone who in good faith reports incidents of harassment, discrimination or inappropriate conduct.

B. The executive, assessor, director of elections, sheriff, council and prosecuting attorney, shall revise their current policies or develop new policies, procedures and training to prevent and respond to discrimination and harassment, including sexual harassment, and inappropriate conduct. The policies, procedures and training shall be developed in consultation with subject matter experts and employees and are intended to promote respectful, nondiscriminatory work environments throughout the King County government. The policies, procedures and training should reflect the recommendations included in the Report of the Co-Chairs of the EEOC Select Task Force on the Study of Harassment in the Workplace. The policies and procedures shall include:

1. Definitions of discrimination and harassment, including sexual harassment, and inappropriate conduct;

2. A clear and easy-to-understand nondiscrimination, antiharassment and inappropriate conduct policy that includes:

a. a description of prohibited conduct, including examples;

b. a statement that the reporting system will provide a prompt, thorough and impartial investigation;

c. a statement that the identity of an individual who submits a report, a witness who provides information regarding a report and the subject of the complaint, will be kept confidential to the extent possible;

d. an assurance that King County will take prompt and proportionate corrective action if it determines that harassment or discrimination has occurred;

e. an assurance that an individual who submits a report or a witness who provides information regarding a report will be protected from retaliation; and

f. a statement that any employee who retaliates against any individual who submits a report or provides information regarding a report will be disciplined appropriately;

3. A description of a reporting system for employees that encourages those who experience workplace discrimination and harassment, including sexual harassment, and inappropriate conduct as well as those who observe such behavior to report it. The reporting system shall provide multiple options for reporting such behavior, including county, state and federal reporting options, as well as an informal mechanism, such as the county's employee assistance program, that allows employees to make inquiries and to resolve issues informally when appropriate;

4. Guidelines for how to handle a complaint. The guidelines should cover: how to handle a complaint promptly, effectively and in way that respects the vulnerability and privacy of the individual reporting the incident, the application and limitations of confidentiality; the legal duties required as an employer; and how to determine the appropriate scope of the investigation process; and

5. A plan to require managers and supervisors to promote an inclusive and respectful workplace culture that is free of discrimination and harassment, including sexual harassment, and inappropriate conduct. The executive, assessor, director of elections, sheriff, council and prosecuting attorney, shall assist each manager and supervisor within their department with compliance with this subsection B.5. and evaluate their progress and performance either independently or as part of the agency's performance evaluation process.

C.1. The executive, assessor, director of elections, sheriff, council and prosecuting

attorney shall develop options, including cost information, to deliver training and communications on the county's policies and procedures and on recognizing and preventing discrimination and harassment, including sexual harassment, and inappropriate conduct, and educating employees on the resources and procedures available if such behavior is experienced or observed. Each option may be phased in over time and shall:

a. address how the policies and procedures will be regularly communicated to all employees, as well as to all new employees. Resources for employees to understand the policy and procedures shall be easily locatable on-line;

b. include training to foster an equitable, respectful and inclusive workplace; and

c. include training for those handling complaints.

2. At least one of the training options must be a plan for a regular, interactive training program that includes all of the following:

a. in-person or interactive on-line training;

b. a plan to address the specific needs of the county's workplaces, considering risk factors of harassment and discrimination, including those identified in the Report of the Co-Chairs of the EEOC Select Task Force on the Study of Harassment in the Workplace, such as those with a disproportionate number of males among its employees and youth employed in a workplace;

c. supervisor and manager training that specifically addresses power dynamics and building a healthy workplace culture; and

d. a plan to partner with unions representing county employees in order for unions to become aware of county policies and procedures and be encouraged to foster an environment that is free from discrimination and harassment, including sexual harassment, and inappropriate conduct.

D. The policies, procedures and training developed by the executive, assessor, director of elections, sheriff, council and prosecuting attorney shall specifically address the power dynamics involving staff and elected officials and how to respond to and prevent discrimination, harassment, sexual harassment, and inappropriate conduct by their elected officials. (Ord. 18757 § 2, 2018).

**3.12D.020 Biennial reports (in effect until April 1, 2021, if contingencies in Ordinance 19047, Section 59, are met*).** The executive, assessor, director of elections, sheriff, council and prosecuting attorney shall report biennially on the number of workplace discrimination and harassment complaints, including sexual harassment, and inappropriate conduct complaints and, when possible, informal inquiries, received by each department each year. The report shall indicate the basis or bases of the complaint, which may be race, color, gender, age, creed, disability, marital status, national origin, religion, pregnancy, gender identity or expression, domestic violence victimization, sexual orientation, honorably discharged veteran or military status, use of service or assistive animal by a person with a disability, or any other status protected by federal, state or local law. The office of civil rights shall report on the number of unfair employment practice complaints filed, the basis or bases of the complaint, the number of investigations of unfair employment practices in the reporting year and the number of findings that reasonable cause exists to believe that an unfair employment practice occurred. The first report shall be transmitted to the council by December 31, 2019. All reports under this section shall be in the form of a paper original and an electronic copy filed with the clerk of the council who, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the policy staff director. (Ord. 18757 § 4, 2018).

***Reviser's note: "This ordinance takes effect April 1, 2021, but only if by that date the executive has transmitted a status report on the status of the feasibility study as required in this section, a feasibility study and recommendations establishing the human and civil rights commission and a motion approving the feasibility study, and a motion approving the feasibility study is passed by council. The motion should reference the subject matter, this ordinance, ordinance section in both the title and body of the motion. The executive should file the feasibility study and motion required by this section by February 1, 2021, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the law and justice committee, or its successor." (Ord. 19047 § 59 (part)).**

**3.12D.020 Biennial reports (takes effect April 1, 2021, if contingencies in Ordinance 19047, Section 59, are met*).** The executive, assessor, director of elections, sheriff, council and prosecuting attorney shall report biennially on the number of workplace discrimination and harassment complaints, including sexual harassment, and inappropriate conduct complaints and, when possible, informal inquiries, received by each department each year. The report shall indicate the basis or bases of the complaint, which may be race, color, gender, age, creed, disability, marital status, national origin, religion, pregnancy, gender identity or expression, domestic violence victimization, sexual orientation, honorably discharged veteran or military status, use of service or assistive animal by a person with a disability, or any other status protected by federal, state or local law. The human and civil rights commission shall report on the number of unfair employment practice complaints filed, the basis or bases of the complaint, the number of investigations of unfair employment practices in the reporting year and the number of findings that reasonable cause exists to believe that an unfair employment practice occurred. The first report shall be transmitted to the council by December 31, 2019. All reports under this section shall be in the form of a paper original and an electronic copy filed with the clerk of the council who, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the policy staff director. (Ord. 19047 § 15, 2019: Ord. 18757 § 4, 2018).

***Reviser's note: "This ordinance takes effect April 1, 2021, but only if by that date the executive has transmitted a status report on the status of the feasibility study as required in this section, a feasibility study and recommendations establishing the human and civil rights commission and a motion approving the feasibility study, and a motion approving the feasibility study is passed by council. The motion should reference the subject matter, this ordinance, ordinance section in both the title and body of the motion. The executive should file the feasibility study and motion required by this section by February 1, 2021, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the law and justice committee, or its successor." (Ord. 19047 § 59 (part)).**

## 3.12F FURLOUGHS

**Sections:**

3.12F.010 Definitions.
3.12F.020 Proclamation of emergency budget crisis - ratification – powers - notice.
3.12F.040 Administration of furlough - duties - principles - filling of orders - exceptions.

3.12F.050 Collective Bargaining position not affected.
3.12F.060 Reports.

**3.12F.010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

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

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

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

E. "Furlough administrator" means: the county executive for the executive departments; the chair of the council for the legislative branch; the prosecutor for the office of the prosecuting attorney; the presiding judges of the district and superior courts; the sheriff for the sheriff's office; the assessor for the department of assessments; the director of elections for the department of elections; the chair of the forecast council for the office of economic and financial analysis; or the official or officials designated by that branch or unit of county government.

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

G. "Salaried employee" means an employee whose position is normally exempt from wage and hours regulations. (Ord. 16788 § 2, 2010: Ord. 16735 § 16, 2009: Ord. 16391 § 19, 2009: Ord. 16339 § 17, 2008).

**3.12F.020 Proclamation of emergency budget crisis - ratification - powers - notice.**

A. Whenever the executive determines that an emergency budget crisis exists in King County, the executive may proclaim in writing the existence of such an emergency. The executive shall transmit a proclamation and proposed ratifying ordinance to the council within seven days of the proclamation. A proclamation is effective only if ratified by ordinance. A proclamation of an emergency budget crisis remains in effect for all or a portion of one annual budget cycle.

B. Whenever the council determines that an emergency budget crisis exists in King County, it may by ordinance declare the existence of such an emergency. A declaration of an emergency budget crisis remains in effect for all or a portion of one annual budget cycle.

C. Upon a proclaimed and ratified or declared emergency budget crisis, the executive may:

1. Order a budgetary furlough, including the furlough of employees of the executive branch and closure of county offices;

2. Order the reduction in hours or the closure of county offices on specific days associated with a budgetary furlough; or

3. Order any other actions relating to employees in K.C.C. Title 3.

D. If an emergency budget crisis has been proclaimed and ratified or declared and furlough days are ordered, the executive shall notify the public of days that county offices are closed by posting the information on the county buildings or offices that are closed, by posting a notice on the Internet, by advertising in the official county newspaper and by issuing press releases. (Ord. 16735 § 17, 2009: Ord. 16339 § 18, 2008).

**3.12F.040 Administration of furlough - duties - principles - filing of orders - exceptions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

E. Benefit-eligible nonrepresented employees furloughed in 2009 will receive the equivalent of the time on furlough in furlough replacement time. In administering furlough replacement time for benefit-eligible nonrepresented employees, the following principles apply:

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

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

3. Furlough replacement time must be used by the employee in the year that it is issued to the employee. An employee who was not employed by King County in 2009 shall not receive furlough replacement time. An employee who left King County employment before April 11, 2010, shall not receive furlough replacement time. Furlough replacement time may not be carried over to another calendar year, it may not be cashed out, it has no cash value and it may not be donated; and

4. The furlough administrator must provide for the effective direction, control and coordination of furlough replacement time. (Ord. 18618 § 91, 2017: Ord. 16788 § 3, 2010: Ord. 16735 § 19, 2009: Ord. 16339 § 20, 2008).

**3.12F.050 Collective bargaining position not affected.** No provision of this chapter affects the collective bargaining position of the exclusive bargaining representatives of any employee or of the county. (Ord. 16339 § 21, 2008).

**3.12F.060 Reports.**

A. In any year for which an emergency budget crisis has been proclaimed and ratified or declared, or for which any furlough administrator orders budgetary furlough days, the furlough administrator shall provide the council with a report of the implementation plan for the budget furlough by January 30. The report shall include:

1. Efforts to notify the public of the budget furlough and the closure of county offices or sites;
2. The number of employees who have been furloughed;
3. The length of the furlough;
4. The number of employees exempted from the furlough and the reasons for the exemption;
5. The anticipated budget savings from the furlough;
6. The anticipated effects of the furlough on both workload and service to the public and other county agencies; and
7. A summary of input received from nonrepresented employees on whether and how to implement a budgetary furlough.

B. A furlough administrator who orders a budget furlough shall provide the council with a report on the effects of the furlough by June 30 of the furlough year. The report shall contain the same information required by subsection A. of this section.

C. The reports required by this section must be filed in electronic format and in the form of twelve paper copies with the clerk for the council, who shall retain the original and forward the paper copies to each councilmember and the chief of staff. (Ord. 16735 § 20, 2009).

## 3.12S VOLUNTARY SEPARATION PROGRAM

**Sections:**

3.12S.010 Program authorized – requirements - eligibility.

**3.12S.010 Program authorized – requirements – eligibility.**

A. The executive is hereby authorized to establish a program in agencies identified by the executive that incentivizes retirement-eligible employees to voluntarily leave county employment, but only if:

1. The voluntary separation program will enable the agency to avoid a budget shortfall that would result in program cuts or reductions in force, or the voluntary separation program will result in labor cost savings; and

2. The agency will not fill the separating employee's position or will fill the position at a lower wage rate that is expected to result in a net twenty percent annual salary cost savings.

B. The executive is further authorized to enter into or extend agreements with labor organizations to provide the same incentive program as provided for nonrepresented employees under this chapter. If such an agreement addresses no other subject or additional terms, it shall have the force of law upon execution by the parties, without enactment by ordinance.

C. In order to be eligible for the program, the employee must have at least five years of county service, must not be a temporary employee and must be eligible to apply for a pension from the Law Enforcement Officers and Firefighters Retirement System, Public Employees Retirement System, Public Safety Employees Retirement System or the city of Seattle Retirement Plan, before December 31 of the calendar year in which the employee applies for the program. While the employee must be retirement-eligible and must separate from the county, the employee need not actually begin drawing a pension to be considered eligible for the program. An employee who has resigned, retired or submitted written notification of the employee's intent to do so before the employee's employing agency has announced its intention to participate in the program, is ineligible to participate in the program.

D. Participation in the program by employees is entirely voluntary.

E. As a financial incentive, the county shall pay to currently employed, retirement-eligible employees who request, and are authorized by the executive, to voluntarily separate from county service, a one-time payment equal to twenty-six-weeks of the Washington state employment security department’s maximum weekly unemployment benefit amount in effect as of January 1 of each calendar year. This one-time payment amount issued to the eligible participant will be in the amount effective for the year the participant was approved for the program and separates from the county. For part-time employees, this one-time payment will be prorated based on the percentage that employee works as measured against a full-time employee.

F. The program shall require that participating employees enter into a written agreement with King County that sets forth the terms and conditions of their voluntary separation, including but not limited to:

1. Any employee approved to participate in the program must leave county employment by written resignation or retirement no later than December 31 of the year in which the employee applies for the program. Agencies may establish deadlines and procedures, which may vary by agency for employee participation in the program;

2. The employee will not seek reemployment with the county in any county position;

3. The employee agrees that the employee is not eligible for, and will not apply for, unemployment compensation and signs a waiver of any claim for unemployment compensation; and

4. The employee must sign a waiver or release of any claim under the Age Discrimination in Employment Act and the Older Worker Benefit Protection Act.

G. The executive's approval of any employee request to participate in the program is discretionary, and consideration will be given to the impact to service delivery, retention of a skilled employee or employees, cost of refilling a position or positions, short-term and long-term budget savings and the employee's length of service with the county.

H. All decisions to approve or deny the requests of individual employees to participate in the program shall be in writing and shall report the savings impacts, either short-term or long-term or both, if the request is approved or denied. Decisions to approve or deny a request shall not be the subject of a grievance.

I. The executive shall include, as part of the program, a clear designation of who is authorized in each agency to approve or deny employee requests to participate in the program. Employees of agencies headed by elected officials, other than the executive, are ineligible to participate in the program unless their request is approved by both the executive and the head of the applicable agency. (Ord. 18696 § 2, 2018)

## 3.13A DEPARTMENT OF ADULT DETENTION*

**Sections:**

3.13A.060 Training - Correction officers.

**3.13A.060 Training - Corrections officers.** The department of adult detention shall operate in accordance with the following policies:

A. An initial 120 hours of training will be provided after appointment in which the new corrections officer will be assigned to the training supervisor and will not be available for regular shift assignment. During this initial training period, the new corrections officer will be trained in the field of adult detention and corrections with attention given to the procedures and policies of the county jail.

B. Newly hired corrections officers will receive training as required by the State of Washington. (Ord. 9684 § 1, 1990).

## 3.14 CIVIL SERVICE COMMISSION

***Renamed department of adult and juvenile detention in Ordinance 14561 § 8, 2002.**

**Sections:**

3.14.010 Powers assigned.
3.14.020 Removals, suspensions, and demotions.
3.14.030 Secretary/chief examiner.
3.14.040 Rules and regulations.

**3.14.010 Powers assigned.** The powers and duties of the sheriff's civil service commission under chapter 41.14 RCW are hereby assigned to the department of human resources except those powers and duties set forth in RCW 41.14.120. (Ord. 18793 § 18, 2018: Ord. 12014 § 46, 1995).

**3.14.020 Removals, suspensions, and demotions.** The sheriff's civil service commission shall continue to hear and decide cases regarding removals, suspensions, and demotions as provided in RCW 41.14.120. (Ord. 8179 § 2, 1987).

**3.14.030 Secretary/chief examiner.** The position of secretary/chief examiner of the sheriff's civil service commission is hereby abolished as of January 1, 1996. Any functions that have heretofore been performed by the secretary/chief examiner are hereby assigned to the director of the department of human resources. (Ord. 18793 § 19, 2018: Ord. 12014 § 47, 1995).

**3.14.040 Rules and regulations.**

A. Rules and regulations for the administration of the sheriff's personnel system shall be adopted and amended by the county council by ordinance. The director of the department of human resources is directed to promulgate administrative guidelines for the purpose of implementing such rules and regulations and the requirements of chapter 41.14 RCW.

B. Except to the extent they are inconsistent with the provisions of this chapter, the current rules and regulations of the sheriff's civil service commission, which are on file with the clerk of the council, are hereby incorporated by this reference and made a part hereof and adopted for the administration of the sheriff's personnel system. The executive shall review such rules and regulations and report periodically to the council proposing such amendments thereto as may be appropriate to bring such rules into substantial conformance with general county personnel rules insofar as permitted by chapter 41.14 RCW. (Ord. 18793 § 20, 2018: Ord. 12014 § 48, 1995).

## 3.15 PAY PLAN AND CLASSIFICATIONS OF POSITIONS

**Sections:**


3.15.005 Definitions
3.15.020 Procedures—schedule of pay ranges—salary schedule— within-range pay increases.
3.15.025 Classification plan.
3.15.030 Reclassification and reassignment of pay ranges.
3.15.040 Classification changes.
3.15.050 Designations or professional licenses.
3.15.060 Administration.
3.15.070 Confirmation.
3.15.080 Court Commissioners and Administrators.
3.15.100 Minimum wages.
3.15.110 Salary limitations.
3.15.120 Pay on initial employment.
3.15.130 Pay on promotion.
3.15.140 Assignment to special duty.
3.15.145 Working out of classification.
3.15.150 Biweekly pay cycle - transition.
3.15.160 Biweekly pay cycle - transition payments.
3.15.170 Biweekly pay cycle - transition payment amount.
3.15.180 Biweekly pay cycle - transition payment amount – repayment by deductions - recourse.
3.15.200 Chapter not a contract.


**3.15.005 Definitions.** The definitions in K.C.C. 3.12.010 apply to this chapter. (Ord. 14233 § 3, 2001).

**3.15.020 Procedures—schedule of pay ranges—salary schedule—within-range pay increases.** This section applies to all positions in the executive branch, noncommissioned positions in the office of the sheriff and the department of assessments allocated to a classification approved by the council.

A.1. Except as otherwise provided by ordinance, the schedule of pay ranges shall consist of ninety-nine pay ranges, each containing ten steps as approved by ordinance annually.

2. On a continuing three-year cycle, the executive shall assess market conditions and determine whether to make adjustments, if any, to pay ranges assigned to existing classifications.

B.1. The director may reassign pay ranges to existing classifications.

2. When the director adjusts the pay range of a classification, the incumbent employee shall be placed at the same step in the new pay range as the employee was in the previous pay range.

3. Implementation of any pay range adjustment shall be prospective and shall take effect at the start of the pay period following the approval by the director or, if required by K.C.C. 3.15.040, by the appropriate council committee.

C. Consistent with K.C.C. 3.12.350, the director shall establish guidelines for pay increases in accordance with the following:

1. Employees may receive within-range increases from one step to the next higher step upon satisfactory completion of the probationary period. All probationary-period pay increases must be supported by documented performance appraisal. Probationary-period pay increases exceeding Step 5 must have prior written approvals by the department director and the director. When a division of human resources employee completes the employee's probationary period, the county administrative officer must provide prior written approval for probationary-period pay increases exceeding Step 5;

2. Employees may be eligible to receive increases annually in accordance with the following principles:

a. An incentive increase must be supported by an annual documented performance appraisal approved by the department director and the documented performance appraisal must be maintained in the employee's personnel file. Incentive increases shall be prospective only and shall be effective on January 1 following the year on which the appraisal was based;

b. For employees currently in Steps 1 through 4 in the pay range, the appointing authority may grant an increase of a single step for standard performance and may grant an increase exceeding a single step for above-standard or outstanding performance, as defined by the director;

c. For employees currently in Steps 5 through 7 in the pay range, the appointing authority may grant an increase of one or more steps for above-standard performance; and

d. For employees currently in Steps 8 through 9 in the pay range, the appointing authority may grant an increase of one step, not to exceed the top of the pay range, for outstanding performance;

3. An appointing authority may grant an employee incentive pay up to five percent above the top step of the range for a period of twelve months, if all of the following conditions are met:

a. the employee is not a department director;

b. the employee has been at the top step of the prior or current range for two years before the award of the increase; and

c. the employee has demonstrated continuous outstanding performance;

4. All incentive increases are subject to the availability of funds. Within-range incentive increases are not automatic but shall be given only upon the written direction of the appointing authority, as defined in K.C.C. 3.12.010.B., within the guidelines established by the director. (Ord. 18727 § 17, 2018: Ord. 18635 § 17, 2017: Ord. 18618 § 92, 2017: Ord. 14801 § 3, 2003: Ord. 14233 § 4, 2001: Ord. 14012 § 1, 2000: Ord. 12014 § 50, 1995).

**3.15.025 Classification plan**.

A. The director of the department of human resources shall develop and maintain a classification plan for all positions within the career service system. The plan shall provide that all positions that are substantially similar as to kind, difficulty and responsibility of work are included in the same classification.

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

C. The director of the department of human resources should, on a continuing three-year cycle, review the classification plan, and may add, combine, abolish or revise the specifications or establish new classifications, as provided in K.C.C. 3.12.040.

D. Whenever reorganization, change in job content or council action causes the duties of a position to change, or a position appears to have been incorrectly classified, the director of the department of human resources may reclassify the position to a more appropriate classification. (Ord. 18791 § 21, 2018: Ord. 14801 § 7, 2003: Ord. 12014 § 51, 1995. Formerly K.C.C. 3.15.045).

**3.15.030 Reclassifications and reassignment of pay ranges.**

A. The director may reclassify any position to an existing or new classification.

B. An employee or a group of employees may request that a position or group of positions be reclassified for the following reasons:

1. The employee's position is not assigned to the appropriate classification;

2. A significant or gradual change has occurred in the employee's on-going duties or responsibilities over a period of at least one-year; or

3. A departmental reorganization or council action has caused the duties of the position to change.

C. Group reclassifications may be submitted if all of the employees' positions are in the same classification in the same section of a division. The director shall evaluate each position individually, reserving the right to place individual positions into different classifications.

D. An employee is not eligible to submit a reclassification request if:

1. It has been less than twelve months since the date of a previous classification determination for the position;

2. The employee is on probation;

3. The employee is on a performance improvement plan; or

4. The employee is asking for the reclassification of a special duty position.

E. When the director reclassifies a position to a higher classification, the pay rate of the incumbent employee shall be increased to the first step of the pay range of the new classification or the step that is at least five percent above the former rate of pay, whichever is greater.

F. When the director reclassifies a position to a lateral classification, the pay rate of the incumbent employee shall remain at the same step of the pay range.

G. When the director reclassifies a position to a lower classification, the pay rate of the incumbent employee shall be the highest step in the new pay range that does not exceed the employee's current pay rate.

H. A pay increase as a result of a reclassification may not exceed the top step of the new range, unless the employee's former pay includes above-Step-10 incentive pay. If the employee's former pay includes an above-Step-10 incentive pay, the employee's new pay is calculated upon the above-Step-10 amount. If the increase from reclassification results in pay that is above the top step of the new range, the pay shall be reduced to the top step of the new range at the end of the incentive period, unless the employee requalifies for an above-Step-10 incentive award.

I. Implementation of a reclassification and any related pay change shall be effective at the start of the pay period following receipt of the completed reclassification request form at the department of human resources, except a reclassification to a lower pay grade shall be effective at the start of the pay period at least thirty calendar days after notification of the classification determination

from the department of human resources.

J. A reclassified employee shall not serve a probationary period in the new classification.

K.1. When an employee's position is reclassified retroactively into a classification with a different Fair Labor Standards Act of 1938 status, the change in status shall be prospective only.

2. When an employee's position is reclassified from a Fair Labor Standards Act of 1938 exempt classification to a Fair Labor Standards Act of 1938 non-exempt classification, the employee will be paid overtime pay from the date of the reclassification decision.

3. When an employee's position is reclassified from a Fair Labor Standards Act of 1938 non-exempt classification to a Fair Labor Standards Act of 1938 exempt classification, the employee shall receive a cash out of all accrued compensatory time. (Ord. 18793 § 22, 2018: Ord. 18727 § 18, 2018: Ord. 14801 § 4, 2003: Ord. 12014 § 52, 1995).

**3.15.040 Classification changes.** The director of the department of human resources may abolish, amend or create new classifications, except as provided in this section. The assignment or reassignment of pay ranges to a classification or classifications is subject to K.C.C. 3.15.020. A request for the creation of any classification applicable to regular exempt positions, as defined in K.C.C. 3.12.010, or any pay range adjustments for classifications exceeding Range 54 or movements of four or more pay ranges for an existing classification or any pay range adjustment affecting two or more classifications in a classification series, shall be filed with the clerk of the council for distribution to the chair of the labor, operations and technology committee, or its successor committee, and confirmed by the committee before implementation. (Ord. 18793 § 23, 2018: Ord. 14801 § 5, 2003: Ord. 7996 § 10, 1987: Ord. 7394 § 10, 1985: Ord. 6627 § 15, 1983: Ord. 6142 § 11, 1982: Ord. 5443 § 10, 1981: Ord. 4871 § 12, 1980: Ord. 4160 § 11, 1979: Ord. 3632 § 11, 1978: Ord. 3083 § 12, 1977: Ord. 2685 § 12, 1976: Ord. 2277 § 11, 1975: Ord. 2179 § 11, 1974: Ord. 1892 § 11, 1974: Ord. 1780 § 4, 1973: Ord. 1282 § 5, 1972).

**3.15.050 Designations or professional licenses.** An employee who has a valid Washington State Professional Civil Engineering license, a registered architect's license or a professional designation of CPA, MAI, RM, SSA, CPM or SR/WA, shall be paid an additional twenty-five dollars per month if such designation or professional license is a requirement of the job assignment. (Ord. 7996 § 11, 1987: Ord. 7394 § 11, 1985: Ord. 6627 § 16, 1983: Ord. 6142 § 12, 1982: Ord. 5443 § 11, 1981: Ord. 4871 § 13, 1980: Ord. 4160 § 12, 1979: Ord. 3632 § 12, 1978: Ord. 3083 § 13, 1977: Ord. 2685 § 13, 1976: Ord. 2277 § 12, 1975: Ord. 2179 § 12, 1974: Ord. 1892 § 12, 1974: Ord. 1780 § 3, 1973).

**3.15.060 Administration.** The administration of the pay provisions set forth herein will be the responsibility of the county executive. (Ord. 7996 § 12, 1987: Ord. 7394 § 12, 1985: Ord. 6627 § 17, 1983: Ord. 6142 § 13, 1982: Ord. 5443 § 12, 1981: Ord. 4871 § 14, 1980: Ord. 4160 § 13, 1979: Ord. 3632 § 13, 1978: Ord. 3083 § 14, 1977: Ord. 2685 § 14, 1976: Ord. 2277 § 13, 1975: Ord. 2179 § 13, 1974: Ord. 1892 § 13, 1974: Ord. 1282 § 6, 1972).

**3.15.070 Confirmation.** Pay range assignments shall be subject to confirmation by ordinance by the King County council at least annually. (Ord. 7996 § 13, 1987: Ord. 7394 § 13, 1985: Ord. 6627 § 18, 1983: Ord. 6142 § 14, 1982: Ord. 5443 § 13, 1981: Ord. 4871 § 15, 1980: Ord. 4160 § 14, 1979: Ord. 3632 § 14, 1978: Ord. 3083 § 15, 1977:

Ord. 2685 § 15, 1976: Ord. 2277 § 14, 1975: Ord. 2179 § 14, 1974: Ord. 1892 § 14, 1974: Ord. 1282 § 7, 1972).

**3.15.080 Court Commissioners and Administrators.**

A. Effective September 1, 1987 the annual salary for the Superior Court Commissioners shall be ninety-five (95%) per cent of that set by law for Superior Court Judges. The Superior Court Administrator's salary will be determined by the Superior Court Judges at ninety-five (95%) per cent of that set for Superior Court Commissioners.

B. Effective September 1, 1987, the annual salary for the District Court Administrator shall be 90 (90%) per cent of that set by law for the District Court Judges. (Ord. 8299, 1987).

**3.15.100 Minimum wages.**

A. No employee of the county working full-time, part-time or temporary shall be paid at any rate less than that mandated by King County ordinance or federal or state law, whichever is higher.

B. No contractor or subcontractor doing business with the county or furnishing workers or services in connection thereof shall pay any employee performing any work for such business with the county less than that mandated by King County ordinance or state law, whichever is higher. (Ord. 17909 § 2, 2014: Ord. 12014 § 53, 1995).

**3.15.110 Salary limitations**. Except for annual step incentive increases provided for in this chapter or as otherwise provided by ordinance, no employee's salary shall be greater than the amount applicable to the top step of the pay range assigned to the employee's classification. (Ord. 12014 § 54, 1995).

**3.15.120 Pay on initial employment.**

A.1. New county employees shall start at the first step of the pay range. If necessary for recruitment, however, a department director may authorize an offer of a higher pay step.

2. At least one of the following criteria must be met to hire an employee above the first step:

a. The candidate's education and experience are significantly above the minimum requirements for the position;

b. The candidate has an especially desirable skill, talent, knowledge or ability;

c. The candidate has a current salary that is above the first step of the of the salary range; or

d. The candidate has a competing written, formal offer of employment that is above the first step of the salary range.

3. If a department director determines it is necessary to hire an employee above the first step, a copy of the appointment letter, together with a statement of the reason for hiring the employee above the first step, must be provided to the director of the department of human resources at the time of hire.

B. The director of the department of human resources may approve the hiring of an employee above Step 5. In such cases, the director of the department of human resources must issue prior written approval to the department director and send a copy of the written notification to the executive. (Ord. 18793 § 24, 2018: Ord. 18635 § 18, 2017: Ord. 14801 § 9, 2003: Ord. 14233 § 5, 2001).

**3.15.130 Pay on promotion.**

A. If a promotion results from something other than a reclassification, the pay rate of the incumbent employee shall be increased to the first step of the pay range of the new

classification or the step that is at least five percent above the former rate of pay, whichever is greater. The promoted employee may be placed at a higher step in the pay range if the employee's department director determines the action is warranted, if the criteria and procedures in K.C.C. 3.15.120 are met and if funds are available in the agency.

B. A pay increase as a result of a promotion may not exceed the top step of the new range, unless the employee's former pay includes an above-Step-10 amount as a result of an incentive increase. If the employee's former pay includes above-Step-10 incentive pay, the employee's new pay is calculated upon the above-Step-10 amount. If the increase from a promotion results in pay that is above the top step of the new range, the pay shall be reduced to the top step of the new range at the end of the incentive period unless the employee requalifies for an above-Step-10 incentive award.

C. Implementation of a promotion and any related pay change shall be prospective and is effective when the promotion is approved by the director. (Ord. 18727 § 19, 2018: Ord. 14801 § 10, 2003: Ord. 14233 § 6, 2001).

**3.15.140 Assignment to special duty.**

A.1. A department director and, when required, the director of the department of human resources may assign an employee in a regular position to an existing higher-level classification for a limited term when the higher-level duties and responsibilities comprise the majority of the work performed for a minimum of thirty calendar days.

2. Temporary employees, including term-limited temporary employees, are not eligible for special duty assignments.

B. Depending upon the type of special duty assignments needed for business operations, special duty assignments may be made for up to a maximum of five years.

1. Assignments may be approved for up to a term of twelve months if authorized in advance by the department director to backfill for a vacant regular position, or to provide additional staffing needed:

a. due to work that exceeds either the volume or complexity, or both, than what is routinely expected, but the work is of a limited duration;

b. due to work that is unanticipated due to unique circumstances that are not expected to reoccur; or

c. to either develop or implement, or both, a new function, system or proposal.

2. Assignments may be approved for up to a term of up to three years if authorized in advance by the director to perform a significant or substantial body of work, such as a nonroutine project or work related to the initiation or cessation of a county function, project or department.

3. Assignments may be approved for up to a term of five years if authorized in advance in writing by the director:

a. to backfill a regular position, when:

(1) an employee is absent because of an extended leave of absence for a medical reason;

(2) an employee is absent because of military service; or

(3) an employee is absent because of a special duty or another assignment; and

b. to staff or backfill staff on a clearly defined grant-funded, capital improvement or information systems technology project.

4. A special duty backfill assignment may not exceed the term of the incumbent employee's absence.

5. Special duty assignments to salaried classifications shall be made in full-week increments, from Saturday through Friday.

6. An employee's special duty assignment shall end when management

becomes aware that the employee's absence will exceed thirty calendar days or at the conclusion of a thirty-day absence, whichever occurs first.

C. A special duty assignment must be made in writing to the employee before the beginning of the assignment. The written notice must provide the classification title and description and must list the specific duties that the employee is to perform and the duration of the assignment. The written notice must also include a statement that the assignment does not confer on the employee any new privilege, right of appeal, right of position, transfer, demotion, promotion or reinstatement. A special duty assignment may be revoked at any time at the discretion of the appointing authority. Special duty pay may not be assigned retroactively.

D. The special duty increase shall be to the first step of the pay range of the higher-level job classification or a flat five percent above the base rate of pay, whichever is greater.

E. If the employee was receiving above-Step-10 incentive pay, the pay for the special duty assignment is calculated using the incentive pay and may result in incentive pay while in the special duty assignment.

F. While on special duty assignment, the employee shall continue to be eligible for step increases in the employee's regular position. If the employee is at Step-10 in the employee's regular position, the employee shall be eligible for step increases in the special duty classification.

G. Any accrued compensatory time shall be cashed out before an hourly employee begins a salaried special duty assignment, and before an employee in an hourly special duty assignment returns to a salaried regular position.

H. When the special duty assignment is completed, the employee’s pay shall revert to the pay rate the employee would have received if the employee had not been assigned to special duty.

I. Special duty pay shall not be considered part of an employee's base pay rate for purposes of placement within a salary range as a result of promotion or reclassification, for purposes of cashing out vacation or sick leave or when making vacation or sick leave donations.

J. When the special duty assignment is hourly, the employee’s special duty pay will be used for the computation of overtime and compensatory time.

K. If the special duty position is converted to a regular position and the employee who served in the special duty position is hired into the regular position, the time served in the special duty position will count toward any required probationary period. If the time served in the special duty position was longer than the required probationary period, the employee’s probationary period shall be considered served.

L. The executive shall notify the council each year in writing of the total number of county employees on special duty assignment by department. The executive shall file a paper original and electronic copy of each memorandum with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers and the lead staff for the government accountability and oversight committee or its successor. (Ord. 18793 § 25, 2018: Ord. 18727 § 20, 2018: Ord. 17020 § 2, 2011: Ord. 14801 § 11, 2003: Ord. 14233 § 7, 2001).

**3.15.145 Working out of classification.**

A. For the purposes of this section, "working out of classification" means an employee in a regular position is assigned in writing some or all of the duties of a higher-paid classification for a period of less than thirty calendar days.

B. Working-out-of-classification assignments must occur in full day or full shift increments.

C. While working out of classification, the employee shall receive a flat five percent pay premium. Any overtime the employee earns while working out of classification shall include the five percent premium. Paid leaves taken while an employee is working out of classification shall not include the pay premium.

D. If a working-out-of-classification assignment exceeds twenty-nine consecutive calendar days, the assignment shall be prospectively converted to a special duty assignment. (Ord. 18727 § 21, 2018).

**3.15.150 Biweekly pay cycle - transition.** County officers and employees currently paid on a semimonthly pay cycle shall be transitioned to a biweekly pay cycle in one or more groups on or after January 1, 2011. The biweekly payroll process shall provide that county officers and employees receive their compensation not later than thirteen days following the end of each two-week pay period for services rendered during that pay period. (Ord. 16818 § 1, 2010).

**3.15.160 Biweekly pay cycle - transition payments.**

A. When a county officer or employee's payroll is transitioning from a semimonthly pay cycle to a biweekly pay cycle, the executive is authorized to allow county officers and employees the option to elect to receive a transition payment, as set forth in K.C.C. 3.15.170, if they meet the qualifications in subsection B. of this section.

B. County officers and employees who meet the following qualifications, on the date or dates selected by the county administrative officer are eligible to elect a transition payment. Eligible county officers and employees are those who:

1. Are eligible for leave and insured benefits as provided for in K.C.C. 3.12.040;
2. Are not serving a probationary period, unless the probationary period is due to promotion, demotion or lateral transfer;
3. Are in a paid status;
4. Are employed in a position that is scheduled to be funded and filled for approximately one year after the date or dates selected by the county administrative officer;
5. Have elected to receive the transition payment by the date or dates selected by the county administrative officer; and
6. Have agreed and, if applicable, whose spouse or state registered domestic partner have agreed, in writing, to repay the county for the amount of the transition payment as set forth in section 4 of this Ordinance. (Ord. 17174 § 1, 2011: Ord. 16818 § 2, 2010).

**3.15.170 Biweekly pay cycle - transition payment amount.** The amount of the transition payment for an eligible employee shall be equivalent to the dollar amount reached by multiplying the employee’s base rate of pay by the number of standard work hours in one work week, not inclusive of overtime. In calculating the transition payment, an employee's base rate of pay excludes any type of premium pay. Excluded premium payments include but are not limited to payments for shift differential, certification, merit, or any other type of additional pay. (Ord. 16818 § 3, 2010).

**3.15.180 Biweekly pay cycle - transition payment amount - repayment by deductions - recourse.**

A. Repayment of the transition amount shall be made to the county no later than the end of the fiscal year within which the transition amount was paid. The repayment shall be by deductions from the employee’s paychecks in equal installments. If repayment by payroll deductions is insufficient, the outstanding balance shall be paid in full by a payment directly to the county by the employee, or if applicable, the employee's

spouse or state registered domestic partner. If an employee leaves county employment before completion of repayment of the full transition payment amount, the outstanding balance shall be paid in full by the following methods:

1. A deduction from the final paycheck owed to the employee when the employee leaves employment; and if further payment is owed, then by

2. A deduction from any other payment owed to the employee; and if further payment is owed, then by

3. A payment directly to the county by the employee or, if applicable, the employee's spouse or state registered domestic partner.

B. If the deductions or payments under this section do not pay the full outstanding balance, the county reserves the right to refer any unpaid amount to a collection agency or to pursue other legal means for repayment. (Ord. 17174 § 2, 2011: Ord. 16818 § 4, 2010).

**3.15.200 Chapter not a contract.** This chapter does not constitute an express or implied contract. It is a general statement of county policy that cannot form the basis of a private right of action. (Ord. 14801 § 12, 2003).

## 3.16 LABOR AND EMPLOYEE RELATIONS

**Sections:**


3.16.010 Bargaining agent designated.
3.16.012 Mission.
3.16.015 Definitions.
3.16.020 Powers.
3.16.025 General provisions.
3.16.030 Prior acts confirmed.
3.16.040 Time limit.
3.16.045 Corrections officers.
3.16.050 Labor policy committee functions.
3.16.055 Complaints about conduct – procedures – reports – review of agreements – confidentiality and guidelines.
3.16.060 Annual labor summit.
3.16.100 Unclassified and exempt employees - sheriff's employees - designation.


**3.16.010 Bargaining agent designated.**

A. In accordance with Sections 890 and 898 of the King County Charter, the King County executive is designated bargaining agent for King County, except as provided in subsection B. of this section.

B.1. The sheriff is the designated bargaining agent of the county on all department of public safety matters except for compensation and benefits for employees of the department of public safety. The county executive is the designated bargaining agent on compensation and benefits for employees of the department of public safety.

2. The sheriff and the executive shall consult and collaborate with each other in advance of collective bargaining negotiations with representatives of the employees of the department of public safety. The sheriff and the executive shall identify respective areas of bargaining authority, the positions to be taken on issues expected to arise during collective bargaining and other matters that have the potential to affect collective bargaining. The sheriff and the executive shall make a good faith effort, including meeting if necessary, to resolve any disagreements between them concerning such matters.

3. If the sheriff and the executive are unable to resolve any such disagreements, the sheriff and the executive shall promptly submit to each councilmember a confidential, detailed, joint written report describing the disagreement.

4. Neither the executive nor the sheriff may propose or agree to the inclusion of language in any collective bargaining agreement, memorandum of agreement or memorandum of understanding concerning employees of the department of public safety without conferring with each other, except regarding compensation and benefits. (Ord. 17233 § 2, 2011: Ord. 197 § 1, 1969).

**3.16.012 Mission.** The mission of the council and the bargaining agent shall be to develop labor relations policy and other policies affecting county employees in accordance with the following principles and consistent with the philosophy, objectives and guidelines found in King County council Motion 9182:

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

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

C. Allow the council an adequate and meaningful opportunity to provide policy direction to the bargaining agent before the collective bargaining process begins.

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

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

F. Acknowledge, encourage and continue the efforts of bargaining units and management to engage in collaborative or interest-based bargaining, which has had the positive effects of reducing the adversarial nature of traditional bargaining and enhancing consensus-making in labor relations. (Ord. 11480 § 5, 1994).

**3.16.015 Definitions.** Unless the text clearly indicates otherwise, as used in this chapter, the following words shall have the meanings set forth in this section:

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

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

C. "Bargaining agent" means the designated bargaining agent as determined under K.C.C. 3.16.010.

D. "Public employer" means King County.

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

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

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

H. "Labor policy committee" or "policy committee" means the King County council.

I. "Labor policy" or "policy" means those general principles that work to implement the intent of this chapter and guide negotiations for wages, benefits, working conditions and other terms of employment. (Ord. 19013 § 6, 2019: Ord. 17223 § 3, 2011: Ord. 17024 § 2, 2011: Ord. 14287 § 1, 2002: Ord. 11480 § 3, 1994: Ord. 10631 § 2, 1992).

**3.16.020 Powers.** The bargaining agent is authorized on behalf of King County to meet, confer and negotiate with bargaining representatives of the public employees of King County for the purpose of collective bargaining as contemplated by chapter 41.56 RCW and Section 890 of the King County Charter, and to timely recommend to the King County council proposed wages, hours, and employee benefits and other conditions of county employment for the purposes of county budgets and such collective bargaining agreement or agreements as may be required and authorized by ordinance. The bargaining agent shall not negotiate new collective bargaining agreements prior to preparing for bargaining and conferring with the labor policy committee as required in K.C.C. 3.16.012, 3.16.025 and 3.16.050. (Ord. 14287 § 2, 2002: Ord. 11480 § 4, 1994: Ord. 197 § 2, 1969).

**3.16.025 General provisions.**

A. The bargaining agent shall establish and conduct a process to prepare for negotiations that performs at least the following functions:

1. The bargaining agent should continue to use collaborative or interest-based bargaining where both parties agree, and this chapter shall not be construed to restrict or inhibit such bargaining;

2. The bargaining agent shall cause to be developed and maintained a database of information within King County government on wages, hours, employee benefits, vacation and other leave, job classifications and substantial and factual information to provide knowledge of working conditions necessary to conduct effective negotiations. Such information shall be made available to the bargaining representatives to the extent provided by RCW 41.56.030(4), Public Employees' Collective Bargaining law of the state of Washington, as set forth by the collaborative process identified in King County council Motion 9182; and

3. The labor policy committee shall confer with the bargaining agent to develop necessary guidelines for the implementation of this section, consistent with this chapter and King County council Motion 9182.

B. The bargaining agent shall be the sole negotiator for King County government and shall bargain in good faith as provided by law. The bargaining agent shall commence and complete collective bargaining negotiations in a timely manner and in accordance with the overall principles and intent of this chapter. (Ord. 19013 § 7, 2019: Ord. 14287 § 3, 2002: Ord. 11480 § 7, 1994).

**3.16.030 Prior acts confirmed.** Any act pursuant to the authority and prior to October 30, 1969, is hereby ratified and confirmed. (Ord. 197 § 3, 1969).

**3.16.040 Time limit.**

A. Any collective bargaining agreement between King County and a recognized bargaining representative as defined in RCW 41.56.030 which has been ratified by both parties shall be transmitted to the King County council no later than seven days after the tentative agreement has been reached.

B. Failure to meet this deadline shall result in the payment of interest on the retroactive amount of any negotiated salary or wage increase equal to interest earned on Federal 90 day treasury bills from the first day following the deadline through the date the tentative agreement is transmitted to the King County council, unless the seven days have been extended by mutual agreement by both parties in writing.

C. The interest accrued, if any, shall be divided among the county employees represented by the collective bargaining unit, based upon each employees individual retroactive wage rate increase. The computed interest shall be included in the first pay check which pays out the rate of pay negotiated in the tentative collective bargaining agreement. (Ord. 1903 § 8, 2019: Ord. 8658 § 1, 1988).

**3.16.045 Corrections officers**. Application of RCW 41.56.440 - 41.56.470 and RCW 41.56.480 - 41.56.490. In the furtherance of collective bargaining the provisions of RCW 41.56.440 - 41.56.470 and RCW 41.56.480 - 41.56.490 shall also be applicable to corrections officers and 911 operators as defined in this chapter. (Ord. 10631 § 3, 1992).

**3.16.050 Labor policy committee functions.**

A. The labor policy committee shall meet as it deems necessary to obtain the testimony of members of the public, the bargaining agent, bargaining representatives or their designees, county department management and others in order to consider such testimony in policy decisions before the committee. The labor policy committee shall not engage in bargaining with bargaining representatives or represented employees. The labor policy committee shall also meet to consider matters referred to it by the council in accordance with K.C.C. chapter 1.24.

B. The labor policy committee shall provide an opportunity for bargaining representatives or their designees to address the committee before the adoption of overall policy. Overall policy, and all amendments to adopted policies, shall be established only upon an affirmative vote by a majority of the members of the labor policy committee.

C. The bargaining agent shall recommend to the labor policy committee overall changes to adopted policies that would be required to implement the changes proposed in K.C.C. 3.16.055.C., and an overall estimate of the monetary value, if any, of these changes, including both costs and benefits.

D. Following the establishment of overall policy, and before commencing negotiations, the labor policy committee shall meet to hear the bargaining agent's recommended strategies for implementing adopted policies. The labor policy committee shall confer with the bargaining agent as it deems necessary to ensure compliance with this chapter and good-faith collective bargaining. The bargaining agent's strategies shall be generally consistent with the principals contained in this chapter and the overall policy direction established by the labor policy committee.

E. The bargaining agent may seek further clarification of adopted policies from the labor policy committee at any time during the negotiations.

F. By June 30 of each year, the executive shall report to the labor policy committee regarding employment policies applicable to nonrepresented employees.

G. For the purpose of maintaining an effective collective bargaining process, the strategies and related information presented by the bargaining agent shall be maintained as confidential. In addition, proposed or adopted policies designated as confidential shall be considered policy formulation documents and be maintained as confidential and exempt from public disclosure as provided in RCW 42.56.280. The labor policy committee shall develop guidelines to assist in accomplishing such confidentiality.

H. Any councilmember may propose the adoption, amendment or repeal of any labor policy by filing with the clerk of the council a memorandum that includes the proposed policy. Any proposed amendment shall set for the existing policy and show proposed changes as in the form required for ordinances by K.C.C. 1.24.075. The clerk shall provide a copy of the proposal to the executive, each councilmember and the lead staff for the labor policy committee. The proposal shall be designated by the councilmember either as public or as confidential pending action by the committee on the policy. Adopted policies may be

designated as confidential by an affirmative vote of a majority of the members of the policy committee.

I. The clerk of the council shall maintain a compilation of adopted policies. The clerk shall make publicly available all public policies, and shall maintain as confidential all labor policies designated as confidential policy formulation documents. (Ord. 19013 § 9, 2019: Ord. 18635 § 19, 2017: Ord. 17262 § 1, 2012: Ord. 14287 § 4, 2002: Ord. 12014 § 55, 1995).

**3.16.055 Complaints about conduct – procedures – reports – review of agreements – confidentiality and guidelines.**

A.1. A bargaining representative may at any time during negotiations forward to the director of the department of human resources, or its successor, a written complaint that the collective bargaining process is not being conducted in a timely manner or is not being conducted in a manner consistent with good faith bargaining. The director shall, within fifteen calendar days, respond in writing to the complaint and propose such remedies as may address the complaint.

2. If the bargaining representative is not satisfied with the written response of the director, or if a written response to the complaint is not received within fifteen calendar days, the bargaining representative may forward the written complaint to the King County executive, as the bargaining agent, who shall, within fifteen calendar days, respond to it in writing and propose such remedies as may address the complaint.

3. If the bargaining representative is not satisfied with the written response of the bargaining agent, or if a written response is not received from the bargaining agent within fifteen calendar days, the bargaining representative may request that the bargaining agent forward the written complaint to the council.

4. If the bargaining agent receives a written request to have the complaint forwarded to the council, including an explanation of reasons for the request, the bargaining agent shall forward the request, together with the bargaining agent's written response, to the council within five calendar days from the receipt of the request. These materials or any discussion thereof shall remain confidential to the extent allowed by law.

5. The council may request that the bargaining agent meet with the council for the purpose of reviewing the status of negotiations with regard to the principles contained in this chapter and the overall policy direction established by the labor policy committee, but the council shall take no action that would interfere with the lawful role of the bargaining agent.

B. By June 30 of each year, the prosecuting attorney, in conjunction with bargaining agent, shall report to the council on all pending unfair labor practice charges and all pending arbitration involving represented employees.

C. By June 30 of each year, or, in the case of agreements expiring other than December 31, at least ninety days before the commencement of negotiations, in preparation for collective bargaining the bargaining agent shall report to the council the agreements expiring that calendar year. The bargaining agent shall also generally explain existing policies that, if changed, would further the principles and intent established by this chapter. County department management concerned with the collective bargaining process, with the advice of other relevant county departments, shall assist the bargaining agent in reporting to the [implementation committee]*.

D. By June 30 of each year or, for agreements expiring other than December 31, at least ninety days before commencing negotiations, the [implementation committee]* shall meet with the bargaining agent to review the schedule of collective bargaining agreements expiring in that calendar year and the key issues related to the collective bargaining process. Methods of consultation with unions, management rights and eliminating the causes of employee grievances shall also be considered.

E. For the purpose of maintaining an effective collective bargaining process, the strategies and related information presented by the bargaining agent shall be maintained as confidential. The council shall develop guidelines to assist in accomplishing such confidentiality. (Ord. 19013 § 10, 2019: Ord. 18793 § 26, 2018: Ord. 18635 § 20, 2017: Ord. 14287 § 5, 2002).

**Reviser's note: Changed to "council" in Ordinance 19013 without displaying the amendments as required in K.C.C. 1.24.075.**

**3.16.060 Annual labor summit.** The chair of the King County council shall annually convene a summit between the county's elected officials and the local labor leadership and the leadership of all collective bargaining units representing the county's work force. Such a labor summit shall take place between January 1 and July 1 of each given year. The intent of convening an annual labor summit shall be to: increase communication between King County elected officials and the leadership and membership of local labor organizations and of all the county's collective bargaining units; identify issues and problems of mutual concern; identify solutions to problems affecting the memberships of the county's collective bargaining units; delineate ways in which the county's elected officials may more closely and effectively work with the county's collective bargaining units and local labor organizations to attain mutual goals; and foster a spirit of cooperation in working to serve the public.

Meeting minutes at the summit shall be recorded and adopted by the King County council at a subsequent regular meeting of the council. (Ord. 15196 § 1, 2005 Ord. 14337 § 1, 2002: Ord. 14287 § 6, 2002: Ord. 13000 § 2, 1998).

**3.16.100 Unclassified and exempt employees - sheriff's employees - designation.**

A. By the power conferred upon the county legislative authority in RCW 41.14.070, the council authorizes the following number of positions as unclassified and exempt from the state civil service system for county sheriff's employees:

1. Office of the sheriff: five positions;
2. Patrol operations division: six positions;
3. Support services division: two positions;
4. Criminal investigation division: one position;
5. Professional standards division: two positions;
6. Sound Transit division: one position; and
7. Metro Transit division: one position.

B. RCW 41.14.070 grants the sheriff the ability to designate ten unclassified positions that are exempt from the state civil service system for sheriff's employees. By the power conferred upon the county legislative authority in RCW 41.14.070(4), the sheriff's office is authorized two additional unclassified positions for a total of twenty unclassified positions. (Ord. 16977 § 2, 2010: Ord. 15939 § 3, 2007).

## 3.18 LIVING WAGE FOR EMPLOYEES OF COUNTY AND COUNTY CONTRACTORS.

**Sections:**


3.18.010 Definitions.
3.18.020 Employee coverage - application of chapter - exceptions - employees under eighteen years of age - rules.
3.18.030 Minimum wage for county employees - exceptions.

3.18.035 County employees with disabilities – payment of less than minimum wage prohibited.
3.18.040 Schedule 1 employers - minimum wage - minimum health benefits plan payments.
3.18.050 Schedule 2 employers - minimum wage.
3.18.060 Schedule 2 employers - minimum compensation.
3.18.070 Contracts - compliance with chapter required.
3.18.080 Waiver of chapter - rules - report.
3.18.090 Executive duties - rules - notice and opportunity to cure violations opportunities - sactions or remedies – administration of chapter.

**3.18.010 Definitions.**

A. "Actuarial value" means the percentage of total average costs for covered benefits that a health benefits package will cover.

B. "Bonuses" means non-discretionary payments in addition to hourly, salary, commission or piece-rate payments paid under an agreement between an employer and employee.

C. "Commissions" means a sum of money paid to an employee upon completion of a task, usually selling a certain amount of goods or services.

D. "Compensation" means wages together with the money paid by an employer towards an individual employee's health benefits plan.

E. "Contract" means a mutually binding legal relationship or any modification thereof obligating the county to pay a contractor one hundred thousand dollars or more to provide professional services, technical services or services, as defined in K.C.C 2.93.030 to, or at the direction of, the county. "Contract" does not include: a contract between a contract-awarding authority and another government or public entity; a contract that the county enters into as the administrator of grants received from a third party; a contract for public works; an architectural or engineering contract; or a collective bargaining agreement.

F. "Contract-awarding authority" means the county officer, department, commission, employee or board authorized to enter into or to administer contracts on behalf of the county.

G. "Contractor" means any person that enters into a contract with the county, or negotiates the extension of an existing contract with the county, after the effective date of this ordinance, or that is a subcontractor performing services under such a contract.

H. "Division" means the finance and business operations division of the department of executive services.

I. "Director" means the manager of the finance and business operations division of the department of executive services, or the manager's designee.

J. "Employee" means any individual employed by an employer, whether on a full-time, part-time, temporary or seasonal basis, including temporary workers, contracted workers, contingent workers and persons made available to work through a temporary services, staffing or employment agency or similar entity.

K. "Employer" includes King County and any individual, partnership, association, corporation, business trust or person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee.

L. "Health benefits plan" means a silver or higher level essential health benefits package, as defined in 42 U.S.C. Sec. 18022, or an equivalent plan that is designed to provide benefits that are actuarially equivalent to seventy percent of the full actuarial value of the benefits provided under the plan, whichever is greater.

M. "Hourly minimum compensation" means the minimum compensation due to an employee under this chapter for each hour worked during a pay period.

N. "Hourly minimum wage" means the minimum wage due to an employee under this chapter for each hour worked during a pay period.

O. "Person" means any individual, partnership, corporation, limited liability company, sole proprietorship, association, joint adventure, estate, trust or other entity, group or combination acting as a unit, and the individuals constituting the group or unit.

P. "Piece-rate" means a price paid per unit of work.

Q. "Rate of inflation" means one hundred percent of the annual average growth rate of the bi-monthly Seattle-Tacoma-Bremerton Area Consumer Price Index for urban wage earners and clerical workers, termed CPI-W, for the twelve month period ending in August, provided that the percentage increase shall not be less than zero.

R. "Schedule 1 employer" means an employer that employs more than five hundred employees in the United States, regardless of where those employees are employed in the United States.

S. "Schedule 2 employer" means an employer that employs five hundred or fewer employees in the United States, regardless of where those employees are employed in the United States.

T. "Subcontractor" means any person, not an employee, that enters into a contract with a contractor or subcontractor, and that employs employees for that purpose, to assist the contractor or subcontractor in performing a contract with the county.

U. "Wage" means compensation due to an employee by reason of employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges or allowances as may be permitted by rules of the director. "Wages" include commissions, piece-rate compensation and bonuses, all of which shall be counted as wages in the work-week in which they were earned. An employer payment toward a health benefits plan does not constitute a "wage." (Ord. 18871 § 1, 2019: Ord. 17909 § 4, 2014).

**3.18.020 Employee coverage - application of chapter - exceptions - employees under eighteen years of age - rules.**

A. An employee is covered by this chapter for each hour the employee is performing a measurable amount of work as a county employee or under a contract with the county. An employee who is not covered by this chapter is still included in determining the size of the employer.

B.1. For the purpose of determining whether an employer is a Schedule 1 employer or a Schedule 2 employer, separate entities that form an integrated enterprise shall be considered a single employer under this chapter. Separate entities are considered an integrated enterprise and a single employer under this chapter if a separate entity controls the operation of another entity. The factors to consider in making this assessment include, but are not limited to:

a. The degree of interrelation between the operations of multiple entities;
b. The degree to which the entities share common management;
c. Centralized control of labor relations; and
d. The degree of common ownership or financial control over the entities.

2. There shall be a presumption that separate legal entities, which may share some degree of interrelated operations and common management with one another, are considered separate employers for purposes of this section as long as: the separate legal entities operate substantially in separate physical locations from one another; and each separate legal entity has partially different ultimate ownership.

3. The determination of employer schedule for the current calendar year is calculated based upon the average number of employees employed per calendar week during the preceding calendar year for any and all weeks during which at least one employee worked for compensation. For an employer that did not have any employees

during the previous calendar year, the employer schedule is calculated based upon the average number of employees employed per calendar week during the first ninety calendar days of the current year in which the employer engaged in business.

C. For purposes of this chapter, temporary employment agency employees who perform, for a Schedule 1 or Schedule 2 employer, a measurable amount of work under a contract with the county, shall be paid no less than the minimum wage required to be paid to covered employees of the Schedule 1 or Schedule 2 employer.

D. This chapter does not apply to the payment of wages to: individuals defined in RCW 49.46.010(3), individuals employed in the categories listed in RCW 49.46.060(1) or individuals less than eighteen years of age.

E. The county's human resources director shall establish by rule the minimum wage for employees under the age of eighteen years, but any percentage of the hourly rate established by rule shall not be lower than the percentage applicable under state statutes and regulations. (Ord. 19009 § 2, 2019: Ord. 17909 § 5, 2014).

**3.18.030 Minimum wage for county employees - exceptions.** The county shall pay its employees at a rate no less than the hourly minimum wage for Schedule 1 employers, except for short-term temporary employees who are employed in social service programs designed to help youth gain basic work training skills. (Ord. 18871 § 2, 2019: Ord. 17909 § 6, 2014).

**3.18.035 County employees with disabilities – payment of less than minimum wage prohibited.** The county shall not pay any employee with a disability as defined in K.C.C. 12.16.010. less than any applicable minimum wage. (Ord. 19009 § 1, 2019).

**3.18.040 Schedule 1 employers - minimum wage - minimum health benefits plan payments.**

A.1. Except as otherwise provided in subsection B. of this section, beginning April 1, 2015, and ending January 1, 2016, Schedule 1 employers shall pay their employees who are covered by this chapter an hourly minimum wage of at least eleven dollars. Except as otherwise provided in subsection B. of this section, beginning January 1 of each year thereafter, Schedule 1 employers shall pay covered employees an hourly minimum wage as follows:

| Year | Hourly Minimum Wage |
|---|---|
| 2016 | $13.00 |
| 2017 | $15.00 |

2. Beginning January 1, 2018, the hourly minimum wage paid by a Schedule 1 employer to covered employees shall be increased annually on a percentage basis to reflect the rate of inflation and calculated to the nearest cent on January 1 of each year thereafter.

B.1. Beginning January 1, 2016, and ending January 1, 2019, Schedule 1 employers that pay toward a covered employee's health benefits plan shall pay the employee no less than an hourly minimum wage as follows:

| Year | Hourly Minimum Wage |
|---|---|
| 2016 | $12.50 |
| 2017 | $13.50 |
| 2018 | $15.00 |

2. Beginning January 1, 2019, payment by the employer of health benefits for employees shall no longer affect the hourly minimum wage paid by a Schedule 1 employer. (Ord. 17909 § 7, 2014).

**3.18.050 Schedule 2 employers - minimum wage.**

A. Beginning April 1, 2015, and ending January 1, 2016, Schedule 2 employers shall pay their employees who are covered by this chapter an hourly minimum wage of at least ten dollars. Beginning January 1, 2016, and each year thereafter through January 1, 2025, Schedule 2 employers shall pay covered employees no less than the hourly minimum wage shown in the following schedule:

| Year | Hourly Minimum Wage |
|---|---|
| 2016 | $10.50 |
| 2017 | $11.00 |
| 2018 | $11.50 |
| 2019 | $12.00 |
| 2020 | $13.50 |
| 2021 | $15.00 |
| 2022 | $15.75 |
| 2023 | $16.50 |
| 2024 | $17.25 |

B. Beginning January 1, 2025, and January 1 of every year thereafter, the hourly minimum wage paid by a Schedule 2 employer to covered employees shall equal the hourly minimum wage applicable to Schedule 1 employers. (Ord. 17909 § 8, 2014).

**3.18.060 Schedule 2 employers - minimum compensation.**

A.1. Beginning April 1, 2015, and ending January 1, 2016, Schedule 2 employers shall pay their employees who are covered by this chapter an hourly minimum compensation of at least eleven dollars. Beginning January 1, 2016, 2017, 2018, 2019, and 2020, Schedule 2 employers shall pay their covered employee no less than the hourly minimum compensation shown in the following schedule:

| Year | Hourly Minimum Compensation |
|---|---|
| 2016 | $12.00 |
| 2017 | $13.00 |
| 2018 | $14.00 |
| 2019 | $15.00 |
| 2020 | $15.75 |

2. Beginning January 1, 2021, the hourly minimum compensation paid by a Schedule 2 employer to their covered employees shall equal the hourly minimum wage applicable to Schedule 1 employers.

B. Schedule 2 employers can meet the applicable hourly minimum compensation requirement through wages and money paid by an employer towards an individual employee's health benefits plan, provided that the Schedule 2 employer also meets the applicable hourly minimum wage requirements.

C. Beginning January 1, 2025, minimum compensation is not applicable. (Ord. 17909 § 9, 2014).

**3.18.070 Contracts - compliance with chapter required.** A contract-awarding authority shall not execute a contract with a contractor unless the contract includes provisions requiring the contractor to comply with the applicable provisions of this chapter and containing appropriate remedies for the breach of the contracts as prescribed under K.C.C. 3.18.090. (Ord. 17909 § 10, 2014).

**3.18.080 Waiver of chapter - rules - report.**

A. The executive may waive this chapter in whole or in part to the extent that any of the following applies:

1. The award of a contract or amendment to a contract is necessary in an emergency, as defined in K.C.C. 12.52.010 or RCW 39.04.280;

2. The contract is for a proprietary purchase under K.C.C. 2.93.070;

3. There are no contractors capable of responding to the county's requirements that can comply with this chapter;

4. The county is purchasing through a cooperative or joint purchasing agreement; or

5. Application of this chapter would:

a. result in an increased cost to the county that would make it necessary to reduce services to county residents; or

b. otherwise have a material, adverse impact on the county.

B. A request for a waiver of this chapter must be made to the executive by the contract-awarding authority in a manner prescribed by the executive by administrative rule.

C. When any waivers are granted under this section, the executive shall provide a written report to the council that includes a description of the relevant facts and an explanation of the reason for each waiver. The executive must file the report covering the preceding calendar year by April 1 when a waiver was granted in the preceding year, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff to the budget and fiscal management committee or its successor. If no waivers are granted in a calendar year, no reporting is required in the following year. (Ord. 18635 § 21, 2017: Ord. 17909 § 11, 2014).

**3.18.090 Executive duties - rules - notice and opportunity to cure violations opportunities - sactions or remedies - administration of chapter.** The executive shall:

A. Adopt public and administrative rules in accordance with this chapter establishing standards and procedures for effectively carrying out this chapter;

B. Determine when and how any notice and opportunity to cure a violation of this law should be afforded;

C. Determine and impose appropriate sanctions or remedies, or both, and procedures for administrative review, for violation of this chapter by contractors, including but not limited to:

1. Disqualification of the contractor from bidding on or being awarded a county contract for up to two years;

2. Remedies allowable by contract including, but not limited to, liquidated damages and termination of the contract;

3. Remedial action after a finding of noncompliance, as specified by rule; and

4. Other appropriate civil remedies and sanctions allowable by law; and

D. Administer other requirements specified by this chapter or that are necessary to implement the purposes of this chapter. (Ord. 17909 § 12, 2014).

## 3.24 TRAVEL AUTHORIZATION AND EXPENSE REIMBURSEMENT

**Sections:**

3.24.010 Definitions.
3.24.020 Persons authorized to receive expense reimbursement.
3.24.030 Travel authorization.
3.24.050 General rules.

3.24.060 Transportation costs.
3.24.070 Lodging costs.
3.24.080 Per diem meal and incidental rates and refreshment costs.
3.24.090 Miscellaneous reimbursable expenses.
3.24.100 Nonreimbursable expenses.
3.24.105 Travel expense advances.
3.24.110 Leave of absence during travel.
3.24.120 Lobbyist per diem in lieu of reimbursement.
3.24.130 Expense reimbursement.
3.24.140 Repayment of unauthorized reimbursements.
3.24.150 Implementation.
3.24.160 Reporting.
3.24.170 Reimbursement of moving expenses for certain employees.

**3.24.010 Definitions.** All words in this chapter shall have their ordinary and usual meanings except those defined in this section which shall have the meaning set forth below:

A. "Day travel" means travel outside of the county that exceeds six hours but does not include an overnight stay. Travel outside of the county for six hours or less or travel within the county is not considered day travel.

B. "Emergency" means the occurrence of unforeseen or exigent circumstances which may result in harm to the public good.

C. "Employee" means any person who is employed in a career service position, an exempt position, or a temporary position as defined in K.C.C. chapter 3.12, except persons serving the county without compensation and members of boards and commissions. "Employee" includes all county elected officials.

D. "Essential employee" means an employee designated by their department leadership who provides for and maintains the functions of county essential services.

E. "Essential services" means those services stated or implied that are required to be

1. Performed by statute or executive order for the exercise of civil authority, to maintain the safety, health and well-being of the county population and to sustain the county's industrial and economic base; or

2. Other functions as deemed essential by the heads of county agencies.

F. "Federal lodging limit" means the maximum amount a federal employee may be reimbursed per day for lodging expenses, excluding applicable taxes, in the respective host city for travel within the continental United States as published in the Code of Federal Regulations, 41 CFR Sec. 301, App. A, and as hereafter amended.

G. "First responder" means an employee who protects lives, property, and evidence and who provides for the restoration of order.

H. "Government rates" means the discounted rates offered to government employees, in the course of conducting official business, by lodging establishments, rental car agencies and other providers of services to government employees.

I. "Moving expenses" means expenses incurred for transportation of family and common household possessions, including meals and incidentals per diem, automobiles and lodging expenses.

J. "Official county business" means business that relates directly to a person's work function and benefits the county.

K. "Overnight travel" means travel outside of the county that exceeds twelve hours and includes an overnight stay.

L. "Presiding elected official" means the county executive for the executive branch departments, agencies and offices except assessments, elections and public safety; the county assessor for the department of assessments; the director of elections for the

department of elections, the prosecuting attorney for the office of the prosecuting attorney; the county sheriff for the department of public safety; the chair of the county council for the legislative branch; and the presiding judges of the superior and district courts, or the official or officials designated by that branch or unit of county government.

M. "Unanticipated event" means an event necessitating a response due to a regulator requirement or public safety and health situation that does not rise to the level of a proclaimed emergency. (Ord. 17351 § 1, 2012: Ord. 13257 § 1, 1998: Ord. 12904 § 2, 1997: Ord. 9206 § 1, 1989).

**3.24.020 Persons authorized to receive expense reimbursement.** This chapter applies to all departments, agencies and offices of the executive branch, including but not limited to the departments of judicial administration, public safety, and assessments; the council and subordinate units of the legislative branch; the office of the prosecuting attorney; the superior and district courts; and the office of economic and financial analysis. For purposes of this chapter, the presiding elected official of the office of economic and financial analysis is the chair of the forecast council. Within budgetary constraints, the following persons are authorized to receive expense reimbursement in conformance with this chapter and are likewise responsible for compliance with the terms of this chapter and any implementing policies and procedures:

A. County employees;

B. Candidates for positions that are exempt from the career service or candidates for positions that require a specialized skill not available in the county job market may be authorized by the presiding elected official, subject to the following restrictions:

1. For travel to the county from their place of residence outside the county to be interviewed.

2. Maximum of five interview trips for a given position during any twelve month period.

3. No candidate for employment is eligible for more than two separate interview trips for a given position.

4. Approval by the presiding elected official is required before an invitation to interview is issued.

C. Persons otherwise authorized by law, grant or contract, provided that the terms of such other expense reimbursement authorization shall apply. (Ord. 16391 § 20, 2009: Ord. 13257 § 2, 1998: Ord. 12077 § 7, 1995).

**3.24.030 Travel authorization.**

A. Authorization for day or overnight travel or to incur expenses estimated to exceed one hundred dollars shall be obtained in accordance with the established policies and procedures of the respective presiding elected official prior to commencing the activity. Travel plans shall be authorized in advance by the presiding elected official or designee, except when an emergency arises that requires travel to commence within twenty-four hours. If expenses are incurred without prior to authorization, the presiding elected official or designee will determine whether an emergency existed and the expenses are reimbursable. The person requesting reimbursement will be responsible for payment of expenses that were incurred without prior authorization and subsequently determined not to constitute an emergency.

B. Persons authorizing travel shall not be subordinate to the requester, shall ensure that the traveler is provided information about the applicable travel expense reimbursement policies prior to incurring travel expenses and shall apply, at a minimum, the criteria outlined below in making decisions on granting or denying such requests:

1. Requested travel shall be for the conduct of official county business. The travel request shall describe the relationship between the travel and work functions and indicate

what benefit the county will receive from the travel. Any available printed material indicating the overall content and quality of the event shall be attached to the travel request. The number of persons engaging in a given travel activity shall be the minimum necessary to achieve the expected benefit.

2. Travel requests shall be accompanied by a travel itinerary and itemized list of anticipated expenditures. Expenditure plans must be reasonable and budgeted monies for reimbursement must be available and authorized.

3. For nonmandatory attendance at job-related seminars, conferences, conventions or training, travel may be authorized with reimbursement at less than the rates otherwise authorized, provided that the reduced reimbursement rates are mutually agreed to in writing by the person authorizing the travel and the traveler prior to the travel.

4. If the person is to maintain employment/business status during the travel, travel authorization is required even if the county will not be funding the travel expenses. (Ord. 13257 § 3, 1998: Ord. 9206 § 3, 1989).

**3.24.050 General rules.**

A. All persons are responsible for exercising prudent judgment to avoid unnecessary county expense. Travel requests and reimbursement claims shall strictly conform to the provisions of this chapter and other applicable laws, grants, contracts or policies.

B. The traveler shall be responsible for excess costs and additional travel expenses resulting from taking an indirect route or delaying the return trip for personal preference or convenience, except that additional travel expenses may be approved and reimbursed if an indirect route or delay reduces the county's total costs. Additional travel expenses paid under this provision are subject to the reimbursement limitations specified in this chapter and, considering both salary and travel expenses, must not exceed the documented savings.

C. The provisions of this chapter shall apply to both domestic and foreign travel, except that the limits on travel expense reimbursements for transportation, lodging, and meals and incidentals, as provided for in K.C.C. 3.24.060 through 3.24.080, shall apply only to travel within the continental United States, which shall consist of the forty-eight contiguous states and the District of Columbia. Transportation, lodging, and meals and incidental expense reimbursement for travel outside the continental United States shall be based upon actual expenses to a maximum of the overseas rates established by the federal General Services Administration for federal travel to the specific location, subject to all other provisions of this chapter.

D. No travel or meal expense that would not be a reimbursable expense under this chapter may be the object of a direct expenditure of county funds. (Ord. 13257 § 5, 1998: Ord. 9206 § 5, 1989).

**3.24.060 Transportation costs.** The county will pay the actual and necessary costs of transportation of conducting official county business as follows:

A. Travel shall be by the method of transportation and route that will be most advantageous to the county, considering the cost of transportation, other travel expenses and salary. The excess cost of first class or business class fare for a given mode of travel shall not be reimbursed when less expensive fares are available. When a private mode of transportation is used in lieu of a more customary form of transportation to the event site, travel expenses shall be reimbursed at the lesser of the two costs.

B. When automobile transportation is necessary, a county vehicle or public transportation shall be used whenever practical. When rental vehicles are authorized, government rates must always be requested. When use of a private automobile is authorized, reimbursement for mileage shall be the current Internal Revenue Service (IRS)

rate per mile for business-related travel and reimbursement for parking shall be the actual cost, except as provided by a collective bargaining agreement, prevailing law or contract. The department of finance shall be responsible for administering and announcing the current IRS mileage rate for business-related travel.

C. The starting and ending locations of travel are the official work place or the residence, depending on the work schedule and the work status of the traveler at the time of departure and arrival.

D. Transportation between a person's home and regularly assigned workplace is not reimbursable, except that members of regional committees who are not full-time elected officials may be reimbursed actual parking and round-trip mileage expenses, at the current IRS mileage rate for business-related travel, between the member's workplace or residence and the location of the regional committee meeting. (Ord. 13257 § 6, 1998: Ord. 12077 § 8, 1995).

**3.24.070 Lodging costs.** Lodging costs actually incurred are reimbursable only as follows:

A. Lodging costs will be reimbursed only if a person is in overnight travel status, except as provided in subsection D. of this section. Government rates must always be requested. Lodging receipts are required. Lodging costs in the host city may be claimed from the night before the authorized event starts through the night before it ends, unless reasonably priced and timely return transportation is not available, thereby necessitating additional lodging costs.

B. The traveler shall be reimbursed for actual lodging costs incurred for single occupancy, to a maximum of the federal lodging limit for the host city plus taxes. If the lodging receipt indicates a charge for double occupancy and two persons are authorized to travel on behalf of the county, each traveler shall be allowed one-half the double occupancy charge. If one person is not authorized to travel on behalf of the county, the person authorized to travel shall be reimbursed at the single occupancy rate to a maximum of the federal lodging limit.

C. For seminars, conferences or conventions, costs for lodging at the event site may be authorized in excess of the federal lodging limit for the host city under one or more of the following conditions:

1. No alternate lodging is available within a reasonable distance of the event site which is within the federal lodging limit for the host city. The traveler must provide a signed statement of unavailability with the request for reimbursement;

2. The authorized means of transportation between the alternate lodging site and the event site would exceed the savings in lodging costs; or

3. The presiding elected official or designee has authorized the excess expenditure in writing and in advance for any exigent circumstances that might exist.

D. Employees who are not in overnight travel status may be provided either lodging paid directly by the county or reimbursed by the county to the employ[ee] in the event of an emergency proclaimed by the county executive, but only if:

1. The employee who is provided lodging must remain close to the worksite in order to respond to the emergency;

2. The work being performed is critical or necessary to respond to the proclaimed emergency; and

3. During the first twenty-four hours, the lodging is approved by the presiding elected official or designee in writing; any extension beyond the first twenty-four hours must be approved in advance and by the presiding elected official or designee in writing.

E. First responders and essential employees, who are not in overnight travel status who must work extended hours during certain unanticipated events which is critical to or in

response to a regulatory requirement may be provided either lodging paid by the county or reimbursed by the county to the employee, but only if:

1. The employee who is provided lodging must remain close to the worksite in order to respond to the event;

2. The event requires that the work being performed is critical or necessary to meet a regulatory requirement or to respond to a public health and safety situation not rising to the level of a proclaimed emergency; and

3. During the first twenty-four hours, the lodging is approved by the presiding elected official or designee in writing with a brief description of the event; any extension beyond the first twenty-four hours is approved in advance and by the presiding elected official or designee in writing with a brief description of the event.

F. The department of finance shall distribute federal lodging limits, as published in the Code of Federal Regulations, 41 CFR Sec. 301, App. A, as rate changes occur. (Ord. 19033 § 3, 2019: Ord. 18618 § 93, 2017: Ord. 17351 § 2, 2012: Ord. 13257 § 7, 1998: Ord. 9206 § 7. 1989).

**3.24.080 Per diem meal and incidental rates and refreshment costs.**

A. For persons traveling on official county business, meal and incidental expenses are reimbursable at the per diem rates established by the federal travel regulations for the host city, published annually in the Code of Federal Regulations, 41 CFR Sec. 301, App. A. The per diem rates include fixed allowances for breakfast, lunch, dinner and incidental expenses, by city. The meal allowances include tips and gratuities. The incidental rates are calculated to allow for expenses such as fees and tips to baggage carriers, concierges, hotel staff and laundry. Reimbursement for incidentals is authorized only for overnight travel. Receipts are not required:

1. For day travel, the fixed allowance per meal, as established by the federal per diem rate, may be claimed if in travel status at the following times: 7:00 a.m. - breakfast, 12 noon - lunch, and 6:00 p.m. - dinner;

2. For overnight travel, the per diem meal and incidental rate may be claimed. On the first and last days of travel, meals shall be reimbursed at the rates established for day travel, plus incidentals; or

3. When the expense of a meal is included in a registration fee, air fare or other county expense, the per diem meal and incidental rate will be reduced by the fixed allowance for the respective meal.

B.1. Meal expenses incurred while a person is not in travel status are not normally reimbursable, except that meals may be reimbursed or paid directly by the county for official county business purposes as follows:

a. for staff retreats lasting more than four hours in a single day, for either single or multiple days, not to exceed one retreat per quarter per county division or key subordinate unit as defined by K.C.C. 2.16.100;

b. when an integral part of a job-related seminar, conference, convention or training occurs during the meal, but only if the meals are approved in advance, in writing, by the presiding elected official or designee;

c. when a meeting subject to the Open Public Meetings Act, chapter 42.30 RCW, continues through the times listed in K.C.C. 3.24.080.A.1;

d. for events authorized in advance and in writing by a presiding elected official or designee, but this authorization shall not be provided in circumstances that violate Article VIII, Section 7 of the state Constitution, which prohibits gifts of public funds;

e. for events that rise to the level of an emergency declared or proclaimed by the executive, but only if:

(1) the work being performed by the employee is critical or necessary to respond to the emergency; and

(2) during the first twenty-four hours, the meals are approved by the presiding elected official or designee in writing; and an extension beyond the first twenty-four hours must be approved in advance by the presiding elected official or designee; or

f. for unanticipated events that do not rise to the level of an emergency proclaimed by the executive, but only if:

(1) the employee who is provided meals is a designated first responder or an essential employee;

(2) the event requires that the work being performed is critical or necessary to meet a regulatory requirement or to respond to a public safety and health situation not rising to a proclaimed emergency; and

(3) during the first twenty-four hours, the meals are approved by the presiding elected official or designee in writing with a brief description of the event; and an extension beyond the first twenty-four hours is approved in advance by the presiding elected official or designee in writing with a brief description of the event.

2. Reimbursable meals incurred while in nontravel status are limited to the fixed meal allowance established by the federal travel regulations for each participant.

C. Expenses for refreshments are not normally reimbursable, except that refreshment expenses may be reimbursed when an employee is not in travel status, under the conditions provided for in K.C.C. 3.24.080.B. Additionally, refreshments may be provided to employees by the county, at its option. Refreshment expenses, however, are limited to fifty percent of the fixed lunch meal allowance established by the federal travel regulations for each participant. Any purchase of refreshments that will cost more than fifty dollars in total per function must be approved in advance and in writing by the presiding elected official or designee.

D. Meal and refreshment costs are neither reimbursable nor may they be paid by the county as a direct expenditure when:

1. They are included in another county expense, regardless of whether the person partakes in the meal or refreshment;

2. They are incurred for recreational or social events such as office parties, going away parties, retirement parties, or other personalized social events; or

3. It would violate the provisions of Article VIII, Section 7 of the state Constitution, which prohibits a gift of public funds.

E. Meal expenses may be incurred at a rate higher than that established by federal regulations when one or more of the following conditions apply:

1. The presiding elected official or designee approves the cost of the meal because a circumstance related to a particular meal results in exceeding the authorized meal rate. A receipt detailing the expense, accompanied by written justification, shall be submitted with the request to exceed the fixed meal allowance;

2. The meal expense is incurred on behalf of another agency that reimburses the county for the expense, in which case the expense shall be reimbursed according to the rules specified by the funding agency; or

3. When necessitated by special dietary needs.

F. The finance and business operations division shall distribute federal meal and incidental rates, as published in the Code of Federal Regulations, 41 CFR Sec. 301, App. A, as rate changes occur. (Ord. 19033 § 4, 2019: Ord. 13257 § 8, 1998: Ord. 12077 § 9, 1995).

**3.24.090 Miscellaneous reimbursable expenses.**

A. Miscellaneous expenses related to official county business travel which are considered essential and reimbursable include, but are not limited to:

1. Registration fee of a seminar, conference, convention or similarly organized program subject to the limitation in K.C.C.3.24.080A.3.

2. Rental of a room in a hotel or other facility that is used to transact official business.

3. Parking; ferry and bridge tolls; taxi, subway and bus fares; airport shuttle service and rental vehicles.

4. Stenographic, typing or computer-related services.

5. Telephone calls or facsimile (fax) transmissions necessary for the conduct of official business or to advise of a change in official travel plans.

6. Traveler's checks.

7. Baggage handling service, when necessitated by physical limitations or when carrying excessive baggage or equipment required for an official business purpose, may be claimed beyond the expense limitations provided for in K.C.C. 3.24.080A.

B. A miscellaneous nontravel expense related to official county business is reimbursable if the expense is under one hundred dollars and approved in advance by the presiding elected official or designee. (Ord. 13257 § 9, 1998: Ord. 9206 § 9, 1989).

**3.24.100 Nonreimbursable personal expenses.** Miscellaneous travel expenses not directly related to the conduct of official county business are not reimbursable.

A. Certain expenses are considered personal and therefore nonreimbursable including, but not limited to:

1. Laundry, except as covered by the incidental per diem rate provided for in K.C.C. 3.24.080.

2. Personal telephone calls, except as provided for in K.C.C. 3.24.090A.5.

3. Entertainment, clothing, personal sundries and services, transportation to places of entertainment and similar personal items.

4. Room service costs that exceed the fixed rate established for the meal incurred and valet service, except when necessitated by physical limitations.

5. Personal "trip insurance" and medical or hospital services.

6. Alcoholic beverages and tobacco products.

7. Tips and gratuities, except as provided for in K.C.C. 3.24.080A.

8. Fines and penalties.

9. Dependent care, except as provided through the county employee benefits program.

B. The county shall not provide funding of travel expenses when a source of reimbursement other than the county is specified in county, state or federal law or policy. In cases where reimbursement is available from another source, the county may, at the option of the approving authority, pay the difference between what the county policy would allow for the total travel activity and the total reimbursed from the other source for expenses reimbursable under the provisions of this chapter, but shall not selectively reimburse for only specific items with differing reimbursement rates between the county and the other source. (Ord. 13257 § 10, 1998: Ord. 9206 § 10, 1989).

**3.24.105 Travel expense advances.**

A. Whenever it becomes necessary for an employee to incur reimbursable expenses for overnight travel, the department of finance may make a travel expense advance if requested by the employee. The amount of such an advance shall not exceed the amount of anticipated reimbursable expenses.

B. Travel expense advances shall be used only to defray reimbursable expenses incurred while conducting official county business. Travel expense advances shall not, under any circumstances, be considered a personal loan to the employee and any expenditure thereof, other than for official county business purposes, shall be considered a misappropriation of county funds.

C. On or before the tenth day following the close of the authorized travel period, any employee who received a travel expense advance shall submit a fully itemized travel expense voucher, as provided for in K.C.C. 3.24.130, accompanied by the unexpended portion of such advance, if any, to the approving official. The approving official shall have an additional five calendar days to process and forward the travel voucher and unexpended funds to the department of finance. The department of finance shall withhold from the employee's next paycheck any travel expense advance, or any portion thereof, not properly accounted for or repaid to the department of finance within the fifteen-day period. Such withholdings shall include interest, from the date of default until paid, at the rate established by RCW 42.24.150.

D. County employees who are delinquent in accounting for or repaying a prior travel expense advance shall be ineligible for any additional advances until such time as repayment or acceptable justification for the delinquent advance has been made. (Ord. 13257 § 11, 1998).

**3.24.110 Leave of absence during travel.**

A. When leave of absence of any kind is taken while in a travel status, the exact hour of departure and return to duty status shall be shown on the travel expense claim voucher. Except as provided in the following paragraph, expense reimbursement, including transportation to and from the post of duty, shall not be granted for such period.

B. Whenever a traveler takes leave of absence because of incapacitation due to illness or injury not due to the employee's own misconduct, the authorized reimbursement for lodging and subsistence may be continued during the leave period, but not to exceed in total the authorized cost for return to the employee's official station or residence, whichever is closer, and then back to the assignment. (Ord. 9206 § 11, 1989).

**3.24.120 Lobbyist per diem in lieu of reimbursement.**

A. Any expense for which a county employee would otherwise be reimbursed shall be a legal obligation of and expenditure by the county when incurred in the course of "lobbying" as defined in RCW 42.17.020(18), or in the course of providing requested information to an official or officials of another government agency.

B. Any employee of the county, when assigned to a session of the Washington state legislature as a full time "lobbyist" as defined in RCW 42.17.020(19), shall be authorized to receive, in lieu of meals and incidentals and lodging cost reimbursements provided for in this chapter, an allowance for each and every consecutive day of a session at a rate equivalent to that authorized for members of the Washington state legislature in accordance with RCW 44.04.120. (Ord. 13257 § 12, 1998: Ord. 9206 § 12, 1989).

**3.24.130 Expense reimbursement.**

A. Travel expenses. The traveler shall submit a fully itemized travel expense voucher to obtain reimbursement for travel expenses reimbursable under the provisions of this chapter. Travel expense reimbursement claims shall include the time, place, business purpose and participants in accordance with procedures established by the presiding elected official and on forms approved by the department of finance. Any applicable conference, convention or seminar brochure; airline itinerary; travel authorization(s) and justifications for exceeding the established limits for travel expenses shall be attached to the travel expense reimbursement claim.

1. For travel to a foreign country, the travel reimbursement claim shall show the total cost in the foreign currency, converted to U.S. dollars. The exchange rate shall be determined using either the rate published in the Wall Street Journal on the date representing the mid-point of travel, or the receipt provided by the bank or hotel making the exchange transaction, provided it shows the exchange rate, date and transaction fee.

2. For travel to Canada, the department of finance shall ensure that the necessary forms and records are submitted to the appropriate Canadian government to request the goods and services tax refund. Requests for refunds shall be made upon completion of travel claim and voucher review.

B. Nontravel expenses. The employee shall submit a fully itemized expense voucher to obtain reimbursement for reimbursable nontravel expenses.

C. Receipts prepared and issued by the service provider or copies of endorsed checks are required wherever this chapter provides for actual cost reimbursement, except that receipts are not required for expenses of less than ten dollars.

D. Persons responsible for approving expense reimbursement claims shall be the respective presiding elected official or designee but shall not be subordinate to the claimant.

E. The approving official of expense reimbursement claims shall ensure that one political subdivision does not pay expenses properly attributed to another, in violation of RCW 43.09.210. (Ord. 13257 § 13, 1998: Ord. 12077 § 10, 1995).

**3.24.140 Repayment of unauthorized reimbursements.** The department of finance shall seek repayment of expenses from the person who was reimbursed whenever an audit or subsequent review of travel expense reimbursements finds that such expenses were reimbursed contrary to the provisions of this chapter. (Ord. 13257 § 14, 1998).

**3.24.150 Implementation.**

A. Each presiding elected official shall be responsible for preparing and adopting administrative policies and procedures for submittal, approval and reimbursement of expense claims. Such policies and procedures shall include examples of the types of expenses allowed and disallowed, consistent with the provisions of this chapter. Should a presiding elected official not adopt the necessary policies and procedures within thirty days of December 10, 1998, the policies and procedure adopted by the executive shall apply until the presiding elected official adopts the necessary policies and procedures.

B. The department of finance shall be responsible for developing and disseminating the forms required to authorize and reimburse expenses. (Ord. 13257 § 15, 1998).

**3.24.160 Reporting.** The department of finance shall annually provide to the council a report, by department, agency or office, listing reimbursements made under the provisions of this chapter. At a minimum, the report shall include:

A. Reimbursement for lodging expenses that exceed the federal lodging limits provided for in K.C.C. 3.24.070 and the reasons therefore; and

B. Reimbursement expenditures made to candidates for employment interview expenses under K.C.C. 3.24.020; and

C. Refreshment expense reimbursements provided for county functions under K.C.C. 3.24.080. (Ord. 13257 § 16, 1998).

**3.24.170 Reimbursement of moving expenses for certain employees**.

A. Within the executive branch, including the department of judicial administration, the director of the department of human resources may authorize in writing at the written request of the appointing authority reimbursement of reasonable and necessary moving expenses for the following categories of county employees:

1. Persons whose appointments require council confirmation and who have been so confirmed;

2. Persons appointed by the county administrative officer to exempt positions;

3. Persons appointed by the directors of executive departments to exempt positions; and

4. Persons hired for positions requiring specialized knowledge, skill or abilities that the director of the department of human resources has confirmed in writing are not found in the local labor market. However, this subsection A.4. may be used no more than four times each calendar year.

B. Within the legislative branch, the department of assessments, the department of public safety, the department of elections, the office of the prosecuting attorney, district court and superior court, the presiding elected official may authorize, in writing, the reasonable and necessary moving expenses of employees appointed within their agencies.

C. The forecast council may authorize, in writing, reimbursement of the reasonable and necessary moving expenses of the chief economist.

D. Moving expenses may not be reimbursed unless the following conditions are met:

1. The reimbursement is permitted under subsection A., B. or C. of this section;

2. The reimbursement is necessary to obtain the services of the individual whose moving expenses are being reimbursed;

3. The reimbursement is limited to reasonable and necessary moving expenses, which may include the cost of travel directly to the place of new residence following appointment;

4. The reimbursement to a particular employee does not exceed a total of fifteen thousand dollars;

5. The reimbursement will not create a need for a supplemental appropriation to the department, agency or office in which the individual is employed;

6. Before the appointment the appointing authority and the appointee agreed to the reimbursement in writing;

7. The written reimbursement agreement provides that if the appointee leaves county employment, either voluntarily or involuntarily, less than two years after the appointment, the appointee shall repay to the county, within thirty days after leaving county employment, the entire amount of the reimbursement; and

8. Reimbursement of specific expenses complies with the other limitations contained in this chapter.

E. Moving expenses may not be reimbursed for confidential secretaries or other exempt clerical positions.

F. To the extent that reimbursement of moving expenses is permitted under this section, the appointing authority may pay the third party provider of moving services directly, rather than by reimbursing the employee, subject to any applicable requirements concerning the county's purchase of goods and services from third parties. (Ord. 18793 § 27, 2018: Ord. 17974 § 2, 2015: Ord. 16391 § 21, 2009: Ord. 14199 § 31, 2001: Ord. 13257 § 18, 1998: Ord. 12014 § 56, 1995).

## 3.28 COMPENSATION FOR USE OF PRIVATELY OWNED VEHICLES

**Sections:**

3.28.010 Generally.
3.28.020 Amount.

**3.28.010 Generally.** The executive, legislative and judicial branches of county government may, at their individual option, establish a system of reimbursement on a monthly allotment basis for use of privately owned vehicles used in connection with county business in lieu of permanently assigned county vehicles. (Ord. 1902 § 1, 1974).

**3.28.020 Amount.** The compensation provided for in K.C.C. 3.28.010 shall not exceed the average monthly charge billed by the department of executive services for equivalent vehicles. (Ord. 18791 § 14, 2018: Ord. 12077 § 11, 1995).

## 3.30 USE OF COUNTY VEHICLES TO COMMUTE

**Sections:**


3.30.010 Purpose.
3.30.020 Definitions.
3.30.030 Take-home vehicle assignment policies and criteria.
3.30.040 Authority to approve take-home vehicle assignments.
3.30.050 Record-keeping.
3.30.060 Semiannual reevaluation and update of take-home vehicle assignments.
3.30.070 Exemption.


**3.30.010 Purpose.** The purpose of this chapter is to ensure the proper use of public funds with regard to the county's practice of allowing employees to commute to and from work in county owned vehicles. The intent of this chapter is to:

A. Restrict the number of county owned vehicles being used by employees to commute to and from work;

B. Establish criteria and policies for evaluating and authorizing take-home vehicle assignments;

C. Require the fleet services division of the department of executive services to document the number of current take-home vehicle assignments;

D. Require the fleet services division of the department of executive services to develop administrative rules for implementing the provisions of this chapter; and

E. Require the fleet services division of the department of executive services to reevaluate all take-home vehicle assignments in accordance with the policies and criteria established in this section. (Ord. 18791 § 15, 2018: Ord. 12077 § 12, 1995).

**3.30.020 Definitions.** For purposes of this chapter, the following terms shall have the meanings set forth below:

A. "Assigned take-home vehicle" means a county vehicle which is used by a county employee for county business and for regularly commuting to and from the employee's home and work station.

B. "Assigned vehicle" means a county vehicle assigned to a department or county employee for county business, but not for employee commuting to and from the employee's home and work station.

C. "Emergency Response" means an employee response to an emergency situation requiring immediate attention for the protection of life or property.

D. "Motor pool dispatch vehicle" means a vehicle issued from a central motor pool for a single trip or for less than three working days.

E. "Occasional overnight usage of county-owned vehicles" means county employees taking home county-owned vehicles after attending night meetings or other county business activities that occur outside an employee's normally scheduled work hours. Occasional overnight usage of a county-owned vehicle shall mean no more than twelve times per quarter on average.

F. "Work station" means the office or site a county employee reports to perform normally scheduled work. (Ord. 11183 § 1, 1993).

**3.30.030 Take-home vehicle assignment policies and criteria.** The Council wishes to restrict the number of take-home vehicles provided to county employees. To accomplish this objective, the following policies and criteria shall be used as the basis for authorizing take-home vehicle assignments:

A.1. For county business before or after normal working hours, providing motor pool dispatch vehicles or travel reimbursement is preferred over the assignment of take-home vehicles.

2. The assignment of a take-home vehicle is neither a privilege, nor a right of any county employee.

3. Take-home vehicle assignments shall not be made based on employee merit or employee status.

4. Wherever possible, county vehicles shall be picked up and dropped off at designated county parking areas, thereby avoiding the assignment of take-home vehicles.

B. Take-home vehicle assignment criteria:

1.a. Take-home vehicles may be assigned to county employees who:

(1) have primary responsibility to respond to emergency situations that require immediate response to protect life or property;

(2) respond to emergencies at least twelve times per quarter;

(3) cannot use alternative forms of transportation to respond to emergencies; and

(4) cannot pick up county-owned assigned vehicles at designated sites.

Emergency response assignments shall be supported by data demonstrating the actual number and nature of emergency responses in the prior year, and estimates of future emergency responses. In addition, there must be an explanation why an employee cannot use alternative forms of transportation to respond to the emergencies or pick up county owned assigned vehicles at designated parking areas.

b. Take-home vehicles may be assigned if employee travel reimbursement costs are greater than the commuting costs associated with overnight vehicle usage. Lost productivity costs, the cost of the time it takes an employee to travel from a designated county parking facility to the employee's work station, shall not be included in the calculation of economic benefit to the county. In addition, there must be an explanation why an employee cannot use alternative forms of transportation or pick up county owned vehicles at designated parking areas.

3. Take-home vehicles may be assigned if an employee needs specialized equipment or a special vehicle to perform county work outside an employee's normally scheduled work day. Employees taking a county vehicle home must have primary responsibility to respond to emergencies. Special equipment vehicle assignments shall be supported by information describing the special equipment needed to perform the county work. The need for communication access, such as car radio, telephone and similar devices, shall not be considered adequate justification for a take-home vehicle assignment.

4. Special clean transportation technology demonstration vehicles may be assigned to county employees for a limited duration in order to promote and demonstrate the viability of low-emission, energy-efficient technologies and fossil fuel alternatives. To encourage the maximum public visibility of clean technology demonstration vehicles, employees authorized to use the vehicles may also use them both before or after normal working hours, and may use them as a take home vehicle to encourage such visibility as an official public use. Incidental personal benefit or convenience from such a public use does not constitute personal use. (Ord. 15988 § 2, 2007: Ord. 11183 § 2, 3, 1993: Ord. 10930 § 3-4, 1993).

**3.30.040 Authority to approve take-home vehicle assignments.** The fleet services division of the department of executive services shall be the executive agency in charge of implementing the provisions of this chapter. The division shall:

A. Develop the administrative rules to implement the provisions of this chapter.

B. Evaluate all take-home vehicle assignment requests from executive departments and administrative offices; and

C. Approve and monitor take-home vehicle assignments requested by executive departments and administrative offices. (Ord. 18791 § 16, 2018: Ord. 14199 § 32, 2001: Ord. 12077 § 13, 1995).

**3.30.050 Record-keeping.** The fleet services division of the department of executive services shall develop and maintain central records of all county take-home vehicle assignments. The records shall be maintained in one location and shall be readily available to the council and the public upon request. At a minimum, the record-keeping should contain:

A. Vehicle assignment by department, division, position title, and employee name;

B. Mileage including a breakdown of commuting mileage and work related mileage based on a trip log;

C. Number and nature of emergency related calls, if the take-home vehicle is assigned based on an emergency response justification; and

D. A calculation of savings if take-home vehicle assignment is based on an economic justification. (Ord. 18791 § 17, 2018: Ord. 12077 § 14, 1995).

**3.30.060 Semiannual reevaluation and update of take-home vehicle assignments.** The fleet services division of the department of executive services shall, semiannually, reevaluate and update all executive department take-home vehicle assignments. By June 30 and December 31 of each year, the fleet services division shall make available to the council and the public an updated list of take-home vehicle assignments. The updated list shall identify each take-home vehicle assignment by department, division, and position title. In addition, there should be written documentation for each take-home vehicle assignment which describes how each assignment meets the policies and criteria set forth in this chapter. (Ord. 18791 § 18, 2018: Ord. 12077 § 15, 1995).

**3.30.070 Exemptions.**

A. Commissioned Police Officers. All vehicles assigned to commissioned police officers including commissioned roads use investigators, and arson investigators shall be exempt from the provisions of this chapter.

B. Occasional Overnight Usage. Occasional overnight usage of county-owned vehicles is permitted. Occasional overnight usage may involve:

1. Taking a county vehicle home before or after attending a meeting away from the employee's normal place of work; and

2. Taking a county vehicle home when an employee has primary responsibility to respond to emergencies caused by inclement weather, such as, flooding or heavy snow storms.

C. Collective Bargaining Agreement. All represented employees whose collective bargaining agreement specifically provides for take-home vehicle assignments are exempt from the provisions of this chapter. (Ord. 11183 § 8, 1993: Ord. 10930 § 11, 1993).

## 3.32 COUNTY AUTOMOTIVE PARKING FACILITIES

**Sections:**

3.32.006 Definitions.
3.32.010 Administrative regulations.
3.32.020 Parking fees - general - method of payment - market survey.
3.32.030 No exemptions - agencies pay for business convenience.
3.32.040 Public parking spaces.
3.32.045 Goat Hill and King Street Center parking garages – parking rates.
3.32.050 Reserved spaces for disabled.
3.32.055 Parking rates - monthly.
3.32.057 Goat Hill parking garage - assignment of certain stalls – rates.
3.32.060 Penalties.
3.32.090 Parking fee revenues - disposition.

**3.32.006 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "After hours parking" means work time parking for employees whose normal work shifts begin after 1:30 p.m. and end between 9:00 p.m. and 5:00 a.m. or who are required to come into work after 4:30 p.m. "After hours parking" also includes parking on weekends and holidays that is required by the employee's agency.

B. "Business convenience" means a county business-related requirement. For the purposes of this chapter, "a county business-related requirement" includes after hours parking for county employees, parking for commissioned sheriff's office personnel, parking for county employees working for a specified and limited period on a time-sensitive project that requires them to arrive before or stay after regular work hours, parking for county employees who are required as part of their jobs to use their private vehicles to routinely travel to multiple county business locations, parking for county-owned vehicles and paid parking for county volunteers authorized by ordinance or by any presiding elected official as defined by K.C.C. 3.24.010 or the presiding elected official's designee, but for the executive branch any designee must be at least the highest-ranking employee of a division.

C. "County automotive parking facility" means:

1. The Goat Hill parking garage located at Sixth Avenue and Jefferson in Seattle;
2. The parking structure located at the regional justice center in Kent;
3. County adult detention center parking facilities located at Fifth Avenue and James in Seattle;
4. Open surface lots that are owned or leased by the county;
5. The Chinook Building parking located at Fifth Avenue and Jefferson in Seattle; and
6. The King Street Center, located at 201 South Jackson Street in Seattle.

D. "County volunteer" means a person who is not a county employee, who performs service for the county for civic, charitable or humanitarian reasons, without promise, expectation or receipt of compensation from the county for services rendered and who is accepted as a volunteer by the county. "County volunteer" includes, but is not limited to, a person serving as a board member, officer, commission member, volunteer intern or direct service volunteer.

E. "Director" means the director of the county department of executive services or designee, unless otherwise specified in this chapter.

F. "Public parking" means general purpose parking by persons who are not county employees and by county employees that park for less than a full day. (Ord. 18618 § 94, 2017: Ord. 18402 § 3, 2016: Ord. 17035 § 1, 2011: Ord. 16981 § 2, 2010: Ord. 16677 § 1, 2009: Ord. 15648 § 2, 2006).

**3.32.010 Administrative regulations.** Administrative regulations adopted by the department of executive services shall include, but not be limited to, the following subjects:

A. Identification of positions eligible for reserved and unreserved parking;

B. Regulation of after-hours and weekend parking;

C. Enforcement procedures, including certification and monitoring of carpools and the establishment of procedures for handling complaints;

D. Designation of the public parking areas;

E. Prohibition of the resale of the parking stall assignment;

F. Designation of reserved and unreserved parking areas;

G. Establishment of public parking rates at the county automotive parking facilities. The public parking rates shall be based upon the advice and market rate information regularly collected and analyzed by the private contractor hired to manage and operate the lot or by the director in those cases where the lot is not managed by a private contractor. The director may authorize the contractor to make periodic rate adjustments within a specified range, but shall periodically review the contractor's rate adjustments, rate setting methods and research to ensure that they are based on current data; and

H. Designation of open surface lots that are subject to parking charges. (Ord. 15950 § 1, 2007: Ord. 15648 § 3, 2006: Ord. 14713 § 1, 2003: Ord. 14262 § 3, 2001: Ord. 12077 § 16, 1995).

**3.32.020 Parking fees - general - method of payment - market survey.**

A. All county employees, elected officials and county volunteers shall pay their own parking fees unless they are parking for the business convenience of the county. The agency served by an employee, elected official or county volunteer, who is parking for the business convenience of the county, shall be charged for such parking at a rate equal to the county employee rate. Current county employees covered by existing collective bargaining agreements shall be affected only in a manner consistent with state law.

B. The parking fees for monthly parking that is not for the business convenience of the county shall be paid through monthly payroll deductions from the wages of the employee or elected official who is assigned the regular use of the county parking stall regardless of whether that person is assigned the use of a county-owned vehicle, assigned a vehicle provided at county expense, or uses a privately-owned vehicle.

C. In order to evaluate the appropriateness of any potential adjustments to established employee parking rates, the department of executive services, facilities management division may conduct a survey of the monthly parking rates charged for public parking in comparable lots. The survey and any employee parking fee recommendations shall be forwarded to the council for consideration during the budget process. (Ord. 16981 § 2, 2010: Ord. 15648 § 4, 2006: Ord. 14713 § 2, 2003: Ord. 14262 § 4, 2001: Ord. 12077 § 17, 1995).

**3.32.030 No exemptions - agencies pay for business convenience.** There shall not be exemptions from parking fees. County agencies benefiting from parking required for the business convenience of the county shall pay for that parking. (Ord. 15648 § 5, 2006: Ord. 8753 § 2, 1988: Ord. 3511 § 4, 1977).

**3.32.040 Public parking space.** Public parking space within county automotive parking facilities shall be made available to the extent practicable. Members of the public on county business shall be charged for all time parked. Religious service volunteers who work at the King County jail are parking for the business convenience of the department of adult and juvenile detention. (Ord. 16981 § 3, 2010: Ord. 10290 § 1, 1992: Ord. 10175 § 3, 1991: Ord. 8753 § 3, 1988: Ord. 7863 § 2, 1986: Ord. 3511 § 5, 1977).

**3.32.045 Goat Hill and King Street Center parking garages - parking rates.** The rates for county employees parking at the Goat Hill and King Street Center parking garages shall be as follows:

A. Daily parking for motorcycles: five dollars;

B. Hourly parking: Hourly public parking rates shall apply up to a maximum of twenty dollars per day for automobiles; and

C. The rate for after-hours parking shall be seven dollars per day. (Ord. 18402 § 8, 2016: Ord. 18402 § 5, 2016: Ord. 16981 § 4, 2010: Ord. 16367 § 1, 2009: Ord. 15950 § 3, 2007: Ord. 15648 § 7, 2006: Ord. 14713 § 3, 2003: Ord. 14262 § 5, 2001: Ord. 13337 § 2, 1998: Ord. 11133 § 2, 1993: Ord. 10175 § 4, 1991: Ord. 9413 § 3, 1990: Ord. 8816 § 2, 1989: Ord. 8753 § 6, 1988).

**3.32.050 Parking assignments.**

A. Spaces shall be reserved for the disabled and located convenient to elevators. (Ord. 15648 § 8, 2006: Ord. 3511 § 6, 1977).

**3.32.055 Parking rates - monthly.**

A. Monthly employee and county vehicle rates for parking in the Goat Hill parking garage, the Chinook Building, the King County Correctional Facility, the King Street Center garage and open surface parking lots that are designated by rule to be subject to parking charges, shall be as follows:

| | **Reserved/ Designated Area** | **Unreserved Area** |
|---|---|---|
| 1. Vehicle parking | $385.00 | $300.00 |
| 2. Electric Cars | | $210.00 |
| 3. Open surface lots | $ 20.00 | $ 20.00 |
| 4. City of Seattle certified carpool | | $210.00 |
| 5. Employee ADA (Americans with Disabilities Act) | | $150.00 |

B. The facilities management division of the department of executive services shall identify surface parking lots where it is reasonable and feasible to charge employees for monthly parking. These surface parking lots are located at county facilities outside the downtown Seattle metropolitan core and include, but are not limited to, district courts, health centers, alcohol treatment facilities, police precincts, youth service centers and similar facilities. Designation of open surface lots that are subject to parking charges shall occur by administrative rule adopted pursuant to K.C.C. 3.32.010.

C. For county employees with disabilities that make it difficult or impossible to use public transit, and who display a disabled parking permit, the fee for covered parking in facilities managed by the facilities management division shall be fifty percent of the monthly employee rate, rounding up to the next even dollar. Employees with disabilities shall receive first priority in the assignment of available parking stalls. (Ord. 18402 § 9, 2016: Ord. 18402 § 6, 2016: Ord. 16981 § 5, 2010: Ord. 16696 § 2, 2009: Ord. 16367 § 2, 2008: 15950 § 5, 2007: Ord. 15648 § 9, 2006: Ord. 14713 § 4, 2003: Ord. 14262 § 6, 2001: Ord. 13337 § 4, 1998: Ord. 12077 § 18, 1995).

**3.32.057 Goat Hill parking garage - assignment of certain stalls - rates.**

A. A minimum of five parking spaces within the Goat Hill parking garage shall have a preferential carpool rate for city of Seattle certified car pools. The preferential rate shall be seventy percent of the otherwise-applicable monthly parking rate for monthly public parking or monthly employee parking as applicable.

B. A minimum of two parking stalls within the Goat Hill parking garage shall be assigned for certified vanpool vehicles with a one-hundred-percent subsidy.

C. A minimum of five preferential parking stalls within the Goat Hill parking garage shall be assigned for hybrid vehicles that are employee owned or leased. The preferential stalls shall not be used for county-owned vehicles. The stalls shall be located on level one of the garage and shall be the stalls closest to the elevator with the exception of disabled parking stalls. (Ord. 15950 § 7, 2007).

**3.32.060 Penalties.** The director of the department of executive services is authorized to issue overtime parking citations and to impound vehicles found to be in violation of any of the provisions of this chapter or the regulations promulgated under this chapter. The director may rescind the parking privilege of persons found to be in violation of this chapter or the regulations promulgated under this chapter. (Ord. 14262 § 7, 2001: Ord. 12077 § 19, 1995).

**3.32.090 Parking fee revenues - disposition.** All revenues derived from parking fees shall be distributed as follows:

A. Applicable local and state taxes;

B. An allocation to cover rent payments or debt service payments for the Goat Hill parking garage and pro-rated rent for the parking portion of the Chinook Building;

C. It is the intent of the council to biennially, during the budget process, identify a portion of the revenue going to the current expense fund to be transferred to the major maintenance reserve fund to support major maintenance projects at the garage and other parking facilities, taking into account the major maintenance model and financial plan;

D. An allocation to the facilities management division of the department of executive services's internal service fund to reimburse the fund for expenses associated with the operation of the parking program;

E. An allocation to the children and family set-aside fund for support of health and human services activities sufficient to increase the allocation from 2004 levels at the local consumer price index; and

F. The residual revenues distributed to the current expense fund. (Ord. 17926 § 4, 2014: Ord. 15950 § 6, 2007: Ord. 15648 § 10, 2006: Ord. 14639 § 1, 2003: Ord. 14262 § 8, 2001: Ord. 10290 § 3, 1992: Ord. 10175 § 6, 1991: Ord. 8753 § 7, 1988).

## 3.36 CHARITABLE CONTRIBUTIONS FROM COUNTY EMPLOYEES

**Sections:**


3.36.010 Intent and purpose.
3.36.020 Definitions.
3.36.030 Employee giving program committee.
3.36.040 Annual campaign.
3.36.055 Solicitations of donations - limits on use of county property or equipment – promotional costs - voluntary employee participation.
3.36.065 Deductions from salary warrants for donations - one-time donations.
3.36.075 Disbursements for contributions.


**3.36.010 Intent and purpose.**

A. This chapter is intended to establish uniform guidance, consistent with state law governing salary and wage deductions, for the efficient administration of county employee charitable contributions to qualified nonprofit organizations, donated via the annual drive, natural disaster relief solicitations and other charitable solicitations. This chapter shall be liberally construed to accomplish this intention.

B. The purpose of this chapter is to provide a convenient and effective channel through which county employees may contribute to qualified nonprofit organizations, while

minimizing disruption to the county workplace and the costs to the taxpayer that multiple charitable fund drives cause; and to enhance government and community efforts to meet charitable needs.

C. The program shall provide guidance, quality control and disbursement of employee donations to qualified nonprofit organizations and federations as provided by this chapter, in accordance with rules for the program. (Ord. 18329 § 1, 2016: Ord. 17332 § 1, 2012: Ord. 16035 § 1, 2008: Ord. 8575 § 1, 1988).

**3.36.020 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Annual drive" means the annual solicitation of contributions from county employees by representatives of qualified nonprofit organizations and federations through oral presentations, printed materials, audio or video media or other similar.

B. “Committee” means the county employee giving program committee established under K.C.C. 3.36.030.

C. "Employee giving program" or "the program" means the year-round King County sanctioned, employee-based program that provides the process and infrastructure for administration of employee-directed giving and volunteering to qualified nonprofit organizations and federations and is administered by the committee in accordance with this chapter and any rules adopted for the program.

D. "Federation" means a nonprofit organization that solicits and distributes contributions on behalf of its member nonprofit organizations.

E. "Qualified nonprofit organization" means a nonprofit organization or federation that applies to participate in the annual drive and meets the eligibility criteria as provided in this chapter and any rules adopted for the program. (Ord. 18329 § 2, 2016: Ord. 17332 § 2, 2012: Ord. 16035 § 2, 2008: Ord. 9091, 1989: Ord. 8575 § 2, 1988).

**3.36.030 Employee giving program committee.**

A. A county employee giving program committee is established consisting of fifteen members nominated by the committee, appointed by the executive and confirmed by the council.

1. The committee shall strive in its nominations to include members representing the diversity of the county work force, including union representation.

2. The term of committee members shall be two years.

3. A committee member who serves as a federation or nonprofit organization board member or director, or in a decision-making capacity for a federation or nonprofit organization, shall not vote on that federation or nonprofit organization's eligibility if that federation or nonprofit organization applies to participate in the program.

4. The committee shall annually elect a chair and other officers as established in the committee's bylaws.

B. In order to operate the program, the committee may:

1. Adopt rules and bylaws consistent with this chapter that are necessary to the conduct of the program, based upon the following principles:

a. seek operational efficiencies;
b. enhance program effectiveness;
c. use innovative best practices;
d. promote equitable access for nonprofit participation; and
e. maintain standards to ensure nonprofit fiscal responsibility and stability;

2. Establish and apply eligibility rules by which a nonprofit organization may participate in the program;

3 Coordinate and facilitate the program consistent with this chapter and any rules adopted for the program. If the committee determines that a federation or nonprofit

organization is not eligible to participate in the program, the federation or nonprofit organization may apply to the committee for reconsideration of the eligibility decision;

4. Guide fiscal stewardship of the program;

5. Serve voluntarily without additional wages, including no additional compensation for working beyond normal working hours, and shall be reimbursed by their employing departments for travel, lodging and meals in accordance with county laws and regulations. Committee members shall be given release time from regular work hours to serve on the committee. Employees covered by the overtime requirements of the Fair Labor Standards Act or state law who are serving as committee members should ensure that their working hours, including hours worked for the committee, do not exceed approved hours;

6. Assist the executive or the executive's designee in the selection of a program administrator; and

7. Solicit and accept from the general public and business communities and all other persons, gifts, bequests and donations to the county in support of the program. (Ord. 18329 § 3, 2016: Ord. 17527 § 127, 2013: Ord. 17332 § 3, 2012: Ord. 16035 § 3, 2008: Ord. 11997, 1995: Ord. 10923 § 1, 1993: Ord. 9465 § 1, 1990: Ord. 8575 § 3, 1988).

**3.36.035 Program administrator.** The program administrator shall be responsible for the operational details of the program, including the annual drive and natural disaster response solicitations, under the general oversight of the committee. The cost of the program administrator shall be included as part of the administrative cost of the program. (Ord. 17332 § 4, 2012).

**3.36.045 Campaign participants - requirements - notice in campaign materials.**

A. A federation or nonprofit organization may participate in the annual drive if the federation or nonprofit organization submits a timely application for participation to the committee and meets all eligibility standards as established by this chapter and any rules adopted for the program. An official of the federation or nonprofit organization must certify on the annual drive application that the federation, each nonprofit organization represented by the federation, or the nonprofit organization:

1. Is formally recognized by the United States Internal Revenue Service as complying with Section 501(c)(3) of the Internal Revenue Code of 1986 or is a governmental unit of the state of Washington, and for which all contributions to the nonprofit organization are eligible to be deductible for federal income tax purposes under Section 170 of the Internal Revenue Code of 1986;

2. Is registered with the Washington state Secretary of State as provided by RCW 19.09.065 and is in compliance with Washington state laws governing charities to the best of the knowledge of the individual certifying the application;

3.a. Does not discriminate against any person on the basis of race, color, religious affiliation, sex, age, national origin, marital status, sexual orientation, disability, or gender identity or expression or qualifies for an exemption under Title VII of the Civil Rights Act of 1964 as amended. An affirmation of a participating organization's adherence to this subsection A.3.a, or a statement of exemption from this subsection A.3.a, must be included in the organization's application. A federation must affirm in the federation's application the adherence to this subsection A.3.a, or a legal exception from this subsection A.3.a, for each nonprofit organization the federation represents.

b. Nothing in this subsection A.3. denies eligibility to a federation or nonprofit organization that is otherwise eligible to participate in the annual drive merely because the federation or nonprofit organization is organized by, on behalf of or to serve persons

of a particular race, color, religious affiliation, sex, national origin, age, marital status, sexual orientation, disability, or gender identity or expression.

B. Participating organizations' responses provided under subsection A. of this section may be noted in campaign materials. (Ord. 17332 § 6, 2012: Ord. 17047 §1, 2011 (expired January 1, 2012): Ord. 16035 § 5, 2008).

**3.36.055 Solicitations of donations - limits on use of county property or equipment - promotional costs - voluntary employee participation.**

A. Employees may be solicited for program contributions in accordance with this chapter.

B. Solicitations and events related to the program must be conducted on county property during normal county business hours.

C. Employees may use county property for the purposes of solicitations for the promotion of the program.

D. As provided in RCW 41.06.250(1) and 42.17.130, county property, county equipment and county employees' working time may not be used during a campaign for partisan political purposes, to assist in an individual's election to political office or for the promotion of or opposition to any ballot proposition.

E. A county employee shall not be coerced to participate in any presentation or to make any donation to a qualified nonprofit organization. A county employee shall not be penalized for failing to participate in the program. Departments and offices may authorize time for department employees to attend presentations about the program. (Ord. 17332 § 7, 2012: Ord. 16035 § 6, 2008).

**3.36.065 Deductions from salary warrants for donations - one-time donations.**

A. Donations under this chapter may include payroll deductions, checks, money orders, cash, electronic payments and time donations in accordance with K.C.C. 3.12.222.

B. The county shall make deductions from county employees' salary warrants and pay the moneys collected to the qualified nonprofit organizations and federations designated by county employees when the deductions and payments are authorized by county employees in accordance with this chapter. (Ord. 18329 § 4, 2016: Ord. 17332 § 8, 2012: Ord. 16035 § 7, 2008)

**3.36.075 Disbursements of contributions.** After program costs have been paid, all payroll deductions must be fully disbursed by the county to the designated qualified nonprofit organizations by the end of the first quarter following the deduction year. Federations shall make distributions to their member charitable organizations as designated by contributors.

B. Any undesignated contributions shall be distributed proportionately to the participating organizations. (Ord. 17332 § 9, 2012: Ord. 16035 § 8, 2008).

## 3.39 SEATTLE METROPOLITAN POLICE MUSEUM CONTRIBUTIONS FROM COUNTY EMPLOYEES

**Sections:**

3.39.010 Purpose.
3.39.020 Deductions -- participation.

**3.39.010 Purpose**. The purpose of this chapter is to provide a convenient channel through which county employees may contribute membership fees to the Seattle Metropolitan Police Museum. (Ord. 13909 § 1, 2000).

**3.39.020 Deductions -- participation.** The county shall make deductions from a county employee's salary warrants and pay the moneys collected to the Seattle Metropolitan Police Museum if the employee authorizes the deductions and payments. A county employee's participation in the program is strictly voluntary. The coercion of an employee to participate or to make a donation to the program, and the penalization of an employee for failing to participate in the program, are prohibited. (Ord. 13909 § 2, 2000).

## 3.42 WHISTLEBLOWER PROTECTION

**Sections**:


3.42.010 Policy - purpose.
3.42.020 Definitions.
3.42.030 Right to report - procedures.
3.42.040 Confidentiality.
3.42.050 Investigations.
3.42.055 Investigations by investigating official - powers - procedures - prosecutor powers.
3.42.057 Investigations by ombuds - powers - procedures - fines.
3.42.060 Reporting and adjudicating retaliation - ombuds, prosecutor powers and procedures.


**3.42.010 Policy - purpose.** Unless prohibited by state law, county employees are encouraged to report on improper governmental action to the appropriate county or other government official. To assist such reporting and to implement chapter 42.41 RCW, this chapter provides county employees a process for reporting improper governmental action and protection from retaliatory action for reporting and cooperating in the investigation and/or prosecution of improper governmental action in good faith in accordance with this chapter. (Ord. 16580 § 1, 2009: Ord. 11687 § 3, 1995).

**3.42.020 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Appropriate investigating official" means an investigating official acting within the investigating official's respective jurisdiction as identified in K.C.C. 3.42.030.D. or any assistant or representative authorized to receive documents on the investigating official's behalf, except that for the department of public safety, the only appropriate investigating official shall be the internal investigations unit or any assistant or representative authorized to receive documents on its behalf.

B. "Employee" or "county employee" means any individual who is appointed as an employee by the appointing authority of a county agency, office, department, council, board, commission or other separate unit or division of county government, however designated. The term "employee" or "county employee" also includes county elected officials and members of county boards, commissions, committees, or other multi-member bodies.

C. "Good faith" means the individual providing the information or report of improper governmental action has a reasonable basis in fact for reporting or providing the information. An individual who knowingly provides or reports, or who reasonably ought to know that the information or report is malicious, false or frivolous, or information that is provided with reckless disregard for the truth, is not acting in good faith.

D. "Gross mismanagement" means the exercise of management responsibilities in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

E. "Gross waste of public funds" means to spend or use public funds or to allow public funds to be used without valuable result in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

F.1. "Improper governmental action" means any action by a county officer or employee that is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of employment, and:

a. violates any state or federal law or rule or county ordinance or rule;
b. constitutes an abuse of authority;
c. is gross mismanagement;
d. creates a substantial and specific danger to the public health or safety;
e. results in a gross waste of public funds; or
f. prevents the dissemination of scientific opinion or alters technical findings without scientifically valid justification, unless disclosure is legally prohibited. This subsection G.1.f. is not meant to preclude the discretion of agency management to adopt a particular scientific opinion or technical finding from among differing opinions or technical findings to the exclusion of other scientific opinions or technical findings.

2. "Improper governmental action" does not include violations of anti-discrimination laws, violations of collective bargaining or civil service laws, or alleged violations of agreements with labor organizations under collective bargaining. A properly authorized county program or activity does not become an "improper governmental action" because an employee or investigating official dissents from the county policy or considers the expenditures unwise.

G. "Investigating official" means any individual to whom a report may be made pursuant to K.C.C. 3.42.030.D. or any assistant or representative authorized to receive documents on the investigating official's behalf.

H. "Retaliate," "retaliation" and "retaliatory action," means to make any unwarranted adverse change in an employee's employment status or the terms and conditions of employment including, but not limited to:

1. Denial of adequate staff to perform duties;
2. Frequent staff changes;
3. Frequent and undesirable office changes;
4. Refusal to assign meaningful work;
5. Unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations;
6. Demotion;
7. Reduction in pay;
8. Denial of promotion;
9. Denial of training or benefits;
10. Transfer or reassignment;
11. Suspension or dismissal;
12. Other unwarranted disciplinary action;
13. A supervisor or senior manager or official behaving in or encouraging coworkers to behave in a hostile manner toward the employee, or failing to take appropriate action to prevent coworkers from behaving in a hostile manner toward the employee.

I. "Substantial and specific danger" means a risk of serious injury, illness, peril or loss, to which the exposure of the public is a gross deviation from the standard of care or competence which a reasonable person would observe in the same situation.

J. "Written report of improper governmental action" means any writing that alleges that an improper governmental action has occurred and describes the basis for that belief. (Ord. 18618 § 95, 2017: Ord. 16580 § 2, 2009: Ord. 11687 § 2, 1995).

**3.42.030 Right to report - procedures**.

A. Every county employee shall have the right to report, in good faith in accordance with this ordinance, information concerning an improper governmental action.

B. In reporting improper governmental action, the employee is encouraged, but not required, to make a written report first to any investigating official as defined by K.C.C. 3.42.020.G; the employee is encouraged to consult with the office of the ombuds in order to determine to whom a written report should be made.

C.1. This section does not authorize a county employee to report information that is subject to an applicable privilege against disclosure at law (e.g., RCW 5.60.060 privileged communications) unless waived, or to make disclosure where prohibited at law.

2. An employee making a written report under this subsection is encouraged to wait at least thirty days from receipt of the written report by the investigating official before reporting the improper governmental action to a person who is not an investigating official. However, reporting to a person who is not an investigating official before this thirty-day period will not result in the loss of the protections in this chapter.

3. An employee's reporting of the employee's own improper action does not grant the employee immunity from discipline or termination insofar as the employee's improper action would be cause for discipline.

D. For purposes of this chapter, the person to whom a written report should be made is as follows:

1. Reporting sexual harassment to the employee's supervisor, department head or other government official as set out in the county's adopted procedure for reporting sexual harassment complaints;

2. Reporting violations of the fair employment practices ordinance, which is K.C.C. chapter 12.18, to the executive or the executive's designee;

3. Reporting police misconduct to the department of public safety's internal investigation unit or to the office of law enforcement oversight;

4. Reporting violations of the Code of Judicial Conduct to the Washington state Commission on Judicial Conduct;

5. Reporting improper governmental action occurring within the district court to the presiding judge of the district court;

6. Reporting improper governmental action occurring within the legislative branch to the chair of the council or to the prosecutor;

7. Reporting improper governmental action occurring within the executive branch to the executive or to the department director of the executive agency in which the alleged improper governmental action occurred or to the ombuds;

8. Reporting improper governmental action occurring within the department of judicial administration to the director/clerk of the superior court or to the ombuds;

9. Reporting improper governmental action occurring within the department of assessments to the assessor or to the ombuds;

10. Reporting improper governmental action occurring within the department of elections to the director of elections or to the ombuds;

11. Reporting improper governmental action occurring within the superior court to the presiding judge of the superior court;

12. Reporting violations of criminal laws to the sheriff or the county prosecuting attorney;

13. Reporting improper governmental action of the county prosecuting attorney to the state auditor or the attorney general;

14. Reporting improper governmental action occurring within the office of economic and financial analysis to any member of the forecast council or to the ombuds;

15. Reporting violations of K.C.C. chapter 3.04, the Employee Code of Ethics, to the ombuds; and

16. Reporting any improper governmental action for which no other appropriate recipient of a report is listed in subsection D.1. through 15. of this section to the ombuds.

E. Any one or more of the following conduct by employees is protected under this chapter:

1. Reporting improper governmental action;

2. Cooperating in an investigation by any official related to improper governmental action, including but not limited to local, state, federal, and internal investigation; and

3. Testifying in any official proceeding, hearing, or prosecution arising out of an improper governmental action.

F. A county officer or employee shall not retaliate, attempt to retaliate or threaten to retaliate against any employee because that employee has in good faith engaged in conduct protected by K.C.C. 3.42.030.E., or because the county officer or employee believes the employee has engaged or will engage in such conduct, whether or not such conduct actually occurred.

G. Any county officer or employee who engages in retaliatory action prohibited by K.C.C. 3.42.030.F. is subject to disciplinary action including, but not limited to, suspension without pay, demotion or termination. [In addition,]* any elected official who engages in retaliatory action prohibited by K.C.C. 3.42.030.F. is subject to censure by motion of the council and also may be subject to recall from office due to misfeasance or malfeasance in office.

H. Each appointing authority shall ensure that, upon entering county service or any time there are material changes to this chapter, every county officer and employee shall receive a written summary of this chapter, the procedures for reporting improper governmental actions to investigating officials, the procedures for obtaining the protections extended, the prohibition against retaliation in this section, and identification of offices and resources available to help the employee understand the provisions of this chapter including but not limited to the ombuds's office. The ombuds's office shall assist in the development of materials. Copies of these summaries shall be conspicuously posted where all employees will have reasonable access to them. Every county officer and employee shall also receive a written summary of this chapter at least once every two years; the summary may be distributed electronically. (Ord. 18618 § 96, 2017: Ord. 16580 § 3, 2009: Ord. 16391 § 22, 2009: Ord. 11687 § 4, 1995).

***Reviser's note: Added but not underlined in Ordinances 16580 and 18618. See K.C.C. 1.24.075.**

**3.42.040 Confidentiality**. To the extent allowed by the Public Disclosure Act, RCW 42.56.240 and other laws, the identity or identifying characteristics the identity of an employee reporting information about an improper governmental action or cooperating in an investigation of improper governmental action under K.C.C. 3.42.030E.1. or K.C.C. 3.42.030E.2. shall be kept confidential from all persons except for investigating officials and their staff. However, the employee may waive confidentiality in a written waiver or by making the employee's own identity known in connection with the protected conduct in the course of public testimony or by acknowledging the employee's own identity in a claim against the county for retaliation. If applicable, the complainant may state in writing whether the complainant wishes the complainant's own name not to be disclosed pursuant to the provisions of RCW 42.56.240(2), which exempts information revealing the

identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety or property. (Ord. 18618 § 97, 2017: Ord. 16580 § 4, 2009: Ord. 11687 § 5, 1995).

**3.42.050 Investigations**.

A. If the official receiving a complaint under this section is not the appropriate investigating official identified in K.C.C. 3.42.030.D.1, the official receiving the complaint shall immediately forward the written report to the appropriate investigating official and notify the reporting employee of the referral.

B. If a report of improper governmental action meets the definition of a complaint under K.C.C. 3.04.055, the ombuds, upon receipt of the report, shall investigate that allegation according to the procedures in K.C.C. chapter 3.04, the Employee Code of Ethics.

C. If the ombuds is an appropriate investigating official and the report does not meet the definition of a complaint under K.C.C. chapter 3.04, the Employee Code of Ethics, the ombuds upon receipt of the report may refer the report to the department director of the agency in which the alleged improper governmental action occurred or to the chief elected official of the branch of government implicated in the allegation; if the ombuds does not refer to another official, or if the other official's response is not timely or satisfactory to the ombuds, the ombuds shall conduct an investigation in accordance with the procedures outlined in K.C.C. 3.42.057.

D. If a report of improper governmental action is filed with an appropriate investigating official who is not the ombuds, and a report is concurrently filed with the ombuds, the ombuds may defer action until the investigation is completed by the affected department, office or agency. When the ombuds chooses to conduct a concurrent investigation the ombuds shall notify the executive and the chair of the council.

E. Decisions of the ombuds under this section may not be appealed to the Board of Ethics. (Ord. 18618 § 98, 2017: Ord. 16580 § 5, 2009: Ord. 11687 § 6, 1995).

**3.42.055 Investigations by investigating officials - powers - procedures - prosecutor powers.**

A. The procedures in this section shall apply to any investigating official except the ombuds or the judicial branch. Investigations by the ombuds shall be conducted in accordance with K.C.C. 3.42.057.

B. When an appropriate investigating official who is not the ombuds receives a report of improper governmental action, the investigating official shall respond to the reporting employee in writing within thirty days of when the report was received with either a final report or a preliminary report, with a copy of the response to the ombuds. If responding with a preliminary report, the official shall include a summary of the status of the investigation and information obtained thus far, and identifying matters for further research or inquiry. If the identity of the reporting employee is not known, the response shall be sent to the ombuds.

C. The investigating official shall complete the investigation and issue a final report no later than one year from when the report of improper governmental action was received. If the final report concludes that there was improper governmental action, it shall include an action plan for addressing the improper governmental action and provide reasonable timelines for completing corrective actions.

D. The investigating official shall send a copy of the final report to the reporting employee and the ombuds.

E. When conducting an investigation of improper governmental action occurring within the legislative branch, the prosecutor may at any stage, issue subpoenas,

administer oaths, examine witnesses, and compel the production of documents or other evidence; refer the matter to the state auditor, law enforcement authorities or other governmental agency; and issue reports; or any combination thereof, each as deemed appropriate.

F. If the investigating official determines that that the employee reporting improper governmental action has been retaliated against or is at great risk of retaliation, the investigating official may seek temporary preventive action, including but not limited to the transfer of the reporting employee to another department at the request of the reporting employee or authorizing leave with pay for the reporting employee. If the investigating official deems it necessary, the investigating official's recommendation may be made to the executive. Such a temporary preventative action may continue until the conclusion of any investigation and a permanent resolution of the matter.

G. To the extent allowed by law, investigating officials are encouraged to enter into cooperative agreements or arrangements for receiving and processing complaints with other agencies or entities that are investigating related complaints, so that duplication of functions shall be minimized and multiple redundant investigations avoided. (Ord. 18728 § 95, 2018: Ord. 18618 § 99, 2017: Ord. 16580 § 6, 2009).

**3.42.057 Investigations by ombuds - powers - procedures - fines.**

A. The procedures in this section apply to the ombuds when the ombuds is investigating a report of an improper governmental action that is not investigated according to the rules applicable to K.C.C. chapter 3.04, the Employee Code of Ethics.

B. In determining whether to conduct an investigation, the ombuds may consider factors including, but not limited to, the nature and quality of the evidence and the existence of relevant laws and rules; whether the alleged improper governmental action was isolated or systematic; the history of previous assertions regarding the same subject or subject matter; whether other avenues are available for addressing the matter; whether the matter has already been investigated or is in litigation; the seriousness or significance of the asserted improper governmental action; and the cost and benefit of the investigation. The ombuds has the sole discretion to determine the priority and weight given to these or any other relevant factors and to decide whether a matter is to be investigated.

C. If the ombuds elects not to investigate the matter, the ombuds shall, before making a final decision to close the investigation, send a notice to the person who made the report explaining the factors considered and the analysis applied, summarizing allegation deficiencies if any, and providing a reasonable opportunity to reply. The notification may be by electronic means.

D. If the ombuds determines that that the employee reporting improper governmental action has been retaliated against or is at great risk of retaliation, the ombuds may recommend to the head of the department that temporary preventive action be taken, including but not limited to transferring the reporting employee at the reporting employee's request to another department or authorizing leave with pay for the reporting employee. If the ombuds deems it necessary, the ombuds's recommendation may be made to the executive instead. Such temporary preventative action may continue until the conclusion of any investigation and a permanent resolution of the matter.

E. If the ombuds elects to conduct an investigation and it appears to the ombuds that the investigation will take longer than thirty days to complete, the ombuds shall, within thirty days after receiving the report of alleged improper governmental action, provide the complainant with a preliminary written report that summarizes the procedural status of the investigation, the information obtained thus far, any preliminary findings as the ombuds deems appropriate, and identifying matters for further research or inquiry. The ombuds

shall also notify the subject or subjects of the investigation and the agency head of the need for continued investigation.

F. When conducting an investigation, the ombuds may at any stage issue subpoenas, administer oaths, examine witnesses, and compel the production of documents or other evidence; refer the matter to the state auditor, law enforcement authorities or other governmental agency; and issue reports; or any combination thereof, each as deemed appropriate.

G. Upon completion of an investigation, the ombuds shall make a final written report that summarizes the results of the investigation, including findings with regard to each assertion of improper governmental action and recommended actions. The ombuds shall complete the investigation and issue a final report within one year of receipt of the report of improper governmental action.

1. If the ombuds determines that no improper governmental action has occurred, the ombuds shall send the report to the complainant, the subject or subjects of the investigation and the agency head.

2. If the ombuds determines that an improper governmental action has occurred:

a. The ombuds shall give the subject of the report an opportunity to respond before issuing a final report.

b. The ombuds shall send the report to: the complainant; the head of the department with responsibility for the action or if a department head is implicated, to the executive and county council; and such other governmental officials or agencies as the ombuds deems appropriate. The ombuds shall also send a copy of the written report to the executive or the county council if requested to do so by the complainant, if the ombuds has not already done so.

c. The department with responsibility for the improper governmental action shall report back to the ombuds and complainant with an action plan for addressing the improper governmental action and provide reasonable timelines for completing its corrective actions. The department's response should be made within fourteen days of receipt of the ombuds's report. If the ombuds deems that satisfactory action within a reasonable timeframe has not been achieved, the ombuds shall report the ombuds's determination to the executive and the county council.

d. The ombuds may impose a fine of not greater than ten thousand dollars on the department within which the improper governmental action occurred. A fine should be imposed for improper governmental actions that are exceptionally egregious or for which corrective actions have been highly unsatisfactory. The department shall be given a reasonable opportunity to be heard before imposition of any fine. Proceeds collected from any fine shall be deposited into an account to be used for the purpose of educating employees about this chapter or may be applied by the department toward the cost of administrative leave paid to the employee reporting the improper governmental action where the reason for the administrative leave is related to the employee's reporting.

H. At any stage in the investigation, the ombuds may, with the agreement of the parties, recommend, arrange for, convene, or conduct voluntary mediation between the employee and either the subject of the investigation or agency head, or both, with cost sharing, if any, to be determined by the parties.

1. If the parties reach agreement as a result of mediation, the ombuds may close the investigation.

2. The response times from subsection E. of this section shall be tolled for the duration of the mediation process.

3. Mediation and other informal resolution processes are voluntary. No employer or employee shall be pressured into participating in such processes, and no negative inferences shall be drawn if any party declines to participate in such processes. If a party agrees to participate in voluntary mediation or other informal resolution process, that party

is under no obligation to accept the resolution recommended by the mediator, the ombuds, or any other person participating in this process, and no negative inferences shall be drawn as a result of a refusal to accept such recommendations.

I. The ombuds may close an investigation at any time the ombuds determines that no further action is warranted and shall so notify the complainant, the subject or subjects of the investigation and the agency head. The ombuds shall also issue any reports as required by this section.

J. Decisions of the ombuds under this section may not be appealed to the board of ethics. (Ord. 18618 § 100, 2017: Ord. 16580 § 7, 2009).

**3.42.060 Reporting and adjudicating retaliation - ombuds, prosecutor powers and procedures.**

A. In order to seek relief, an employee who believes the employee has been retaliated against in violation of K.C.C. 3.42.030.E. must file a signed written complaint within six months of when the alleged retaliation occurred or the employee reasonably should have known of the occurrence. The complaint shall be filed with the ombuds and must specify the alleged retaliatory action and the relief requested.

B. The ombuds shall conduct an investigation of the alleged retaliatory action except that complaints involving the judicial branch shall be forwarded to the appropriate investigating official for that branch for investigation and complaints involving councilmembers shall be forwarded to and investigated by the prosecutor.

C. When conducting an investigation, the ombuds or prosecutor may at any stage, issue subpoenas, administer oaths, examine witnesses, and compel the production of documents or other evidence; refer the matter to the state auditor, law enforcement authorities or other governmental agency; and issue reports; or any combination thereof, each as deemed appropriate.

D. If it appears to the ombuds or prosecutor after conducting an investigation that no retaliation has occurred, the ombuds or prosecutor shall so notify the complainant summarizing the ombuds's or prosecuter's findings and providing a reasonable opportunity for the complainant to reply before making a final determination.

E. The ombuds or prosecutor shall, within forty-five days after receiving the report of alleged retaliatory action, provide the complainant with a written report that summarizes the results of the investigation, including findings with regard to each assertion of retaliation and recommended actions. The ombuds or prosecutor shall also send a copy of the written report to any governmental officials or agencies as the ombuds or prosecuter deems appropriate. If the ombuds or prosecutor finds that additional time is needed to complete the report, the ombuds or prosecuter shall notify the complainant in writing before the expiration of the forty-five day response period, and shall specify the reasons that additional time is required. The effect of the notice is to extend for forty-five days the time period in which a response must be made. Only two such extensions may be made.

F. The following apply to investigations by the ombuds under this section.

1. If it appears to the ombuds at any stage in the process that the complainant is at great risk of retaliation, the ombuds may recommend to the head of the department that temporary preventive action be taken, including but not limited to transferring the individual to another department or authorizing leave with pay. If the ombuds deems it necessary, the ombuds recommendation may be made to the executive instead. Such temporary preventative action may continue until the conclusion of any investigation and a permanent resolution of the matter;

2. If the ombuds determines that no retaliatory action has occurred, the ombuds shall send the report to the complainant, the subject or subjects of the investigation and the agency head; and

3. If the ombuds determines that retaliatory action has occurred:

a. The ombuds shall give the subject of the investigation an opportunity to respond before issuing a final report;

b. The ombuds shall send the report to: the complainant; the head of the department with responsibility for the action or if a department head is implicated, to the executive and county council, and to such other governmental officials or agencies as the ombuds deems appropriate. The ombuds shall also send a copy of the written report to the executive or the county council if requested to do so by the complainant, if the ombuds has not already done so;

c. The department with responsibility for the retaliatory action shall report back to the ombuds and complainant with an action plan for addressing the retaliatory action and provide reasonable timelines for when the corrective actions will occur. The department's response should be made within fourteen days of receipt of the ombuds report;

d. If the ombuds deems that the responsible department has not taken satisfactory action within a reasonable timeframe, the ombuds shall report the ombuds's determination to the executive and the county council; and

e. The ombuds may impose a fine on the department within which the retaliatory action occurred; the ombuds shall not impose a fine greater than ten thousand dollars. A fine should be imposed for retaliatory actions where the department's response to the retaliatory actions was grossly inadequate. The department shall be given a reasonable opportunity to be heard before imposition of any fine. Proceeds collected from any fine shall be deposited into an account to be used for the purpose of educating employees about this chapter or applied by the department toward administrative leave paid to the complainant where the reason for the administrative leave is related to the retaliation claim.

G. At any stage in the investigation, the ombuds or prosecutor may, with the agreement of the parties, recommend, arrange for, convene or conduct voluntary mediation between the employee and the subject of the investigation and/or agency head.

1. If the employer and employee reach agreement as a result of a mediation, the investigation shall be closed and the employee shall not be entitled to seek a hearing under subsection I. of this section.

2. If the employer and employee fail to reach agreement, the response times from subsection C. of this section shall be tolled for the duration of the mediation process.

3. Mediation and other informal resolution processes are voluntary. No employer or employee shall be pressured into participating in such processes, and no negative inferences shall be drawn if any party declines to participate in such processes. If a party agrees to participate in voluntary mediation or other informal resolution process, that party is under no obligation to accept the resolution recommended by the mediator, the ombuds, or any other person participating in this process, and no negative inferences shall be drawn as a result of a refusal to accept such recommendations.

H. The ombuds or prosecutor may close an investigation at any time the ombuds or prosecutor determines that no further action is warranted and shall so notify the complainant, the subject or subjects of the investigation and the agency head. The ombuds or prosecutor shall also issue any reports as required by this section.

I. Decisions of the ombuds under this section may not be appealed to the board of ethics.

J. If an employee who has filed a complaint of retaliation under this section is dissatisfied with the progress of the investigation or the response and desires a hearing under RCW 42.41.040, the employee shall deliver a request for hearing to the head of the branch within which retaliation is alleged to have occurred within the later of: one year of when the alleged retaliation occurred or the employee reasonably should have

known of the occurrence; or ninety days from receipt of the department's response under K.C.C. 3.42.060E.2.b. The employee shall notify the ombuds of the request. Within five working days of receipt of the request for hearing, the county shall apply to the state office of administrative hearings for a hearing to be conducted as provided in RCW 42.41.040(4) through (9).

K. An employee shall not have the right to seek a hearing under this section if the complaint of retaliation is pursued under and falls within the subject matter jurisdiction of a collective bargaining agreement grievance procedure ending in binding arbitration or the career service grievance procedure ending in a hearing before the personnel board.

L. To the extent allowed by law, investigating officials are encouraged to enter into cooperative agreements or arrangements for receiving and processing complaints with other agencies or entities that are investigating related complaints, so that duplication of functions shall be minimized and multiple redundant investigations avoided. (Ord. 18618 § 101, 2017: Ord. 16580 § 8, 2009: Ord. 11687 § 7, 1995).

## 3.46 DRUG/ALCOHOL EDUCATION AND TESTING

**Sections**:


3.46.010 Drug/alcohol education and testing program - established.
3.46.020 Definitions.
3.46.030 Policy - limited applicability.
3.46.040 Education.
3.46.050 Testing.
3.46.060 Types of testing.
3.46.070 Discipline.
3.46.080 Executive authorized to sign agreements.


**3.46.010 Drug/alcohol education and testing program - established.** There is established a program for prohibited drug use/alcohol misuse education and testing program policy limited to persons employed by King County or employed by a transit contractor performing certain safety sensitive functions as defined in applicable federal law. (Ord. 12413 § 2, 1996).

**3.46.020 Definitions.**

A. "Safety sensitive" relates to the following functions:

1. Operating revenue service vehicles, including operation when the vehicle is not in revenue service;
2. Operating nonrevenue service vehicles when operation of such vehicles requires the driver to hold a commercial driver's license (CDL);
3. Controlling the dispatch or movement of a revenue service vehicle;
4. Maintaining a revenue service vehicle or equipment used in revenue service;
5. Carrying a firearm for transit security purposes; or
6. All employees of independent contractors who perform services for King County in positions which are listed previously. (Ord. 12413 § 1, 1996).

**3.46.030 Policy - limited applicability.** King County as a federal grantee and contractor responsible for certain transportation or related operations and programs is committed to maintaining a drug/alcohol-free workplace to promote both the safety of its employees, customers and the public and the quality of its services. Every King County employee or employee of a transit contractor who holds a position which is defined as safety sensitive is subject to regulations issued pursuant to the Omnibus Transportation Act of 1991, as subsequently amended, and each employee, in accordance with this act

and under King County authority shall follow applicable rules and regulations promulgated under K.C.C. 2.98 and/or bargained in good faith under Ordinance 11480, provided that such rules and regulations shall not limit collectively bargained agreements already in effect upon August 19, 1996, codified in this chapter. It is the policy of King County that the provisions of this chapter shall be strictly related to the intent of the Omnibus Transportation Employee Testing Act of 1991, as subsequently amended; 49 CFR Parts 40, 382, 653 and 654 and the U.S. Drug Free Workplace Act of 1988, as subsequently amended and applicable regulations issued pursuant to such acts. The passage of Ordinance 12413 notwithstanding, nothing in this chapter shall preclude a future legal challenge enjoining the federal government from abrogating the civil rights protections contained in the State of Washington Constitution. (Ord. 12413 § 3, 1996).

**3.46.040 Education.** All county employees and employees of independent contractors who perform safety sensitive functions covered by this chapter shall receive a copy of the county's prohibited drug use and alcohol misuse education and testing program policy and appropriate information concerning the prohibited drug and misuse education and testing program. The executive shall be authorized to establish an education program appropriate to the functions of employees covered by this chapter. (Ord. 12413 § 4, 1996).

**3.46.050 Testing.** Employees subject to alcohol testing under this chapter will have a sample of their breath tested for the presence of the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols and including methyl or isopropyl alcohol. Any refusal to submit to an alcohol test and all positive alcohol tests will be reported to the executive or designee. Employees subject to drug testing will have a sample of their urine tested for the presence of five drugs as follows:

1. Marijuana;
2. Cocaine;
3. Opiates;
4. Amphetamines;
5. Phencyclidine.

All drug tests will be reported by the testing laboratory to a medical review officer designated by the county who will evaluate the results. After evaluation and interpretation, all verified positive test results will be reported by the medical review officer to the executive or designee. Any refusal to submit to a drug test will be immediately reported by the collection site to the executive or designee. If employees test positive as previously explained, said employees will be notified by the medical review officer that they have seventy-two hours following this notification in which to request, at their own expense, that a split urine specimen be tested by another laboratory certified by the state Department of Health and Human Services. In the event that the split sample test is negative, the employee will be reimbursed for the test. Failure to request testing of the split specimen within seventy-two hours of being notified of a positive test by the medical review officer will result in the test results from the original specimen being accepted as the final test results. Provided, that there will be only one random testing pool for all King County employees covered by the provisions of this chapter. Independent contractors will have the option of participating in one random testing pool for all their employees who perform safety sensitive functions covered by this chapter. (Ord. 18618 § 103, 2017: Ord. 12413 § 5, 1996).

**3.46.060 Types of testing.** All county employees subject to the provisions of this chapter shall be required to submit to the following tests as applicable: pre-employment tests; post accident tests; random tests; reasonable suspicion tests; and return to

duty/follow-up tests. The executive shall promulgate rules and regulations necessary and proper to implement this chapter insuring employee confidentiality, the integrity of the testing process, safeguarding the validity of the test results, and ensuring that the test results are attributed to the correct employee. Provided, that all county employees and their union representatives, if applicable, subject to the provisions of this chapter shall be provided with a copy of the appropriate forms prepared indicating the grounds for requiring an employee to submit to a reasonable suspicion test within twenty-four hours of testing or as soon as possible thereafter. Provided further, that when available, a second supervisor will also observe an employee to determine if a reasonable suspicion test is required and complete the related forms in accordance with this chapter and rules and regulations promulgated pursuant thereof. (Ord. 12413 § 6, 1996).

**3.46.070 Discipline.** It is the policy of King County that employees performing safety sensitive functions as defined in this chapter, as subsequently amended, will be subject to discipline as appropriate and specified in procedures and rules promulgated under K.C.C. 2.98 and collective bargaining agreements adopted under Ordinance 11480. (Ord. 12413 § 7, 1996).

**3.46.080 Executive authorized to sign agreements.** The executive or designee is authorized to enter into agreements with alcohol and drug testing services providers as required for the implementation of this chapter. (Ord. 18618 § 104, 2017: Ord. 12413 § 8, 1996).