



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

April 9, 2015

Ordinance

Proposed No. 2014-0209.1

Sponsors Hague

1 AN ORDINANCE relating to personnel policies; providing
2 that probationary periods are not applied to employees who
3 transfer to a position within their same classification if that
4 position is within their same department or agency; and
5 amending Ordinance 12014, Section 5, as amended, and
6 K.C.C. 3.12.010 and Ordinance 12014, Section 13, as
7 amended, and K.C.C. 3.12.100.

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 **SECTION 1. Findings:**

10 A. A county employee is appointed to a career service position as a result of a
11 competitive selection process, and the appointment is final upon the successful
12 completion of a probationary period. The probationary period is used to determine
13 whether the probationary employee is qualified for the position. K.C.C. 3.12.100
14 provides that a probationary period is required for all promotions, demotions and
15 transfers. Until the employee has successfully completed the probationary period, the
16 employee is "at will" and may be terminated without cause.

17 B. The probationary period has been applied to county employees upon initial
18 employment, reemployment and movement to different career service positions,

19 including lateral transfers to different positions within their same classifications that are
20 also within the same agencies or departments.

21 C. However, when a career service employee laterally transfers to a different
22 position that is within the employee's same classification and that is within the same
23 department or agency and has the same pay range as the position from which the
24 employee transferred, the probationary period should not be applied. This is because
25 when the employee was originally hired, the employee engaged in a competitive selection
26 process and has since demonstrated proficiency in the classification within the
27 department. This ordinance provides that a probationary period will not be applied in
28 these circumstances.

29 SECTION 2. Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010 are
30 each hereby amended to read as follows:

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

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

36 a. enrolled full-time during the regular school year in a program of education,
37 internship or apprenticeship; or

38 b. veterans temporarily working to gain practical workforce experience.

39 2. All administrative internships in executive departments shall be approved by
40 the manager. Administrative interns are exempt from the career service under Section
41 550 of the charter.

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

45 C. "Basis of merit" means the value, excellence or superior quality of an
46 individual's work performance, as determined by a structured process comparing the
47 employee's performance against defined standards and, where possible, the performance
48 of other employees of the same or similar class.

49 D. "Board" means the county personnel board established by Section 540 of the
50 charter.

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

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

60 G. "Career service position" means all positions in the county service except for
61 those that are designated by Section 550 of the charter as follows: all elected officers; the
62 county auditor, the clerk and all other employees of the county council; the county
63 administrative officer; the chief officer of each executive department and administrative
64 office; the members of all boards and commissions; the chief economist and other

65 employees of the office economic and financial analysis; the chief economist and other
66 employees of the office of economic and financial analysis; administrative assistants for
67 the executive and one administrative assistant each for the county administrative officer,
68 the county auditor, the county assessor, the chief officer of each executive department
69 and administrative office and for each board and commission; a chief deputy for the
70 county assessor; one confidential secretary each for the executive, the chief officer of
71 each executive department and administrative office, and for each administrative assistant
72 specified in this section; all employees of those officers who are exempted from the
73 provisions of this chapter by the state constitution; persons employed in a professional or
74 scientific capacity to conduct a special inquiry, investigation or examination; part-time
75 and temporary employees; administrative interns; election precinct officials; all persons
76 serving the county without compensation; physicians; surgeons; dentists; medical interns;
77 and student nurses and inmates employed by county hospitals, tuberculosis sanitariums
78 and health departments of the county.

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

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

85 H. "Charter" means the King County Charter, as amended.

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

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

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

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

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

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

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

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

107 P. "Developmental disability" means a developmental disability, as defined in
108 RCW 71A.10.020(2), as amended, attributable to mental retardation, cerebral palsy,
109 epilepsy, autism or other neurological or other condition of an individual found by the
110 secretary of the Washington state Department of Social and Health Services, or the

111 secretary's designee, to be closely related to mental retardation or to require treatment
112 similar to that required for individuals with mental retardation, which disability originates
113 before the individual attains age eighteen, that has continued or can be expected to
114 continue indefinitely and that constitutes a substantial handicap for the individual.

115 Q. "Direct cost" means the cost aggregate of the actual weighted average cost of
116 insured benefits, less any administrative cost therefor. Any payments to part-time and
117 temporary employees under this chapter shall not include any administrative overhead
118 charges applicable to administrative offices and executive departments.

119 R. "Director" means the manager of the human resources management division.

120 S. "Division" means the human resources management division or its successor
121 agency.

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

124 U. "Domestic partnership" is a relationship whereby two people:

- 125 1. Have a close personal relationship;
- 126 2. Are each other's sole domestic partner and are responsible for each other's
127 common welfare;
- 128 3. Share the same regular and permanent residence;
- 129 4. Are jointly responsible for basic living expenses which means the cost of
130 basic food, shelter and any other expenses of a domestic partner that are paid at least in
131 part by a program or benefit for which the partner qualified because of the domestic
132 partnership. The individuals need not contribute equally or jointly to the cost of these
133 expenses as long as they agree that both are responsible for the cost;

134 5. Are not married to anyone;

135 6. Are each eighteen years of age or older;

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

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

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

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

151 X. "Executive" means the county executive, as established by Article 3 of the
152 charter.

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

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

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

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

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

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

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

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

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

180 HH. "Integrated work setting" means a work setting with no more than eight
181 persons with developmental disabilities or with the presence of a sensory, mental or
182 physical handicap as specified in K.C.C. 3.12.180. This definition refers to all county
183 offices, field locations and other work sites at which supported employees work
184 alongside employees who are not persons with development disabilities employed in
185 permanent county positions.

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

190 JJ. "Manager" means the manager of the human resources management division
191 or its successor agency.

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

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

198 MM. "Part-time position" means an other than a regular position in which the
199 part-time employee is employed less than half time, that is less than nine hundred ten
200 hours in a calendar year in a work unit in which a thirty-five hour work week is standard

201 or less than one thousand forty hours in a calendar year in a work unit in which a forty-
202 hour work week is standard, except as provided elsewhere in this chapter. Where the
203 standard work week falls between thirty-five and forty hours, the manager, in
204 consultation with the department, is responsible for determining what hour threshold will
205 apply. Part-time position excludes administrative intern.

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

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

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

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

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

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

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

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

234 VV. "Probationary period" means a period of time, as determined by the
235 ~~((manager)) director, ((constituting the final step in the competitive screening process for~~
236 ~~career service or for promotion from one career service position to another. An~~
237 ~~appointment to the career service, whether following successful completion of an initial~~
238 ~~probationary period of county employment or a promotional probationary period, shall~~
239 ~~not be final unless the employee successfully completes this probationary period)) for~~
240 assessing whether an individual is qualified for a career service position to which the
241 employee has been newly appointed or has moved from another position, whether
242 through promotion, demotion or transfer, except as provided in K.C.C. 3.12.100.

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

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

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

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

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

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

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

262 DDD. "Section" means an agency's budget unit comprised of a particular project
263 program or line of business as described in the budget detail plan for the previous fiscal
264 period as attached to the adopted appropriation ordinance or as modified by the most

265 recent supplemental appropriations ordinance. This definition is not intended to create an
266 organization structure for any agency.

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

269 1. An acute episode that requires more than three consecutive calendar days of
270 incapacity and either multiple treatments by a licensed health care provider or at least one
271 treatment plus follow-up care such as a course of prescription medication; and any
272 subsequent treatment or period of incapacity relating to the same condition;

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

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

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

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

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

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

288 GGG. "Temporary position" means a position that is not a regular position as
289 defined in this chapter and excludes administrative intern. Temporary positions include
290 both term-limited temporary positions as defined in this chapter and short-term (normally
291 less than six months) temporary positions in which a temporary employee works less than
292 nine hundred ten hours in a calendar year in a work unit in which a thirty-five hour work
293 week is standard or less than one thousand forty hours in a calendar year in a work unit in
294 which a forty hour work week is standard, except as provided elsewhere in this chapter.
295 Where the standard work week falls between thirty-five and forty hours, the manager, in
296 consultation with the department, is responsible for determining what hour threshold will
297 apply.

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

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

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

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

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

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

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

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

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

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

348 KKK. "Volunteer intern" means volunteers who are also enrolled full-time during
349 the regular school year in a program of education, internship or apprenticeship who are
350 receiving scholastic credit or scholastic recognition for participating in the internship.

351 LLL. "Work study student" means a student enrolled or accepted for enrollment
352 at a post-secondary institution who, according to a system of need analysis approved by
353 the higher education coordinating board, demonstrates a financial inability, either
354 parental, familial or personal, to bear the total cost of education for any semester or
355 quarter.

356 SECTION 3. Ordinance 12014, Section 13, as amended, and K.C.C. 3.12.100 are
357 each hereby amended to read as follows:

358 A. There shall be a probationary period during which time a probationary
359 employee shall be evaluated by the appointing authority to determine qualification for
360 entry into the career service. An individual's appointment or transfer to a career service
361 position is not final unless the employee successfully completes the probationary period.
362 The probationary period shall be determined by the director, but shall be not less than six
363 months or more than one year of actual service, and shall be served by those employees
364 who have been newly hired((;)) or reemployed ((, transferred to a different position, or
365 ~~promoted or demoted.~~)) or have moved from another career service position, whether
366 through promotion, demotion or transfer except:

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

369 2. A career service employee who transfers to a position within the employee's
370 same classification that is within the same department or agency and has the same pay
371 range as the position from which the employee transferred does not serve a probationary
372 period, except that a probationary period may be required but only if:

373 a. the essential functions of the new position are substantially different from
374 the position from which the employee transferred; and

375 b. a probationary period is authorized in advance in writing by the director of
376 the human resources division or successor organization.

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

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

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

387 to any person or circumstance is held invalid, the remainder of the ordinance or the
388 application of the provision to other persons or circumstances is not affected.
389

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Larry Gossett, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None