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Sponsor: Dembowski

Proposed No.: 2015-0496

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1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2015-0496, VERSION**

2 **1**

3 On page 1, beginning on line 7, strike everything through page 28, line 602, and insert:

4 "BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 **SECTION 1. Findings:**

6 A. King County employees are covered under a number of federal, state and

7 local laws regarding family and medical leave. Family and medical leave is intended

8 to allow employees the time they need to focus on serious health conditions that they

9 or their family members are facing.

10 The laws affecting family and medical leave include: 29 U.S.C. Secs. 2601 et.

11 seq., commonly known as the federal Family and Medical Leave Act ("FMLA"); 42

12 U.S.C. Secs.12101 et seq., commonly known as the Americans with Disabilities Act

13 Amendments Act of 2008; 38 U.S.C Sec. 4301 et seq., commonly known as the

14 Uniformed Services Employment and Reemployment Rights Act; chapter 49.78 RCW,

15 commonly known as the Washington Family Leave Act ("WFLA"); RCW 49.12.265

16 through 49.12.295, commonly known as the Washington Family Care Act; WAC 162-30-

17 020, which is a Washington state regulation relating to pregnancy, childbirth and

18 pregnancy-related conditions; chapter 49.76 RCW, commonly known as Washington
19 Domestic Violence Leave; chapter 49.77 RCW, commonly known as the Washington
20 Military Family Leave Act; and K.C.C 3.12.220, which addresses sick leave and time off
21 for medical and family reasons. King County family and medical leave ("KCFML")
22 provides eligible county employees with leave benefits in addition to those provided
23 under federal and state law.

24 B. FMLA and WFLA provide an eligible employee with twelve weeks of
25 family and medical leave for qualifying reasons; that leave is job-protected, and the
26 employee is entitled to continued health insurance during the period of leave. The
27 twelve weeks of leave provided under FMLA and WFLA run concurrently. If an
28 eligible employee has accrued paid leave, the employee can use that paid leave at the
29 beginning of the leave under FMLA and WFLA. Once an eligible employee has
30 exhausted paid leave, the employee may go into a leave without pay status for the
31 remainder of the employee's leave entitlement.

32 C. King County provides an eligible employee with eighteen weeks of KCFML,
33 which is unpaid and includes domestic partners as covered family members. Currently,
34 KCFML does not begin until the employee has exhausted their accrued paid leave or is in
35 a leave without pay status.

36 D. In order to provide consistency for employees in the duration of their family
37 and medical leave, independent of the amount of paid leave they have accrued, and to
38 provide for the efficient administration of all types of family and medical leave, the
39 eighteen weeks of KCFML should run concurrently with leave under FMLA and WFLA.
40 This would provide all eligible county employees with up to eighteen weeks of family

41 and medical leave, which would be paid or unpaid depending upon the employee's paid
42 leave accruals.

43 E. A 2014 memorandum of agreement between King County and the King
44 County Coalition of Unions, which the Council approved by Ordinance 17916 in
45 November 2014, provided, among other things, that for county employees represented by
46 the Coalition benefits under KCFML would run concurrently with those provided under
47 FMLA, instead of consecutively, but only if: the same changes were adopted and
48 implemented by ordinance for non-represented employees; and the changes were not
49 implemented for represented employees before July 1, 2015. The parties agreed to "work
50 together to identify the King County Code language changes necessary to implement this
51 change." This ordinance makes those code changes.

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

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

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

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

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

62 2. All administrative internships in executive departments shall be approved by
63 the manager. Administrative interns are exempt from the career service under Section
64 550 of the charter.

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

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

72 D. "Board" means the county personnel board established by Section 540 of the
73 charter.

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

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

83 G. "Career service position" means all positions in the county service except for
84 those that are designated by Section 550 of the charter as follows: all elected officers; the

85 county auditor, the clerk and all other employees of the county council; the county
86 administrative officer; the chief officer of each executive department and administrative
87 office; the members of all boards and commissions; the chief economist and other
88 employees of the office economic and financial analysis; administrative assistants for the
89 executive and one administrative assistant each for the county administrative officer, the
90 county auditor, the county assessor, the chief officer of each executive department and
91 administrative office and for each board and commission; a chief deputy for the county
92 assessor; one confidential secretary each for the executive, the chief officer of each
93 executive department and administrative office, and for each administrative assistant
94 specified in this section; all employees of those officers who are exempted from the
95 provisions of this chapter by the state constitution; persons employed in a professional or
96 scientific capacity to conduct a special inquiry, investigation or examination; part-time
97 and temporary employees; administrative interns; election precinct officials; all persons
98 serving the county without compensation; physicians; surgeons; dentists; medical interns;
99 and student nurses and inmates employed by county hospitals, tuberculosis sanitariums
100 and health departments of the county.

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

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

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

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

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

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

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

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

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

126 N. "Council" means the County Council as established by Article 2 of the charter.

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

129 P. "Developmental disability" means a developmental disability, as defined in
130 RCW 71A.10.020(2), as amended, attributable to mental retardation, cerebral palsy,

131 epilepsy, autism or other neurological or other condition of an individual found by the
132 secretary of the Washington state Department of Social and Health Services, or the
133 secretary's designee, to be closely related to mental retardation or to require treatment
134 similar to that required for individuals with mental retardation, which disability originates
135 before the individual attains age eighteen, that has continued or can be expected to
136 continue indefinitely and that constitutes a substantial handicap for the individual.

137 Q. "Direct cost" means the cost aggregate of the actual weighted average cost of
138 insured benefits, less any administrative cost therefore. Any payments to part-time and
139 temporary employees under this chapter shall not include any administrative overhead
140 charges applicable to administrative offices and executive departments.

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

142 S. "Division" means the human resources management division or its successor
143 agency.

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

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

147 1. Have a close personal relationship;

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

150 3. Share the same regular and permanent residence;

151 4. Are jointly responsible for basic living expenses which means the cost of
152 basic food, shelter and any other expenses of a domestic partner that are paid at least in
153 part by a program or benefit for which the partner qualified because of the domestic

154 partnership. The individuals need not contribute equally or jointly to the cost of these
155 expenses as long as they agree that both are responsible for the cost;

156 5. Are not married to anyone;

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

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

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

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

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

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

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

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

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

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

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

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

194 EE. "Grievance" means an issue raised by an employee relating to the
195 interpretation of rights, benefits, or condition of employment as contained in the
196 administrative rules, collective bargaining agreement or procedures, or all three, for the
197 career service.

198 FF. "Immediate family," as used in K.C.C. 3.12.210, means spouse, child, parent,
199 son-in-law, daughter-in-law, grandparent, grandchild, sibling, domestic partner and the
200 child, parent, sibling, grandparent or grandchild of the spouse or domestic partner.

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

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

209 II. "King County family and medical leave" means a leave of absence taken
210 under section 4 of this ordinance.

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

215 ~~((JJ.))~~ KK. "Manager" means the manager of the human resources division* or its
216 successor agency.

217 ~~((KK.))~~ LL. "Marital status" means the presence or absence of a marital
218 relationship and includes the status of married, separated, divorced, engaged, widowed,
219 single or cohabiting.

220 (~~LL~~) MM. "Part-time employee" means an employee employed in a part-time
221 position. Under Section 550 of the charter, part-time employees are not members of the
222 career service.

223 (~~MM~~) NN. "Part-time position" means an other than a regular position in
224 which the part-time employee is employed less than half time, that is less than nine
225 hundred ten hours in a calendar year in a work unit in which a thirty-five hour work week
226 is standard or less than one thousand forty hours in a calendar year in a work unit in
227 which a forty-hour work week is standard, except as provided elsewhere in this chapter.
228 Where the standard work week falls between thirty-five and forty hours, the manager, in
229 consultation with the department, is responsible for determining what hour threshold will
230 apply. Part-time position excludes administrative intern.

231 (~~NN~~) OO. "Part-time regular employee" means an employee employed in a
232 part-time regular position and, for part-time career service positions, is not serving a
233 probationary period. Under Section 550 of the charter, such part-time regular employees
234 are members of the career service.

235 (~~OO~~) PP. "Part-time regular position" means a regular position in which the
236 part-time regular employee is employed for at least nine hundred ten hours but less than a
237 full-time basis in a calendar year in a work unit in which a thirty-five hour work week is
238 standard or for at least one thousand forty hours but less than a full-time basis in a
239 calendar year in a work unit in which a forty-hour work week is standard. Where the
240 standard work week falls between thirty-five and forty hours, the manager, in
241 consultation with the department, is responsible for determining what hour threshold will
242 apply.

243 ~~((PP-))~~ QQ. "Pay plan" means a systematic schedule of numbered pay ranges
244 with minimum, maximum and intermediate steps for each pay range, a schedule of
245 assignment of each classification to a numbered pay range and rules for administration.

246 ~~((QQ-))~~ RR. "Pay range" means one or more pay rates representing the minimum,
247 maximum and intermediate steps assigned to a classification.

248 ~~((RR-))~~ SS. "Pay range adjustment" means the adjustment of the numbered pay
249 range of a classification to another numbered pay range in the schedule based on a
250 classification change, competitive pay data or other significant factors.

251 ~~((SS-))~~ TT. "Personnel guidelines" means only those operational procedures
252 promulgated by the manager necessary to implement personnel policies or requirements
253 previously stipulated by ordinance or the charter. Such personnel guidelines shall be
254 applicable only to employees assigned to executive departments and administrative
255 agencies.

256 ~~((TT-))~~ UU. "Position" means a group of current duties and responsibilities
257 assigned by competent authority requiring the employment of one person.

258 ~~((UU-))~~ VV. "Probationary employee" means an employee serving a probationary
259 period in a regular career service position. Probationary employees are temporary
260 employees and excluded from career service under Section 550 of the charter.

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

265 (~~WW~~) XX. "Probationary period salary increase" means a within-range salary
266 increase from one step to the next highest step upon satisfactory completion of the
267 probationary period.

268 (~~XX~~) YY. "Promotion" means the movement of an employee to a position in a
269 classification having a higher maximum salary.

270 (~~YY~~) ZZ. "Provisional appointment" means an appointment made in the
271 absence of a list of candidates certified as qualified by the manager. Only the manager
272 may authorize a provisional appointment. An appointment to this status is limited to six
273 months.

274 (~~ZZ~~) AAA. "Provisional employee" means an employee serving by provisional
275 appointment in a regular career service position. Provisional employees are temporary
276 employees and excluded from career service under Section 550 of the charter.

277 (~~AAA~~) BBB. "Recruiting step" means the first step of the salary range
278 allocated to a class unless otherwise authorized by the executive.

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

282 (~~CCC~~) DDD. "Salary or pay rate" means an individual dollar amount that is
283 one of the steps in a pay range paid to an employee based on the classification of the
284 position occupied.

285 (~~DDD~~) EEE. "Section" means an agency's budget unit comprised of a
286 particular project program or line of business as described in the budget detail plan for
287 the previous fiscal period as attached to the adopted appropriation ordinance or as

288 modified by the most recent supplemental appropriations ordinance. This definition is
289 not intended to create an organization structure for any agency.

290 ~~((EEE.))~~ FFF. "Serious health condition" means an illness or injury, impairment
291 or physical or mental condition that involves one or more of the following:

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

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

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

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

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

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

307 ~~((FFF.))~~ GGG. "Temporary employee" means an employee employed in a
308 temporary position and in addition, includes an employee serving a probationary period
309 or is under provisional appointment. Under Section 550 of the charter, temporary
310 employees shall not be members of the career service.

311 (~~GGG.~~) HHH. "Temporary position" means a position that is not a regular
312 position as defined in this chapter and excludes administrative intern. Temporary
313 positions include both term-limited temporary positions as defined in this chapter and
314 short-term (normally less than six months) temporary positions in which a temporary
315 employee works less than nine hundred ten hours in a calendar year in a work unit in
316 which a thirty-five hour work week is standard or less than one thousand forty hours in a
317 calendar year in a work unit in which a forty hour work week is standard, except as
318 provided elsewhere in this chapter. Where the standard work week falls between thirty-
319 five and forty hours, the manager, in consultation with the department, is responsible for
320 determining what hour threshold will apply.

321 (~~HHH.~~) III. "Term-limited temporary employee" means a temporary employee
322 who is employed in a term-limited temporary position. Term-limited temporary
323 employees are not members of the career service. Term-limited temporary employees
324 may not be employed in term-limited temporary positions longer than three years beyond
325 the date of hire, except that for grant-funded projects capital improvement projects and
326 information systems technology projects the maximum period may be extended up to five
327 years upon approval of the manager. The manager shall maintain a current list of all
328 term-limited temporary employees by department.

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

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

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

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

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

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

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

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

362 ~~((JJJ.))~~ KKK. "Volunteer for the county" means an individual who performs
363 service for the county for civic, charitable or humanitarian reasons, without promise,
364 expectation or receipt of compensation from the county for services rendered and who is
365 accepted as a volunteer by the county, except emergency service worker volunteers as
366 described by chapter 38.52 RCW. A "volunteer for the county" may receive reasonable
367 reimbursement of expenses or an allowance for expenses actually incurred without losing
368 his or her status as a volunteer. "Volunteer for the county" includes, but is not limited to,
369 a volunteer serving as a board member, officer, commission member, volunteer intern or
370 direct service volunteer.

371 ~~((LLL.))~~ LLL. "Volunteer intern" means volunteers who are also enrolled full-
372 time during the regular school year in a program of education, internship or
373 apprenticeship who are receiving scholastic credit or scholastic recognition for
374 participating in the internship.

375 ~~((LLL.))~~ MMM. "Work study student" means a student enrolled or accepted for
376 enrollment at a post-secondary institution who, according to a system of need analysis
377 approved by the higher education coordinating board, demonstrates a financial inability,

378 either parental, familial or personal, to bear the total cost of education for any semester or
379 quarter.

380 SECTION 3. Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220, as
381 amended, are each hereby amended to read as follows:

382 A. Except for employees covered by subsection G. of this section, employees
383 eligible for leave benefits shall accrue sick leave benefits at the rate of 0.04616 hours for
384 each hour in pay status exclusive of overtime up to a maximum of eight hours per
385 month~~((;))~~, except that sick leave shall not begin to accrue until the first of the month
386 following the month in which the employee commenced employment. No adjustment to
387 reduce sick leave accruals for furloughed employee shall be made as a result of a
388 budgetary furlough. The employee is not entitled to use sick leave if not previously
389 earned.

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

394 C. For employees covered by the overtime requirements of the Fair Labor
395 Standards Act, sick leave may be used in as small as ~~((one-half hour))~~ fifteen-minute
396 increments or as specified in the collective bargaining agreement~~((, at the discretion of~~
397 ~~the appointing authority))~~.

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

400 E. Separation from or termination of county employment except by reason of
401 retirement or layoff due to lack of work, funds, efficiency reasons or separation for
402 ((~~nondisciplinary~~)) medical reasons, shall cancel all sick leave accrued to the employee as
403 of the date of separation or termination. Should the employee resign in good standing, be
404 separated for ((~~nondisciplinary~~)) medical reasons or be laid off, and return to county
405 employment within two years, accrued sick leave shall be restored, but the restoration
406 shall not apply where the former employment was in a term-limited temporary position.

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

422 2.a. In lieu of the remuneration for unused sick leave at retirement, the manager
423 of the human resources division, or the manager's designee, may, with equivalent funds,
424 provide eligible employees with a voluntary employee beneficiary association plan that
425 provides for reimbursement of retiree and other qualifying medical expenses. Under
426 K.C.C. 3.12.190.H., in lieu of the remuneration for fifty percent of unused vacation leave
427 at retirement, the manager may also fund the voluntary employee beneficiary association
428 plan.

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

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

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

442 (3) any voluntary employee beneficiary association plan implemented in
443 accordance with this subsection F.2. complies with federal tax law. Disbursements in

444 accordance with this subsection F.2. shall be exempt from withholdings, to the extent
445 permitted by law; and

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

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

453 H.1. An employee must use all of his or her accrued sick leave and any donated
454 sick leave before taking unpaid leave for his or her own health reasons. If the injury or
455 illness is compensable under the county's workers' compensation program, then the
456 employee has the option to augment or not augment ~~((time loss))~~ wage replacement pay
457 ~~((payments))~~ with the use of accrued sick leave. A furloughed employee shall not be
458 eligible to take or be paid for sick leave in lieu of taking a budgetary furlough day.

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

465 3. An employee who has exhausted all of his or her sick leave may use accrued
466 vacation leave before going on leave of absence without pay, if approved by his or her

467 appointing authority. A furloughed employee shall not be eligible to take or be paid for
468 vacation leave in lieu of sick leave in lieu of taking a furlough day.

469 I. Sick leave ~~((shall))~~ may be used only for the following reasons:

470 ~~((a-))~~ 1. ~~((t))~~ The employee's bona fide illness, but an employee who suffers an
471 occupational illness may not simultaneously collect sick leave and worker's
472 compensation payments in a total amount greater than the net regular pay of the
473 employee;

474 ~~((b-))~~ 2. ~~((t))~~ The employee's incapacitating injury, but:

475 ~~((t))~~ a. an employee injured on the job may not simultaneously collect sick
476 leave and worker's compensation payments in a total amount greater than the net regular
477 pay of the employee, though an employee who chooses not to augment his or her
478 worker~~((s))~~' compensation ~~((time loss))~~ wage replacement pay through the use of sick
479 leave shall be deemed on unpaid leave status;

480 ~~((2))~~ b. an employee who chooses to augment workers' compensation
481 payments with the use of accrued sick leave shall notify the safety and workers'
482 compensation program office in writing at the beginning of the leave; and

483 ~~((3))~~ c. an employee may not collect sick leave and workers' compensation
484 ~~((time loss payments))~~ wage replacement pay for physical incapacity due to any injury or
485 occupational illness that is directly traceable to employment other than with the county;

486 ~~((e-))~~ 3. ~~((t))~~ The employee's exposure to contagious diseases and resulting
487 quarantine;

488 ~~((d.-a))~~ 4. A female employee's temporary disability caused by or contributed to
489 by pregnancy and childbirth;

490 ~~((e.))~~ 5. ~~((f.))~~ The employee's medical or dental appointments but only if the
 491 employee's appointing authority has approved the use of sick leave for those
 492 appointments;

493 ~~((f.))~~ 6. ~~((g.))~~ To care for the employee's child as defined in this chapter if the
 494 child has an illness or health condition which requires treatment or supervision from the
 495 employee; or

496 ~~((g. to care for other family members, if:~~

497 ~~(1) the employee has been employed by the county for twelve months or more
 498 and has worked a minimum of nine hundred ten hours for a thirty five hour employee or
 499 one thousand forty hours for a forty hour employee in the preceding twelve months;~~

500 ~~(2.) the family member is the employee's spouse or domestic partner, the
 501 employee's child, a child of the employee's spouse or domestic partner, the parent of the
 502 employee, employee's spouse or domestic partner or an individual who stands or stood in
 503 loco parentis to the employee, the employee's spouse or domestic partner; and~~

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

505 ~~ii. the care of the employee's child or child of the employee's spouse or
 506 domestic partner whose illness or health condition requires treatment or supervision by
 507 the employee;~~

508 ~~iii. care of a family member with a serious health condition.~~

509 I. An employee may take a total of up to eighteen work weeks unpaid leave for
 510 his or her own serious health condition, and for family reasons as provided in subsection
 511 H.3.f. and g. of this section, combined, within a twelve-month period. The leave may be

512 continuous, which is consecutive days or weeks, or intermittent, which is taken in whole
513 or partial days as needed. Intermittent leave is subject to the following conditions:

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

517 2. ~~An employee may take leave intermittently or on a reduced schedule when~~
518 ~~medically necessary due to a serious health condition of the employee or a family~~
519 ~~member of the employee; and~~

520 3. ~~If an employee requests intermittent leave or leave on a reduced leave~~
521 ~~schedule under subsection I.2. of this section that is foreseeable based on planned~~
522 ~~medical treatment, the appointing authority may require the employee to transfer~~
523 ~~temporarily to an available alternative position for which the employee is qualified and~~
524 ~~that has equivalent pay and benefits and that better accommodates recurring periods of~~
525 ~~leave than the regular position of the employee.~~

526 J. ~~Use of donated leave shall run concurrently with the eighteen work week~~
527 ~~family medical leave entitlement.~~

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

530 L.) 7. For family and medical leave available under federal law, state law or
531 King County ordinance.

532 J. Department management is responsible for the proper administration of the
533 sick leave benefit. Verification from a ((licensed)) health care provider may be required
534 to substantiate the health condition of the employee or family member for leave requests.

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

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

538 ~~b. a position with equivalent status, benefits, pay and other terms and~~
539 ~~conditions of employment; and~~

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

541 ~~N.))~~ J. Failure to return to work by the expiration date of a leave of absence may
542 be cause for removal and result in termination of the employee from county service.

543 NEW SECTION. SECTION 4. There is hereby added to K.K.C. chapter 3.12 a
544 new section to read as follows:

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

551 1. The family member is the employee's spouse or domestic partner, the
552 employee's child, a child of the employee's spouse or domestic partner, the parent of the
553 employee or the employee's spouse or domestic partner, or an individual who stood in
554 loco parentis to the employee or the employee's spouse or domestic partner; and

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

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

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

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

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

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

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

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

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

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

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

586 F. Failure of an employee to return to work by the expiration date of a leave of
587 absence may be cause for termination of the employee from county service.

588 SECTION 5. The county executive shall develop procedures and guidelines to
589 carry out this ordinance.

590 SECTION 6. This ordinance takes effect August 1, 2016.

591 SECTION 7. Severability. If any provision of this ordinance or its application to

592 any person or circumstance is held invalid, the remainder of the ordinance or the
593 application of the provision to other persons or circumstances is not affected."

594 **EFFECT:**

- 595 **1. Supplements the findings with a reference to the 2014 MOA with the King**
596 **County Coalition of Unions.**
- 597 **2. Shortens the definition of "King County family and medical leave" by**
598 **removing the content that is covered in section 4 of the ordinance.**
- 599 **3. Deletes the original section 3 because its first sentence is covered elsewhere in**
600 **the ordinance and its second sentence is moved to new section 5.**
- 601 **4. Sets an effective date of August 1, 2016 (a date suggested by the Human**
602 **Resources Division), to allow sufficient time for the County to prepare for**
603 **countywide implementation of the ordinance.**
- 604 **5. Modifies the ordinance to reflect current practices and to improve clarity**
605 **and readability.**

DRAFT ID

T1

Dec. 7, 2015

Sponsor: Dembowski

nw

Proposed No.: 2015-0496

R Dem → ^{passed} 8-0 upex

1 **TITLE AMENDMENT TO PROPOSED ORDINANCE 2015-0496, VERSION 1**

2 On page 1, beginning on line 1, strike lines 1 through 6, and insert:

3 "AN ORDINANCE relating to employee sick leave and family and
 4 medical leave; making King County family and medical leave run
 5 concurrently with federal and state family and medical leave;
 6 making other changes in King County family and medical leave
 7 and sick leave; making technical corrections; amending Ordinance
 8 12014, Section 5, as amended, and K.C.C. 3.12.010 and Ordinance
 9 12014, Section 21, as amended, and K.C.C. 3.12.220 and adding a
 10 new section to K.C.C chapter 3.12."

11 **EFFECT: *Conforms the title to the body of the ordinance.***