



**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

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Larry Gossett, Chair

ATTEST:

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Anne Noris, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** None