

**Memorandum of Agreement  
By and Between  
King County  
And  
Service Employees International Union, Local 925  
Department of Public Defense**

**SUBJECT: Temporary Public Defense Incentive & Retention Program for Class A Felony Qualified Attorneys**

**BACKGROUND:**

The Department of Public Defense (DPD) has identified an operational need to recognize and increase the number of Public Defense attorneys that are Class A felony qualified. The purpose of this Memorandum of Agreement (MOA) is to establish a temporary incentive program to encourage more employees classified as Public Defense Attorney 1 to achieve Class A felony qualified status and to retain those attorneys already Class A felony qualified.

**AGREEMENT:**

**SECTION 1. CLASS A ATTORNEY INCENTIVE - BONUS ONE-STEP WAGE INCREASE**

- A. One Step Bonus Incentive.** A bonus one-step wage increase will be provided to Public Defense Attorney 1 that are at Steps 1 through 17 on the wage scale that are or become Class A felony qualified and meet the Eligibility Criteria in Section 1(B) or as provided in Section 3 of this MOA.

Employees will continue to receive normal annual wage step increases per Section 23.3(b) of the parties collective bargaining agreement regardless of whether or when a bonus step or payment incentive is granted.

**B. Eligibility Criteria.**

- i. Employee must be classified as a Public Defense Attorney 1 and at Steps 1 – 17. If the employee is already at Step 18 (or a higher step),<sup>1</sup> the employee is ineligible for the bonus step increase. The Step 18 or above employee may, however, qualify for a \$4,000 retention bonus described in Section 2.

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<sup>1</sup> Some attorneys classified as Public Defender 1 are at a wage step above 18 and will be ineligible for the one-step bonus increase. Attorneys at step 18 or above may be eligible for the \$4,000 incentive in Section 2.

- ii. Employee must have completed a felony or juvenile rotation sometime between January 1, 2020, and December 31, 2024.<sup>2</sup>

**C. Application & Determination of Employee Eligibility.**

- i. After execution of this Agreement, the Department will create a one-time Initial Class A Incentive Eligibility List of attorneys that the Department has identified that meet the incentive Eligibility Criteria (1B or 2B) and email said list to attorneys and the Union for review.
- ii. For any employee not identified by the Department on the Initial Class A Incentive Eligibility List that believes they meet the criteria at any time prior to December 31, 2024, can apply via email to their managing attorney and Human Resources.

The subject line of the email should be “Attorney Class A Incentive Application” and include attorney’s name. The employee also must indicate their Class A felony qualified status, the cause numbers of the trials they conducted that resulted in their Class A status (or Letters from previous employers to confirm out-of-state qualification) and indicate the timeframe when their felony or juvenile rotation was completed sometime between January 1, 2020, and December 31, 2024. The Department will review whether the Eligibility Criteria has been met and confirm to the employee in writing. All Class A Incentive Applications must be submitted prior to December 31, 2024, or will be considered ineligible.

- iii. The effective date of the one-step bonus increase will be within two pay periods *after* the employee is confirmed to be eligible by the Department via written notice to the employee or pay period after the Ordinance Effective<sup>3</sup> date of this Agreement, *whichever occurs later*.

**SECTION 2. CLASS A QUALIFIED ATTORNEYS AT TOP STEP – RETENTION AND RECOGNITION INCENTIVE**

- A. Incentive Payment.** If a Class A qualified attorney is ineligible (and has not received) the bonus one-step increase due to already being at Step 18 (or a higher step) of their pay range, the employee may instead be eligible for a \$4,000 incentive

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<sup>2</sup> All references to “completed a felony rotation” in this MOA mean that the attorney has spent 12-months carrying a DPD felony or juvenile criminal caseload in a non-calendar position unless an exception is granted by Director/designee. The 12-months does not have to be continuous.

<sup>3</sup> “Ordinance Effective Date” means 10-days following the date the King County Executive executes/signs the Ordinance following King County Council ratification. Also known as “law date.”

payment if they are also in paid status on October 28, 2024, and meet the Eligibility Criteria in 2(B).

**B. Eligibility Criteria.**

- i. Employee is in the Public Defense Attorney 1 classification.
- ii. Employee must be Class A qualified and in paid status on October 28, 2024, and at Step 18 or higher. An otherwise eligible employee that separates employment for any reason prior to October 28, 2024, will be ineligible for this incentive payment.
- iii. Employee has *not* received a bonus one-step increase for Class A qualified status per Section 1.
- iv. Employee must have completed a felony or juvenile rotation or be scheduled to complete a felony rotation sometime between January 1, 2020, and December 31, 2024.

**C. Confirmation of Employee Eligibility.**

- i. After execution of this Agreement, the Department will create a one-time Initial Class A Incentive Eligibility List of attorneys that the Department believes already meet the Eligibility Criteria (1B or 2B) as described above, and email said list to attorneys and the Union for review.
- v. For any employee who is not identified by the Department on the Initial Class A Incentive Eligibility List, but believes they meet the criteria and are at top step, the employee may apply via email with a Class A Incentive Application to their managing attorney and Human Resources. Employee must also have completed a felony or juvenile rotation sometime between January 1, 2020, and December 31, 2024, provide the cause numbers of the trials they conducted that resulted in their Class A status, and indicate the timeframe when the rotation was completed in the email.<sup>4</sup>
- vi. After the Initial Class A Incentive Eligibility List is produced, an attorney applying for the incentive must provide the Class A Incentive Application email prior to December 31, 2024, to their managing attorney and Human Resources. Requests will be deemed ineligible that are submitted after December 31, 2024.

- vii. Upon confirmation of eligibility, the payment date of the \$4,000 recognition and retention incentive will occur within two pay periods after October 28, 2024, or within two pay periods after eligibility determinations can be performed by the County with written notice to the employee (e.g., Class A Incentive Application could be received in November or December 2024). All payments are subject to standard payroll tax withholdings.

### **SECTION 3: DIRECTOR/DESIGNEE APPROVED EXTENSION OF CLASS A INCENTIVE ELIGIBILITY**

- A. An attorney that is unable to meet the incentive Eligibility Criteria in (1B or 2B) may submit a Class A qualified Incentive Application *Extension Request* to the Department Director/designee and Human Resources for consideration. Extension Requests must be provided by the attorney no later than December 31, 2024. Extension Requests received after December 31, 2024, will be considered ineligible.
- B. If the Department Director/designee approves the Extension Request, the written response will stipulate the terms and timelines that the attorney is first required to complete (i.e., Class A qualified status and felony rotation completion) prior to being eligible to receive the one-step bonus. The terms stated in any Extension Request response must be completed no later than December 31, 2025. The Extension Request response will not determine whether an individual will ultimately be approved to rotate into felonies or ensure a caseload will allow for Class A status to be achieved. Individual attorney rotation decisions are the purview of the managing attorneys and will continue to be so under this MOA.
- C. If the Department Director/designee denies the Extension Request, that denial must be communicated in writing with the reason(s) for the rejection, and a copy must also be submitted to the Union.
- D. The Department Director/designee shall have final decision-making authority on Extension Request completion terms for an attorney to earn the one step bonus or incentive payment. However, these terms may not exceed the requirement of achieving Class A qualified status and completing a 12-month felony rotation nor exceed a December 31, 2025, completion timeframe. If the attorney is already at top step, the attorney will instead be eligible for the \$4,000 incentive in lieu of the one-step bonus.
- E. An attorney whose Extension Request has been approved must notify the Department via email to their managing attorney and Human Resources that they have completed the one-step incentive terms as described in their Extension Request response. The effective date of the one-step bonus increase will be within two pay periods *after* the

Department has confirmed the employee has completed the incentive terms by written notice to the employee.

#### **SECTION 4. INCENTIVE ELIGIBILITY APPEAL – FML/KCFML**

- A. An employee that is already Class A qualified but has not completed a full 12-month felony rotation between January 1, 2020, and December 31, 2024, due to a KCFML/FML protected leave may submit an Incentive Eligibility Appeal letter to the Director of Public Defense for eligibility reconsideration. The Director shall issue a written decision about whether an exception or modification to this eligibility term will be granted. This decision shall be considered final and not subject to further appeal or grievance.
- B. If an appeal is approved, the effective date of a one-step bonus increase will be within two pay periods *after* the decision is issued to the employee, or any remaining requirements stated in the response are completed by the attorney, whichever occurs later. The terms of any remaining requirements must be completed no later than December 31, 2025.
- C. If the Department Director/designee denies the Incentive Eligibility Appeal, that denial must be communicated in writing with the reasons for the rejection, and a copy must also be submitted to the Union.
- D. The Department Director/designee shall have final decision-making authority, after soliciting input from the attorney's direct supervisor, on Incentive Eligibility Appeal completion terms for an attorney to earn the one step bonus or incentive payment. However, these requirements may not exceed the requirement of the 12-month felony rotation (including any time previously spent in a felony rotation during the time period of January 1, 2020, to December 31, 2024) nor exceed a December 31, 2025, completion timeframe. If the attorney is already at top step, the attorney will instead be eligible for the \$4,000 incentive in lieu of the one-step bonus.

#### **SECTION 5. INCENTIVE LIMITATIONS**

- A. Under no circumstances will the same attorney be eligible to receive both a one-step bonus and a \$4,000 incentive payment or multiple one-step bonuses under this MOA.

#### **SECTION 6. DISPUTES**

- A. Any disputes regarding this MOA may be submitted to the Director of Public Defense and the Office of Labor Relations for a final decision but shall not be subject to grievance or further appeal. The Union further agrees (consistent with Article 12(H) it will not grieve a decision to transfer an attorney or to not transfer an attorney to a felony rotation, or to transfer an attorney out of a felony rotation, as it relates to eligibility for any incentive in this MOA during the life of the MOA.

- B. At any time, the Union may request information regarding the Department's implementation of this MOA and how individual attorney eligibility determination were considered. The Department's implementation may also be a general topic of discussion for Labor Management Committee meetings, but individual circumstances and situations will not be discussed in this setting.

**SECTION 7. COMPLETE AGREEMENT**

- A. This is the complete and final MOA between the parties.




**SECTION 8. RATIFICATION**

- A. The parties acknowledge that this MOA is subject to ratification and approval by King County Council prior to implementation.

**SECTION 9. EXPIRATION**

- A. This Agreement will expire after all terms have been implemented as determined by the Department.

**For Service Employees International Union, Local 925:**

<small>DocuSigned by:</small>  <small>1BC014D5C2D7B4FC...</small> <b>Elbert Aull</b> Employee Representative SEIU Local 925	11/17/2023  Date
<small>DocuSigned by:</small>  <small>1AD0B8A38E594E6</small> <b>Nick Dominique</b> Employee Representative SEIU Local 925	11/16/2023  Date
<small>DocuSigned by:</small>  <small>4AA867AD460E468...</small> <b>Molly Gilbert</b> Employee Representative SEIU Local 925	11/15/2023  Date

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*Meghan Lacey*

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Meg Lacey

Employee Representative  
SEIU Local 925

11/15/2023

Date

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*Claire Sullivan*

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Claire Sullivan

Employee Representative  
SEIU Local 925

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Date

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*Alix Willard*

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Alix Willard

Employee Representative  
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Date

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*Rion Peoples*

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Ed Washington

Union Representative  
SEIU Local 925

11/17/2023

Date

**For King County:**

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*Anita Khandelwal*

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Anita Khandelwal

Director of Public Defense  
King County Department of Public Defense

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*Anita Khandelwal*

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Date

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*Andre Chevalier*

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Andre Chevalier

Senior Labor Negotiator  
King County Office of Labor Relations

11/19/2023

Date

