



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

June 18, 2012

Ordinance 17351

Proposed No. 2012-0176.1

Sponsors Ferguson

1 AN ORDINANCE relating to providing first responders
2 and essential employees, who must work extended hours
3 during certain unanticipated events which are critical to or
4 in response to a regulatory requirement, with lodging and
5 meals; and amending Ordinance 9206, Section 1, as
6 amended, and K.C.C. 3.24.010, Ordinance 9206, Section 7,
7 as amended, and K.C.C. 3.24.070 and Ordinance 12077,
8 Section 9, as amended, and K.C.C. 3.24.080.

9 **STATEMENT OF FACTS:**

10 1. Current code provisions provide employee lodging and meals within
11 the county's borders during an emergency proclaimed by the executive;
12 however, employees are required to work in response to other,
13 unanticipated events that do not rise to the level of a declared emergency.
14 Often, during such events, first responders and essential employees are
15 called upon to work extended hours, sometimes well into the night or for
16 days on end. Other times, they are required to be at work during non-
17 scheduled hours with very little notice. Examples of these emergent
18 events include snow removal at the King County international airport,
19 required by federal regulations when snow reaches an eighth of one inch

20 in accumulation; and monitoring river conditions when high river water
21 conditions and potential flooding are imminent.

22 2. Providing lodging to employees who work extended hours due to
23 unanticipated emergent events will ensure that first responders and
24 essential employees are available for deployment and close to the
25 worksite; and, in cases where the event results in unsafe commutes, to
26 ensure the safety of employees by minimizing their commute. Providing
27 meals during such events will allow the employees to focus their efforts on
28 providing critical public service.

29 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

30 SECTION 1. Ordinance 9206, Section 1, as amended, and K.C.C. 3.24.010 are
31 each hereby amended to read as follows:

32 All words in this chapter shall have their ordinary and usual meanings except
33 those defined in this section which shall have the meaning set forth below:

34 A. "Day travel" (~~shall~~) means travel outside of the county that exceeds six
35 hours but does not include an overnight stay. Travel outside of the county for six hours
36 or less or travel within the county is not considered day travel.

37 B. "Emergency" (~~shall~~) means the occurrence of unforeseen or exigent
38 circumstances which may result in harm to the public good.

39 C. "Employee" (~~shall~~) means any person who is employed in a career service
40 position, ~~or an exempt position,~~ or a temporary position as defined in K.C.C. chapter
41 3.12, except persons serving the county without compensation and members of boards
42 and commissions. "Employee" includes all county elected officials.

43 D. "Essential employee" means an employee designated by their department
44 leadership who provides for and maintains the functions of county essential services.

45 E. "Essential services" means those services stated or implied that are required to
46 be

47 1. Performed by statute or executive order for the exercise of civil authority, to
48 maintain the safety, health and well-being of the county population and to sustain the
49 county's industrial and economic base; or

50 2. Other functions as deemed essential by the heads of county agencies.

51 F. "Federal lodging limit" ((shall)) means the maximum amount a federal
52 employee may be reimbursed per day for lodging expenses, excluding applicable taxes, in
53 the respective host city for travel within the continental United States as published in the
54 Code of Federal Regulations, 41 CFR ((§)) Sec.301, App. A, and as hereafter amended.

55 ~~((E.))~~ G. "First responder" means an employee who protects lives, property, and
56 evidence and who provides for the restoration of order.

57 ~~((F.))~~ H. "Government rates" ((shall)) means the discounted rates offered to
58 government employees, in the course of conducting official business, by lodging
59 establishments, rental car agencies and other providers of services to government
60 employees.

61 ~~((G.))~~ I. "Moving expenses" ((shall)) means expenses incurred for transportation
62 of family and common household possessions, including meals and incidentals per diem,
63 automobiles and lodging expenses.

64 ~~((H.))~~ J. "Official county business" ((shall)) means business that relates directly
65 to a person's work function and benefits the county.

66 ~~((I.))~~ K. "Overnight travel" ~~((shall))~~ means travel outside of the county that
67 exceeds twelve hours and includes an overnight stay.

68 ~~((J.))~~ L. "Presiding elected official" ~~((shall))~~ means the county executive for the
69 executive branch departments, agencies and offices except assessments, elections and
70 public safety; the county assessor for the department of assessments; the director of
71 elections for the department of elections, the prosecuting attorney for the office of the
72 prosecuting attorney; the county sheriff for the department of public safety; the chair of
73 the county council for the legislative branch; and the presiding judges of the superior and
74 district courts, or the official or officials designated by that branch or unit of county
75 government.

76 ~~((L.))~~ M. "Unanticipated event" means an event necessitating a response due to a
77 regulatory requirement or public safety and health situation that does not rise to the level
78 of a proclaimed emergency.

79 SECTION 2. Ordinance 9206, Section 7, as amended, and K.C.C. 3.24.070 are
80 each hereby amended to read as follows:

81 Lodging costs actually incurred are reimbursable only as follows:

82 A. Lodging costs will be reimbursed only if a person is in overnight travel status,
83 except as provided in subsection D. of this section. Government rates must always be
84 requested. Lodging receipts are required. Lodging costs in the host city may be claimed
85 from the night before the authorized event starts through the night before it ends, unless
86 reasonably priced and timely return transportation is not available, thereby necessitating
87 additional lodging costs.

88 B. The traveler shall be reimbursed for actual lodging costs incurred for single
89 occupancy, to a maximum of the federal lodging limit for the host city plus taxes. If the
90 lodging receipt indicates a charge for double occupancy and two persons are authorized
91 to travel on behalf of the county, each traveler shall be allowed one-half the double
92 occupancy charge. If one person is not authorized to travel on behalf of the county, the
93 person authorized to travel shall be reimbursed at the single occupancy rate to a
94 maximum of the federal lodging limit.

95 C. For seminars, conferences or conventions, costs for lodging at the event site
96 may be authorized in excess of the federal lodging limit for the host city under one or
97 more of the following conditions:

98 1. No alternate lodging is available within a reasonable distance of the event site
99 which is within the federal lodging limit for the host city. The traveler must provide a
100 signed statement of unavailability with the request for reimbursement; ~~((or))~~

101 2. The authorized means of transportation between the alternate lodging site and
102 the event site would exceed the savings in lodging costs; or

103 3. The presiding elected official, or his or her designee, has authorized the
104 excess expenditure in writing and in advance for any exigent circumstances ~~((which~~
105 ~~may))~~ that might exist.

106 D. First responders and essential employees, who are not in overnight travel
107 status who must work extended hours during certain unanticipated events which is critical
108 to or in response to a regulatory requirement may be provided either lodging paid by the
109 county or reimbursed by the county to the employee, but only if:

110 1. The employee who is provided lodging must remain close to the worksite in
111 order to respond to the event;

112 2. The event requires that the work being performed is critical or necessary to
113 meet a regulatory requirement or to respond to a public health and safety situation not
114 rising to the level of a proclaimed emergency; and

115 3. During the first twenty-four hours, the lodging is approved by the presiding
116 elected official or designee in writing with a brief description of the event; any extension
117 beyond the first twenty-four hours is approved in advance and by the presiding elected
118 official or designee in writing with a brief description of the event.

119 E. The department of finance shall distribute federal lodging limits, as published
120 in the Code of Federal Regulations, 41 CFR ((§)) Sec. 301, App. A, as rate changes
121 occur.

122 SECTION 3. Ordinance 12077, Section 9, as amended, and K.C.C. 3.24.080 are
123 each hereby amended to read as follows:

124 A. ~~((Day and overnight travel status.))~~ For persons traveling on official county
125 business, meal and incidental expenses are reimbursable at the per diem rates established
126 by the federal travel regulations for the host city, published annually in the Code of
127 Federal Regulations, 41 CFR ((§)) Sec. 301, App. A. The per diem rates include fixed
128 allowances for breakfast, lunch, dinner and incidental expenses, by city. The meal
129 allowances include tips and gratuities. The incidental rates are calculated to allow for
130 expenses such as fees and tips to baggage carriers, concierges, hotel staff and laundry.
131 Reimbursement for incidentals is authorized only for overnight travel. Receipts are not
132 required((-));

133 1. For day travel, the fixed allowance per meal, as established by the federal per
134 diem rate, may be claimed if in travel status at the following times: 7:00 a.m. - breakfast,
135 12 noon - lunch, and 6:00 p.m. - dinner((-);

136 2. For overnight travel, the per diem meal and incidental rate may be claimed.
137 On the first and last days of travel, meals shall be reimbursed at the rates established for
138 day travel, plus incidentals ((-)); or

139 3. When the expense of a meal is included in a registration fee, air fare or other
140 county expense, the per diem meal and incidental rate will be reduced by the fixed
141 allowance for the respective meal.

142 B. ~~((Nontravel status.))~~ 1. Meal expenses incurred while ~~((the))~~ a person is not in
143 travel status are not normally reimbursable, except that meals may be reimbursed or paid
144 directly by the county for official county business purposes as follows:

145 a. for staff retreats lasting more than four hours in a single day, for either
146 single or multiple days, not to exceed one retreat per quarter per county division or key
147 subordinate unit as defined by K.C.C. 2.16.100; ~~((or))~~

148 b. when an integral part of a job-related seminar, conference, convention((-);) or
149 training occurs during the meal, ~~((provided such))~~ but only if the meals are approved in
150 advance, in writing, by the presiding elected official or designee; ~~((or))~~

151 c. when a meeting subject to the Open Public Meetings Act, chapter ~~((43.20))~~
152 42.30 RCW, continues through the times listed in K.C.C. 3.24.080_{A.1}; ~~((or))~~

153 d. for events authorized in advance and in writing by a presiding elected
154 official or designee, ~~((provided that))~~ but this authorization shall not be provided in

155 circumstances that violate ~~((a))~~Article VIII, ~~((s))~~Section 7 of the state Constitution, which
156 prohibits gifts of public funds; or

157 e. for unanticipated events that do not rise to the level of an emergency
158 proclaimed by the executive, but only if:

159 (1) the employee who is provided meals is a designated first responder or an
160 essential employee;

161 (2) the event requires that the work being performed is critical or necessary to
162 meet a regulatory requirement or to respond to a public safety and health situation not
163 rising to a proclaimed emergency; and

164 (3) during the first twenty-four hours, the meals are approved by the presiding
165 elected official or designee in writing with a brief description of the event; and an
166 extension beyond the first twenty-four hours is approved in advance by the presiding
167 elected official or designee in writing with a brief description of the event.

168 2. Reimbursable meals incurred while in nontravel status are limited to the fixed
169 meal allowance established by the federal travel regulations for each participant.

170 C. ~~((Refreshments.))~~ Expenses for refreshments are not normally reimbursable,
171 except that refreshment expenses may be reimbursed when an employee is not in travel
172 status, under the conditions provided for in K.C.C. 3.24.080.B. Additionally,
173 refreshments may be provided to employees by the county, at its option. Refreshment
174 expenses, however, are limited to fifty percent of the fixed lunch meal allowance
175 established by the federal travel regulations for each participant. Any purchase of
176 refreshments that will cost more than fifty dollars in total per function must be approved
177 in advance and in writing by the presiding elected official or designee.

178 D. (~~Nonreimbursable meal and refreshment costs.~~) Meal and refreshment costs
179 are neither reimbursable nor may they be paid by the county as a direct expenditure
180 when:

181 1. They are included in another county expense, regardless of whether the
182 person partakes in the meal or refreshment; ~~((or))~~

183 2. They are incurred for recreational or social events such as office parties,
184 going away parties, retirement parties, or other personalized social events; or

185 3. It would violate the provisions of ~~((a))~~Article VIII, ~~((s))~~Section 7 of the state
186 Constitution, which prohibits a gift of public funds.

187 E. (~~Exceptions to the per diem meal rates.~~) Meal expenses may be incurred at a
188 rate higher than that established by federal regulations when one or more of the following
189 conditions apply:

190 1. The presiding elected official or designee approves the cost of the meal
191 because a circumstance related to a particular meal results in exceeding the authorized
192 meal rate. A receipt detailing the expense, accompanied by written justification, shall be
193 submitted with the request to exceed the fixed meal allowance; ~~((or))~~

194 2. The meal expense is incurred on behalf of another agency that reimburses the
195 county for the expense, in which case the expense shall be reimbursed according to the
196 rules specified by the funding agency; or

197 3. When necessitated by special dietary needs.

198 F. The ~~((department of))~~ finance and business operations division shall distribute
199 federal meal and incidental rates, as published in the Code of Federal Regulations, 41
200 CFR ~~((§))~~ Sec. 301, App. A, as rate changes occur.

201 SECTION 4. Severability. If any provision of this ordinance or its application to
202 any person or circumstance is held invalid, the remainder of the ordinance or the
203 application of the provision to other persons or circumstances is not affected.
204

Ordinance 17351 was introduced on 5/14/2012 and passed by the Metropolitan King
County Council on 6/18/2012, by the following vote:

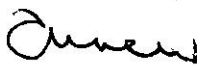
Yes: 8 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Patterson,
Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr. McDermott
No: 0
Excused: 1 - Ms. Hague

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



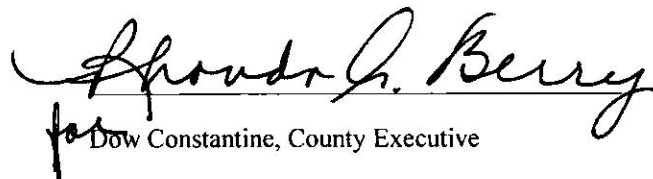
Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this _____ day of _____, 2012.



Dow Constantine, County Executive

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KING COUNTY COUNCIL

Attachments: None