



**King County**  
**Metropolitan King County Council**

**STAFF REPORT**

<b>Agenda Item No.:</b>	13	<b>Date:</b>	Dec. 7, 2015
<b>Proposed No.:</b>	2015-0496	<b>Prepared by:</b>	Nick Wagner

**SUBJECT**

Proposed Ordinance 2015-0496 would provide for King County family and medical leave to run concurrently with federal and state family and medical leave.

**SUMMARY**

Proposed Ordinance 2015-0496 (Att. 1) would provide for King County family and medical (KCFML) leave to run concurrently with federal and state family and medical leave. The Executive estimates that the proposed change will result in an annual savings to the County of about \$230,000 to \$400,000, as detailed in the Cost Analysis prepared by the Executive (Att. 5).

There is a proposed Striking Amendment S1 (Att. 2), as described below.

**BACKGROUND**

**The 2014 Coalition MOA**

The proposed ordinance arose from a 2014 memorandum of agreement (MOA) between King County and the King County Coalition of Unions, which the Council approved by Ordinance 17916. The MOA provided, among other things, that benefits under KCFML would run concurrently with those provided under the federal Family Medical Leave Act (FMLA), instead of consecutively, but only if: (a) the same changes were adopted and implemented by ordinance for non-represented employees; and (b) the changes were not implemented for represented employees before 1 July 2015. The parties agreed to “work together to identify the King County Code language changes necessary to implement this change.” Proposed Ordinance 2015-0496 would make those changes.

**Interaction of FMLA and KCFML**

The MOA itself was the result of collaboration between the County and the King County Coalition of Unions to address certain inefficiencies and inequities in the current interaction of the FMLA and KCMLA. As described in the Executive’s transmittal letter (Att. 4), FMLA provides up to 12 weeks of job-protected leave with health benefit continuation to an employee who is facing a serious health condition, needs to care for a family member with a serious health condition, or is bonding with

a new child.<sup>1</sup> Whether leave under FMLA is paid or unpaid depends on how much accrued paid leave the employee has. KCFML exceeds the federal requirement by offering 18 weeks instead of 12 weeks of job-protection and health benefit continuation.

### **Inconsistencies and Inefficiencies**

Currently, however, KCFML coverage does not begin until an employee has exhausted all accrued paid leave, whereas FMLA coverage begins from the outset of the employee's leave. As a result, an employee with a larger amount of accrued paid leave can receive up to 12 more weeks of job protection and health benefit continuation under FMLA and KCFML together than an employee with no accrued paid leave. For employees whose accrued paid leave exceeds the 12 weeks of FMLA protection, KCFML does not overlap with FMLA, which results in a potential gap in job protection and health benefit continuation.

Another difference between FMLA and KCFML is that FMLA coverage is unavailable for employees seeking leave to care for their domestic partner; in that case, KCFML runs from the outset of the unpaid leave.

As the Executive notes in his transmittal letter (Att. 4), "These inconsistencies create both potential inequities amongst employees and an administrative burden on the County when tracking KCFML use, required to ensure employees receive the benefits to which they are entitled."

### **ANALYSIS**

Proposed Ordinance 2015-0496 (Att. 1) would provide for KCFML leave to run concurrently with federal and state family and medical leave. This is intended to make KCFML more consistent with FMLA and more efficient to administer.

The other code changes that would be made by the proposed ordinance are "minor housekeeping changes . . . to update language to reflect current practices." (Att. 4: Transmittal letter, p. 2)

### **AMENDMENTS**

Striking Amendment S1 (Att. 2) would:

1. Supplement the findings with a reference to the 2014 MOA with the King County Coalition of Unions.
2. Shorten the definition of "King County family and medical leave" by removing the content that is covered in section 4 of the ordinance.

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<sup>1</sup> Similar protection is provided under state law.

3. Delete the original section 3 because its first sentence is covered elsewhere in the ordinance and its second sentence is moved to new section 5.
4. Set an effective date of August 1, 2016 (a date suggested by the Human Resources Division), to allow sufficient time for the County to prepare for countywide implementation of the ordinance.
5. Modify the ordinance to reflect current practices and to improve clarity and readability.

Title Amendment T1 (Att. 3) would conform the title to the body of the ordinance.

### **FISCAL IMPACT**

The Executive estimates that the proposed change will result in an annual savings to the County of between roughly \$230,000 to \$400,000, as detailed in the Cost Analysis prepared by the Executive (Att. 5). In view of the proposed effective date of the ordinance, these savings will not be attained in 2015, and only a portion will be attained in 2016.

### **INVITED**

Jeff Casem, Disability Services Supervisor, Safety & Claims Management, Human Resources Division  
Denise Pruitt, Senior Policy Advisor, Human Resources Division

### **ATTACHMENTS**

1. Proposed Ordinance 2015-0496
2. Striking Amendment S1
3. Title Amendment T1
4. Transmittal Letter
5. Cost Analysis
6. Fiscal Note





**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**December 6, 2015**

**Ordinance**

**Proposed No.** 2015-0496.1

**Sponsors** Dembowski

1 AN ORDINANCE relating to employee sick leave and  
2 family and medical leave; making technical corrections;  
3 amending Ordinance 12014, Section 5, as amended, and  
4 K.C.C. 3.12.010 and Ordinance 12014, Section 21, as  
5 amended, and K.C.C. 3.12.220 and adding a new section to  
6 K.C.C chapter 3.12.

7 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

8 **SECTION 1. Findings:**

9 A. King County employees are covered under a number of federal, state and  
10 local laws regarding family and medical leave. Family and medical leave is intended  
11 to allow employees the time they need to focus on themselves and their loved ones  
12 when they or their family members are facing a serious health condition.

13 The laws affecting medical leave include: 29 U.S.C. Secs. 2601 et. seq.,  
14 commonly known as the federal Family and Medical Leave Act; 42 U.S.C. Secs.12101  
15 et. seq., commonly known as the Americans with Disabilities Act Amendments Act of  
16 2008; 38 U.S.C Sec. 4301 et. seq., commonly known as the Uniformed Services  
17 Employment and Reemployment Rights Act; chapter 49.78 RCW, commonly known as  
18 the Washington Family Leave Act; RCW 49.12.265 through 49.12.295, commonly  
19 known as the Washington Family Care Act; WAC 162-30-020, which is a Washington

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

26 B. The federal Family and Medical Leave Act and the Washington Family  
27 Leave Act each provide an eligible employee with twelve weeks family and medical  
28 leave for qualifying reasons; that leave is job-protected and the employee is entitled to  
29 continued health insurance during the period of leave. The twelve weeks of leave  
30 provided under the federal Family and Medical Leave Act and the Washington Family  
31 Leave Act run concurrently. Eligible employees initially utilize paid leave, if accrued,  
32 for leave under the federal Family and Medical Leave Act and the Washington Family  
33 Leave Act. Once an eligible employee has exhausted paid leave, the employee may go  
34 into a leave without pay status for the remainder of their leave entitlement.

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

39 D. In order to provide consistency for all employees regarding the length of  
40 family and medical leave and to provide for the efficient administration of all types of  
41 family and medical leave, the eighteen weeks of King County family and medical leave  
42 should run concurrently with leave under the federal Family and Medical Leave Act and

43 the Washington Family Leave Act. This would provide all eligible county employees  
44 with up to eighteen weeks of family and medical leave, which is paid and or unpaid  
45 depending upon the employee's leave accruals.

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

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

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

- 53 a. enrolled full-time during the regular school year in a program of education,  
54 internship or apprenticeship; or  
55 b. veterans temporarily working to gain practical workforce experience.

56 2. All administrative internships in executive departments shall be approved by  
57 the manager. Administrative interns are exempt from the career service under Section  
58 550 of the charter.

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

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

66 D. "Board" means the county personnel board established by Section 540 of the  
67 charter.

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

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

77 G. "Career service position" means all positions in the county service except for  
78 those that are designated by Section 550 of the charter as follows: all elected officers; the  
79 county auditor, the clerk and all other employees of the county council; the county  
80 administrative officer; the chief officer of each executive department and administrative  
81 office; the members of all boards and commissions; the chief economist and other  
82 employees of the office economic and financial analysis; administrative assistants for the  
83 executive and one administrative assistant each for the county administrative officer, the  
84 county auditor, the county assessor, the chief officer of each executive department and  
85 administrative office and for each board and commission; a chief deputy for the county  
86 assessor; one confidential secretary each for the executive, the chief officer of each  
87 executive department and administrative office, and for each administrative assistant  
88 specified in this section; all employees of those officers who are exempted from the



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89 provisions of this chapter by the state constitution; persons employed in a professional or  
90 scientific capacity to conduct a special inquiry, investigation or examination; part-time  
91 and temporary employees; administrative interns; election precinct officials; all persons  
92 serving the county without compensation; physicians; surgeons; dentists; medical interns;  
93 and student nurses and inmates employed by county hospitals, tuberculosis sanitariums  
94 and health departments of the county.

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

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

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

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

- 104 1. Under eighteen years of age; or
- 105 2. Eighteen years of age or older and incapable of self care because of a mental  
106 or physical disability.

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

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

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

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

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

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

123 P. "Developmental disability" means a developmental disability, as defined in  
124 RCW 71A.10.020(2), as amended, attributable to mental retardation, cerebral palsy,  
125 epilepsy, autism or other neurological or other condition of an individual found by the  
126 secretary of the Washington state Department of Social and Health Services, or the  
127 secretary's designee, to be closely related to mental retardation or to require treatment  
128 similar to that required for individuals with mental retardation, which disability originates  
129 before the individual attains age eighteen, that has continued or can be expected to  
130 continue indefinitely and that constitutes a substantial handicap for the individual.

131 Q. "Direct cost" means the cost aggregate of the actual weighted average cost of  
132 insured benefits, less any administrative cost therefore. Any payments to part-time and

133 temporary employees under this chapter shall not include any administrative overhead  
134 charges applicable to administrative offices and executive departments.

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

136 S. "Division" means the human resources management division or its successor  
137 agency.

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

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

141 1. Have a close personal relationship;

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

144 3. Share the same regular and permanent residence;

145 4. Are jointly responsible for basic living expenses which means the cost of  
146 basic food, shelter and any other expenses of a domestic partner that are paid at least in  
147 part by a program or benefit for which the partner qualified because of the domestic  
148 partnership. The individuals need not contribute equally or jointly to the cost of these  
149 expenses as long as they agree that both are responsible for the cost;

150 5. Are not married to anyone;

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

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

154 8. Were mentally competent to consent to contract when the domestic  
155 partnership began.

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

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

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

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

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

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

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

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

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

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

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

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

197 HH. "Integrated work setting" means a work setting with no more than eight  
198 persons with developmental disabilities or with the presence of a sensory, mental or  
199 physical handicap as specified in K.C.C. 3.12.180. This definition refers to all county  
200 offices, field locations and other work sites at which supported employees work

201 alongside employees who are not persons with development disabilities employed in  
202 permanent county positions.

203 II. "King County family and medical leave" means a leave of absence of up to  
204 eighteen weeks that may be taken by an eligible employee because of a qualifying reason,  
205 as provided under federal and state family and medical leave laws, on the part of the  
206 employee or the employee's covered family member. For the purposes of King County  
207 family and medical leave, a "covered family member" means the employee's spouse or  
208 domestic partner, the employee's child, a child of the employee's spouse or domestic  
209 partner, the parent of the employee, employee's spouse or domestic partner or an  
210 individual standing in loco parentis to the employee, the employee's spouse or domestic  
211 partner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

286           (~~DDD~~) EEE. "Section" means an agency's budget unit comprised of a  
287 particular project program or line of business as described in the budget detail plan for  
288 the previous fiscal period as attached to the adopted appropriation ordinance or as  
289 modified by the most recent supplemental appropriations ordinance. This definition is  
290 not intended to create an organization structure for any agency.

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

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

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

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

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

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

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

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

312           (~~GGG~~) HHH. "Temporary position" means a position that is not a regular  
313 position as defined in this chapter and excludes administrative intern. Temporary

314 positions include both term-limited temporary positions as defined in this chapter and  
315 short-term (normally less than six months) temporary positions in which a temporary  
316 employee works less than nine hundred ten hours in a calendar year in a work unit in  
317 which a thirty-five hour work week is standard or less than one thousand forty hours in a  
318 calendar year in a work unit in which a forty hour work week is standard, except as  
319 provided elsewhere in this chapter. Where the standard work week falls between thirty-  
320 five and forty hours, the manager, in consultation with the department, is responsible for  
321 determining what hour threshold will apply.

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

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

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

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

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

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

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

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

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

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

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

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

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

381 SECTION 3. Employees shall be transitioned to receiving up to of eighteen  
382 weeks of King County family and medical Leave under section 5 of this ordinance, which  
383 shall run concurrently with leave under the 29 U.S.C. Sec. 2601 et. seq. and chapter 49.78  
384 RCW, and other leave laws, as applicable. The manager of the human resources  
385 management division shall develop procedures and guidelines to carry out this ordinance.

386 SECTION 4. Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220, as  
387 amended, are each hereby amended to read as follows:

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

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

400 C. For employees covered by the overtime requirements of the Fair Labor  
401 Standards Act, sick leave may be used in as small as ((one-half hour)) fifteen-minute

402 increments or as specified in the collective bargaining agreement(~~(, at the discretion of~~  
403 ~~the appointing authority)~~)).

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

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

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

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425 Enforcement Officers and Firefighters (LEOFF), Public Employees' Retirement System  
426 (PERS), Public Safety Employees' Retirement System (PSERS) or the city of Seattle  
427 Retirement Plan immediately upon terminating county employment.

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

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

438           (1) each group of employees hold an election to decide whether to implement  
439 a voluntary employee beneficiary association plan for a defined group of employees. The  
440 determination of the majority of voting employees in a group shall bind the remainder.  
441 Elections for represented employees shall be conducted by the appropriate bargaining  
442 representative. Elections for nonrepresented employees shall be conducted in accordance  
443 with procedures established by the manager;

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



448 (3) any voluntary employee beneficiary association plan implemented in  
449 accordance with this subsection F.2. complies with federal tax law. Disbursements in  
450 accordance with this subsection F.2. shall be exempt from withholdings, to the extent  
451 permitted by law; and

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

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

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

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

471 3. An employee who has exhausted all of his or her sick leave may use accrued  
472 vacation leave before going on leave of absence without pay, if approved by his or her  
473 appointing authority. A furloughed employee shall not be eligible to take or be paid for  
474 vacation leave in lieu of sick leave in lieu of taking a furlough day.

475 I. Sick leave shall be used for the following reasons:

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

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

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

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

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

492 ~~((e-))~~ d. the employee's exposure to contagious diseases and resulting  
493 quarantine;

494            ~~((d.))~~ e. a female employee's temporary disability caused by or contributed to  
495 by pregnancy and childbirth;

496            ~~((e.))~~ f. the employee's medical or dental appointments but only if the  
497 employee's appointing authority has approved the use of sick leave for those  
498 appointments;

499            ~~((f.))~~ g. to care for the employee's child as defined in this chapter if the child  
500 has an illness or health condition which requires treatment or supervision from the  
501 employee; or

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

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

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

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

511            ~~ii. the care of the employee's child or child of the employee's spouse or  
512 domestic partner whose illness or health condition requires treatment or supervision by  
513 the employee;~~

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

515            ~~I. An employee may take a total of up to eighteen work weeks unpaid leave for  
516 his or her own serious health condition, and for family reasons as provided in subsection~~

517 ~~H.3.f. and g. of this section, combined, within a twelve-month period. The leave may be~~  
518 ~~continuous, which is consecutive days or weeks, or intermittent, which is taken in whole~~  
519 ~~or partial days as needed. Intermittent leave is subject to the following conditions:~~

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

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

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

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

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

536         ~~L.))~~ h. for leave qualifying under federal law, state law and King County family  
537 and medical leave.

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

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

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

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

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

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

549 NEW SECTION. SECTION 5. There is hereby added to K.K.C chapter 3.12 a  
550 new section to read as follows:

551 A. King County family and medical leave shall provide eligible employees leave  
552 for qualifying reasons as provided under federal family and medical leave, 29 U.S.C. Sec.  
553 2601 et. seq. and state family and medical leave, chapter 49.78 RCW. The county shall  
554 continue its contribution toward health care benefits when an employee is on King  
555 County family and medical leave, regardless of whether the employee is in a paid or  
556 unpaid status during the leave. Unless specifically provided for otherwise in county  
557 policy, procedures or guidelines, King County family and medical leave shall incorporate  
558 provisions of federal and state family medical leave laws.

559 B. An eligible employee may take a total of up to eighteen weeks of King County  
560 family and medical leave within a twelve-month period for either the employee's own

561 serious health condition or to care for a family member with a serious health condition, if  
562 the employee has been employed by the county for twelve months or more and has  
563 worked a minimum of nine hundred ten hours for a thirty-five-hour employee and one  
564 thousand forty hours for a forty- hour employee, and:

565 1. The family member is the employee's spouse or domestic partner, the  
566 employee's child, a child of the employee's spouse or domestic partner, the parent of the  
567 employee, employee's spouse or domestic partner or an individual standing in loco  
568 parentis to the employee, the employee's spouse or domestic partner; and

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

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

573 b. the care of the employee's child or child of the employee's spouse or  
574 domestic partner whose illness or health condition requires treatment or supervision by  
575 the employee;

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

577 d. any other qualifying reason as provided under federal and state family and  
578 medical leave laws.

579 C.1. King County family and medical leave shall run concurrently with leave  
580 under 29 U.S.C. Sec. 2601 et. seq. and Chapter 49.78 RCW, and other federal and state  
581 leave laws, as applicable.

582 2. When leave is taken for the serious health condition of the employee in  
583 conjunction with an occupational injury or illness for which the employee is receiving

584 workers' compensation wage replacement payments, the leave shall run concurrently  
585 with leave under the federal and state family and medical leave and King County family  
586 and medical leave.

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

591 E. An employee who returns from King County family and medical leave within  
592 the time provided in this section is entitled, subject to bona fide layoff provisions, to:

593 1.a. the same position the employee held when the leave commenced; or

594 b. a position with equivalent status, benefits, pay and other terms and

595 conditions of employment; and

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

597 F. Failure of an employee to return to work by the expiration date of a leave of  
598 absence may be cause for removal and result in termination of the employee from county  
599 service.

600 SECTION 6. Severability. If any provision of this ordinance or its application to

601 any person or circumstance is held invalid, the remainder of the ordinance or the  
602 application of the provision to other persons or circumstances is not affected.  
603

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Larry Phillips, Chair

ATTEST:

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Anne Noris, Clerk of the Council

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

---

Dow Constantine, County Executive

**Attachments:** None



DRAFT ID

**S1**

Dec. 7, 2015

nw

Sponsor: Dembowski

Proposed No.: 2015-0496

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           ~~((KKK.))~~ 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 ~~((1))~~ 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. ~~((t.))~~ 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. ~~((t.))~~ 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 ((heensed)) 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

nw

Sponsor: Dembowski

Proposed No.: 2015-0496

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.***



October 22, 2015

The Honorable Larry Phillips  
Chair, King County Council  
Room 1200  
C O U R T H O U S E

Dear Councilmember Phillips:

One of the most important ways King County, as an employer, can support our employees is by making sure they are able to focus on themselves and their family during the hardship of a serious medical condition. At the same time, we are also always striving to be a more efficient organization that is deserving of the title, Best Run Government. This letter transmits an ordinance amending the County's family and medical leave program to achieve both of these goals. The proposed changes, a product of the partnership between the County and the Coalition of Unions representing County employees, exemplify a sensible, streamlined approach to leaves management in the County.

Federal and state law currently provide job-protected leave with health care benefit continuation for a period of up to 12 weeks when an employee is facing a serious health condition, needs to care for a family member with a serious health condition, or is bonding with a new child. That leave may be paid or unpaid, depending upon the amount of leave an employee has accrued. King County has gone above and beyond what is required under federal and state law by providing employees 18 weeks of job-protected leave with health care benefit continuation.

Under the current King County Code, coverage under King County's Family and Medical Leave (KCFML) does not begin until the employee has exhausted all accrued paid sick and vacation leave. In contrast, federal family and medical leave (FMLA) coverage begins at the first hour of an eligible employee's leave. As a result, for long-term employees who have accrued a substantial amount of leave, KCFML does not overlap with FMLA. For employees with lower leave balances, generally our newer employees and hourly employees, who are our most diverse and lowest paid employees, there can be a substantial overlap between their FMLA and KCFML leaves. Furthermore, FMLA coverage is not available for employees seeking leave to care for their domestic partner; in that case, KCFML runs from the first hour of unpaid leave. These inconsistencies create both potential inequities amongst employees

and an administrative burden on the County when tracking KCFML use, required to ensure employees receive the benefits to which they are entitled.

Recognizing the volume of resources that are required to administer the current system for the benefit of few County employees, the County and Unions representing over 5,800 employees working in 17 agencies, covered by 59 different collective bargaining agreements, came together to draft the proposed ordinance. Under the amendment, the County's grant of 18 weeks of job-protected leave will run concurrently with leave under federal and state law and, may be paid or unpaid, depending upon the amount of leave an individual employee has available to use. This amendment will allow the County to eliminate a largely manual process for tracking family and medical leaves, furthering the County's goal of efficient and accountable government operations. The ordinance contains some minor housekeeping changes as well, to update language to reflect current practices.

Additionally, the recently adopted Motion 14348 proposed a new Paid Parental Leave benefit for eligible employees to begin in 2016. The motion specifically called for the development of a work plan and proposed legislation to be transmitted this fall that provides eligible employees with at least 12 weeks of Paid Parental Leave within a 12-month period following the birth, adoption, or foster care placement of a child. This proposed leave will not only improve employee recruitment and retention, but will also reduce the potential adverse effects of this current proposed leaves change.

Thank you for your consideration of this ordinance. If you have any questions, please contact Nancy Buonanno Grennan, Human Resources Director, at 206-447-3274.

Sincerely,

Dow Constantine  
King County Executive

Enclosures

cc: King County Councilmembers  
ATTN: Carolyn Busch, Chief of Staff  
Anne Noris, Clerk of the Council  
Carrie S. Cihak, Chief of Policy Development, King County Executive Office  
Dwight Dively, Director, Office of Performance, Strategy and Budget  
Caroline Whalen, County Administrative Officer, Department of Executive Services (DES)  
Nancy Buonanno Grennan, Director, Human Resources Division (HRD), DES  
Peter Hu, Leave and Absence Management Specialist, HRD, DES



## Cost analysis of implementing FMLA/KCFML recommendation

### Analysis

This analysis determines the estimated cost savings of implementing the HRD recommendation of combining FMLA and KCFML into one combined benefit of up to 18 total weeks. Since this recommendation is different than the current practice there are assumed cost savings associated with this recommendation.

Using PeopleSoft payroll data<sup>i</sup> the potential cost savings of running KCFML and FMLA concurrently included three areas:

- Cost of providing medical benefits beyond 18 weeks
- Cost to backfill the employee's position beyond 18 weeks
- Cost of using overtime to cover employee's body of work beyond 18 weeks

#### Cost of providing medical benefits:

**\$49,315 - \$83,131<sup>ii</sup>**

#### Cost of overtime:

**\$60,972 - \$102,688<sup>iii</sup>**

#### Cost of backfilling:

**\$121,942 - \$205,377<sup>iv</sup>**

### Parameters and Assumptions

Parameters:

- Analysis used 2013 payroll data within PeopleSoft
- All King County employees were included in the analysis
- Cost analysis used an average King County wage of \$37.00/hour (2015<sup>v</sup>)
- Cost analysis used 18% as the King County expense for retirement/federal taxes
- Analysis used 2015 monthly flex benefit rate of \$1,409 per employee, per month
- Fiscal note for King County Council will use 2015 as the first year of potential cost savings to better reflect the current average salary and other figures used in the cost savings analysis

Assumptions/Acknowledgements:

- Even after the county transitioned to a single payroll system (PeopleSoft), although the data captured is much more accurate and extractable, it is still assumed that some portions of FMLA/KCFML leave of absence data were not captured. These exceptions were tied to time reporting errors or due to leave time reported during the 'oasis' period
- The period of time after the exhaustion of the Federal Family Medical Leave Act (FMLA) and the beginning of unpaid King County Family Medical leave (KCFML) is known as the oasis period. This is the period of time that an employee is using paid accruals after using paid accruals for the first 12 weeks of their leave under FMLA
- Recommendation is for FMLA/KCFML to be no more than 18 total weeks. This analysis does not include the impacts of using the Washington Family Care Act (WFCA) which allows employees to use accrued leave to care for family members as long as they have available paid accruals. Additionally, the disability laws of Washington State and Federal ADA laws may also extend total length of leave and decrease the cost savings associated with this analysis
- Assumed that employees will not receive or have access to medical benefits beyond the recommended 18 weeks of FMLA/KCFML
- Assumed that King County will not allow employees to use accrued paid leave beyond the recommendation of 18 total weeks of FMLA/KCFML leave

- Estimated savings did not consider the impacts of any remaining leave accruals paid out to the employee at the time of separation/retirement
- Departments choose one of the following three methods to manage the work of the employee on leave:
  - One-third (33.3%) would use overtime to manage the extra work load
  - One-third (33.3%) would backfill to manage the extra work load
  - Remaining departments would use existing resources/staff to manage the extra work load
- Assumed 8 hour work day/40 hour work week
- Assumed costs do not include any of the following. It should be noted that these costs, although not quantified as part of this estimate are considered to be substantial, whether direct or indirect costs.
  - Administrative costs (i.e., training, tracking leave, leave administration, communications)
  - Total costs associated with hiring TLT's and/or placement of backfills (i.e., newspaper, approvals, screenings, administration time)
  - Intangible cost of employee frustration with understanding their entitlements under FMLA and KCFML
  - Cost of flex benefits, if applicable, for employees used to backfill positions.

### Summary

This analysis only reviewed the recommendation to run KCFML concurrently with the federal FMLA law. With the data available it is assumed that by implementing this recommendation that the County could save between \$232,229 and \$391,196 annually.

<sup>i</sup> Due to the complex nature of tracking eligibility leave, specifically intermittent leave, the current practice of consecutive vs. concurrent leave, this cost analysis was limited to data from the 2013 calendar year only.

<sup>ii</sup> **Current cost of flex benefits beyond 18 weeks of FMLA/KCFML**

- 1) PeopleSoft query ran for employees that used any FMLA/KCFML hours in 2013
- 2) Sorted results by total FMLA/KCFML hours used
- 3) Used 2015 flex benefit rate of \$1,409
- 4) Used average wage of \$37.00/hr (average does not include STT employees, who are not eligible for leave thereby not applicable)
- 5) In 2013, there were 2,059 employees that used at least one hour of FMLA/KCFML
- 6) Results were determined using a high and low range of savings:
  - a. Low Range: results only include payroll hours coded as FMLA/KCFML
    - i. Calculation only included those using more than 720 hours of FMLA/KCFML. This threshold (720 hours) is based on a normal 40 hour a week schedule multiplied by 18 weeks of recommended FMLA/KCFML eligibility (18 x 40 = 720).
    - ii. Thirty-nine employees used over 720 hours of FMLA/KCFML
  - b. High Range: results include the low range but also included manual research of sick and vacation hours that appeared to be associated with the FMLA leave. This is commonly referred to as the oasis but also includes sick/vacation hours that appeared to be related to the FMLA/KCFML leave.
    - i. Only employees with at least 480 hours of FMLA/KCFML were manually researched and data resorted by new total value (FMLA/KCFML + Sick and Vacation used). This threshold (480) is based on a normal 40 hour a week schedule multiplied by the 12 weeks of Federal FMLA (12 x 40 = 480).
    - ii. Sixty-one employees used over 720 hours of FMLA/KCFML when leave related sick and vacation hours were added to their total hours
- 7) Low Range:
 

a. Total hours used above 720 hours	8,387 hours
b. Hours converted to days (assume 8 hour work day)	1,048 days
c. Months of benefits (total days/30)	35 months
d. Cost of benefits (total months * \$1,409)	\$49,315
- 8) High Range:
 

a. Total hours used above 720 hours (including oasis)	14,126 hours
b. Hours converted to days (assume 8 hour work day)	1,766 days

- c. Months of benefits (total days/30) 59 months  
d. Cost of benefits (total months \* \$1,409) \$83,131

9) **Range: \$49,315 -- \$83,131**

iii **Current cost of overtime beyond 18 weeks of FMLA/KCFML**

- 1) Used same data set as Cost of Flex Benefits  
2) Low Range:  
a. Total hours used above 720 hours 8,387 hours  
b. One-third of total hours (33.3%) 2,793 hours  
c. Assumed cost of overtime ( $\$37.00 * .5 = \$18.50$ )( $\$18.50 * 2,793$ ) \$51,671  
d. Taxes/retirement (18%) \$9,301  
e. Cost of low range overtime \$60,972  
3) High Range:  
a. Total hours used above 720 hours 14,126 hours  
b. One-third of total hours (33.3%) 4,704 hours  
c. Assumed cost of overtime ( $\$37.00 * .5 = \$18.50/\text{hr}$ )( $\$18.50 * 5,145$ ) \$87,024  
d. Taxes/retirement (18%) \$15,664  
e. Cost of high range overtime \$102,688  
4) **Range: \$60,972 -- \$102,688**

iv **Current cost of using backfill beyond 18 weeks of FMLA/KCFML**

- 1) Used same data set as Cost of Flex Benefits  
2) Low Range:  
a. Total hours above 720 hours 8,387 hours  
b. One-third of total hours (33.3%) 2,793 hours  
c. Sub-total cost of backfilling ( $\$37.00/\text{hr} * 2,793$ ) \$103,341  
d. Taxes/retirement (18%) \$18,601  
e. Cost of low range backfill \$121,942  
3) High Range:  
a. Total hours above 720 hours 14,126 hours  
b. One-third of total hours (33.3%) 4,704 hours  
c. Sub-total cost of backfilling ( $\$37.00/\text{hr} * 4,704$ ) \$174,048  
d. Taxes/retirement (18%) \$31,329  
e. Cost of high range backfill \$205,377  
4) **Range: \$121,942 -- \$205,377**

<sup>v</sup> Average King County wage in 2015



## 2015/2016 FISCAL NOTE

Ordinance/Motion No. 00-	
Title:	FMLA/KCFML Concurrency
Affected Agency and/or Agencies:	
Note Prepared By:	Brian Czerwinski
Note Reviewed By:	T.J. Stutman

Impact of the above legislation on the fiscal affairs of King County is estimated to be:

**Revenue to:**

Fund/Agency	Fund Code	Revenue Source	1st Year	2nd Year	3rd Year	4th Year
<b>No revenue impact</b>						
TOTAL						

**Expenditures from:**

			2015	2016	2017	2018
Fund/Agency	Fund Code	Department	1st Year	2nd Year	3rd Year	4th Year
<b>Across all agencies</b>			<b>(\$391,196)</b>	<b>(\$396,493)</b>	<b>(\$404,509)</b>	<b>(\$415,121)</b>
TOTAL			<b>(\$391,196)</b>	<b>(\$396,493)</b>	<b>(\$404,509)</b>	<b>(\$415,121)</b>

**Expenditures by Categories**

		2015	2016	2017	2018
		1st Year	2nd Year	3rd Year	4th Year
<b>Flex Benefits</b>		<b>(\$83,131)</b>	<b>(\$86,456)</b>	<b>(\$89,914)</b>	<b>(\$93,511)</b>
<b>Overtime Savings</b>		<b>(\$102,688)</b>	<b>(\$103,346)</b>	<b>(\$104,865)</b>	<b>(\$107,203)</b>
<b>Temporary Staff Savings</b>		<b>(\$205,377)</b>	<b>(\$206,691)</b>	<b>(\$209,729)</b>	<b>(\$214,406)</b>
TOTAL		<b>(\$391,196)</b>	<b>(\$396,493)</b>	<b>(\$404,509)</b>	<b>(\$415,121)</b>

**Assumptions:**

- 1) Flex Benefits: Average savings of \$88,253 over the next four years  
 Flex benefit rate is defined as the rate that departments pay per month for each benefits-eligible employee  
 Healthcare costs are estimated to increase 4% each year (flex rate)

<b>Cost of Flex Benefits</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>Average</b>
Total hours used above 720 hours	14,126	14,126	14,126	14,126	
Hours converted to days	1,766	1,766	1,766	1,766	
Days converted to Months	59	59	59	59	
Cost of Monthly Flex Benefits	\$1,409	\$1,465	\$1,524	\$1,585	
<b>Accumulated Flex Benefit Costs</b>	<b>\$83,131</b>	<b>\$86,456</b>	<b>\$89,914</b>	<b>\$93,511</b>	<b>\$88,253</b>

**2) Overtime Cost Savings: Average savings of \$104,525 over the next four years**

Overtime savings only included portion above and beyond the average King County wage  
COLA rates according to OEFA Forecast (0.64% for 2016, 1.47% for 2017, 2.23% for 2018)  
Assume that 1/3 (33.3%) of applicable leave hours would be filled using overtime  
Assume an 8 hour work day/40 hours a week

<b>Cost of Overtime</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>Average</b>
Average Wage	\$37.00	\$37.24	\$37.78	\$38.63	
Overtime	\$18.50	\$18.62	\$18.89	\$19.31	
Total hours used above 720 hours	14,126	14,126	14,126	14,126	
1/3 of total hours	4,704	4,704	4,704	4,704	
Assumed cost of overtime	\$87,024	\$87,581	\$88,868	\$90,850	
Rounded cost of taxes/retirement	\$15,664	\$15,765	\$15,996	\$16,353	
<b>Accumulated Overtime Costs</b>	<b>\$102,688</b>	<b>\$103,346</b>	<b>\$104,865</b>	<b>\$107,203</b>	<b>\$104,525</b>

**3) Backfill Cost Savings: Average savings of \$209,050 over the next three years**

COLA rates according to OEFA Forecast (0.64% for 2016, 1.47% for 2017, 2.23% for 2018)  
Assume that 1/3 (33.3%) of applicable leave hours would be filled using backfill/TLT's  
Assume an 8 hour work day/40 hours a week

<b>Backfill/TLT</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>Average</b>
Average Wage	\$37.00	\$37.24	\$37.78	\$38.63	
Total hours used above 720 hours	14,126	14,126	14,126	14,126	
1/3 of total hours	4,704	4,704	4,704	4,704	
Assumed cost of backfill	\$174,048	\$175,162	\$177,737	\$181,700	
Rounded cost of taxes/retirement	\$31,329	\$31,529	\$31,993	\$32,706	
<b>Estimated Backfill Costs</b>	<b>\$205,377</b>	<b>\$206,691</b>	<b>\$209,729</b>	<b>\$214,406</b>	<b>\$209,051</b>