

S1

12/7/2009

Sponsor: Gossett 

wsh/bar
12/14/09 Council Mtg. Proposed No.: 2009-0605

BY MOVED PASSED: 7-0 KC EXCUSED

1 STRIKING AMENDMENT TO PROPOSED ORDINANCE 2009-0605, VERSION

2 1

3 On page 2, beginning on line 23, strike everything through page 46, line 992, and insert:

4 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 SECTION 1. Findings:

6 A. The county is experiencing a budget crisis resulting in a significant shortfall in
7 the amount of funding needed to sustain the current level of general operations through
8 2010. In order to address the shortfall, program cuts and reductions in force are being
9 implemented.

10 B. In order to preserve certain services and reduce the necessity for additional
11 reductions in force, the county in 2010 may need to shut down all but certain designated
12 services and place eligible employees on an unpaid furlough, also known as a budgetary
13 furlough. In order to provide for the furlough, certain code revisions are necessary.
14 Areas affected include office hours, workweeks and personnel provisions.

15 C. Some departments have expressed a desire to reduce service hours in
16 2010 to achieve the budget savings necessitated by the council's anticipated 2010
17 unallocated budget reductions, which are commonly known as contras, either by

18 closing operations fully for a day or by reducing operations within a day. One
19 result of these reductions in service hours is that certain designated departmental
20 employees will have unpaid time off, either through staggered unpaid days off or
21 all employees in an office will receive unpaid days off.

22 D. With reduced revenues, King County departments are working hard to find
23 innovative ways to gain efficiencies in all county functions in order to minimize service
24 reductions to the public while at the same time responding to decreased revenue.

25 E. In recognition of the county's need to manage economic challenges by
26 utilization of versatile and original strategies in future fiscal years, additional flexibility
27 in staffing management is necessary.

28 F. The council expresses its gratitude and appreciation to county employees who
29 are taking unpaid furlough days in order to close the budget shortfall while minimizing
30 additional layoffs.

31 SECTION 2. Ordinance 376, Section 1, as amended, and K.C.C. 2.08.010 are
32 each hereby amended to read as follows:

33 A. All county offices shall remain open for the transaction of public business as
34 follows:

35 1. Open on Monday through Friday of each week from eight-thirty a.m. to four-
36 thirty p.m., except where accommodations can be made, as determined necessary by the
37 county ((~~executive~~) chief administrative officer, to provide services to the public
38 ((~~during the hours of eight a.m. to five p.m. through the use of staggered work shifts~~
39 ~~agreeable to employees~~) on a reduced or alternative basis and not in conflict with union
40 contracts;

41 2. Closed on Saturdays, Sundays and all legal holidays, and

42 3. Closed on designated furlough days in the case of an emergency budget
43 crisis.

44 B. If an emergency budget crisis is proclaimed and ratified or declared under
45 K.C.C. 3.12F.020 and a budget furlough has been ordered, the executive shall notify the
46 public that county offices are closed by posting the information on the county buildings
47 or offices that are closed, by posting a notice on the Internet, by advertising in the official
48 county newspaper and by issuing press releases.

49 SECTION 3. Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010 are
50 each hereby amended to read as follows:

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

55 A. "Administrative interns" are employees who are also enrolled full-time during
56 the regular school year in a program of education, internship or apprenticeship. All
57 administrative internships in executive departments shall be approved by the manager.
58 Administrative interns are exempt from the career service under Section 550 of the
59 charter.

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

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

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

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

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

78 ~~((F-))~~ G. "Career service position" means all positions in the county service
79 except for those that are designated by Section 550 of the charter as follows: all elected
80 officers; the county auditor, the clerk and all other employees of the county council; the
81 county administrative officer; the chief officer of each executive department and
82 administrative office; the members of all boards and commissions; the chief economist
83 and other employees of the office of economic and financial analysis; administrative
84 assistants for the executive and one administrative assistant each for the county
85 administrative officer, the county auditor, the county assessor, the chief officer of each

86 executive department and administrative office and for each board and commission; a
87 chief deputy for the county assessor; one confidential secretary each for the executive, the
88 chief officer of each executive department and administrative office, and for each
89 administrative assistant specified in this section; all employees of those officers who are
90 exempted from the provisions of this chapter by the state constitution; persons employed
91 in a professional or scientific capacity to conduct a special inquiry, investigation or
92 examination; part-time and temporary employees; administrative interns; election
93 precinct officials; all persons serving the county without compensation; physicians;
94 surgeons; dentists; medical interns; and student nurses and inmates employed by county
95 hospitals, tuberculosis sanitariums and health departments of the county. Divisions in
96 executive departments and administrative offices as determined by the county council
97 shall be considered to be executive departments for the purpose of determining the
98 applicability of Section 550 of the charter. All part-time employees shall be exempted
99 from career service membership except, all part-time employees employed at least half
100 time or more, as defined by ordinance, shall be members of the career service.

101 ~~((G.))~~ H. "Charter" means the King County Charter, as amended.

102 ~~((H.))~~ I. "Child" means a biological, adopted or foster child, a stepchild, a legal
103 ward or 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 ~~((I.))~~ J. "Class" or "classification" means a position or group of positions,
108 established under authority of this chapter, sufficiently similar in respect to the duties,

109 responsibilities and authority thereof, that the same descriptive title may be used to
110 designate each position allocated to the class.

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

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

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

120 ~~((M-))~~ N. "Council" means the county council as established by Article 2 of the
121 charter.

122 ~~((N-))~~ O. "County" means King County and any other organization that is legally
123 governed by the county with respect to personnel matters.

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

132 ~~((P.))~~ Q. "Direct cost" means the cost aggregate of the actual weighted average
133 cost of insured benefits, less any administrative cost therefor. Any payments to part-time
134 and temporary employees under this chapter shall not include any administrative
135 overhead charges applicable to administrative offices and executive departments.

136 ~~((Q.))~~ R. "Director" means the manager of the human resources division.

137 ~~((R.))~~ S. "Division" means the human resources division or its successor agency.

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

140 ~~((T.))~~ 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 ~~((U. "Emergency budget furlough," also referred to as "mandated leave," means~~
157 ~~placing an employee for one or more furlough days in a temporary status without duties~~
158 ~~and without pay due to an emergency budget crisis proclaimed under K.C.C. 3-12F-020.))~~

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

168 X. "Employee" means any person who is employed in a career service position or
169 exempt position.

170 Y. "Executive" means the county executive, as established by Article 3 of the
171 charter.

172 Z. "Exempt employee" means an employee employed in a position that is not a
173 career service position under Section 550 of the charter. Exempt employees serve at the
174 pleasure of the appointing authority.

175 AA. "Exempt position" means any position excluded as a career service position
176 by Section 550 of the charter. Exempt positions are positions to which appointment may
177 be made directly without a competitive hiring process.

178 BB. "Full-time regular employee" means an employee employed in a full-time
179 regular position and, for full-time career service positions, is not serving a probationary
180 period.

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

185 DD. "Furlough day" means a day for which an employee shall perform no work
186 and shall receive no pay due to a ~~((n emergency budget crisis necessitating emergency~~
187 ~~budget)) budgetary furlough((s)).~~

188 EE. "Furloughed employee" means an employee who is placed in a temporary
189 status without duties and without pay due to ~~((a financial emergency necessitating budget~~
190 ~~reductions)) a budgetary furlough, but whose employment status with the county is~~
191 retained.

192 FF. "Grievance" means an issue raised by an employee relating to the
193 interpretation of rights, benefits, or condition of employment as contained in either the
194 administrative rules or procedures, or both, for the career service.

195 GG. "Immediate family" means spouse, child, parent, son-in-law, daughter-in-
196 law, grandparent, grandchild, sibling, domestic partner and the child, parent, sibling,
197 grandparent or grandchild of the spouse or domestic partner.

198 HH. "Incentive increase" means an increase to an employee's base salary within
199 the assigned pay range, based on demonstrated performance.

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

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

210 KK. "Manager" means the manager of the human resources division or its
211 successor agency.

212 LL. "Marital status" means the presence or absence of a marital relationship and
213 includes the status of married, separated, divorced, engaged, widowed, single or
214 cohabiting.

215 MM. "Part-time employee" means an employee employed in a part-time position.
216 Under Section 550 of the charter, part-time employees are not members of the career
217 service.

218 NN. "Part-time position" means an other than a regular position in which the
219 part-time employee is employed less than half time, that is less than nine hundred ten
220 hours in a calendar year in a work unit in which a thirty-five hour work week is standard

221 or less than one thousand forty hours in a calendar year in a work unit in which a forty-
222 hour work week is standard, except as provided elsewhere in this chapter. Where the
223 standard work week falls between thirty-five and forty hours, the manager, in
224 consultation with the department, is responsible for determining what hour threshold will
225 apply. Part-time position excludes administrative intern.

226 OO. "Part-time regular employee" means an employee employed in a part-time
227 regular position and, for part-time career service positions, is not serving a probationary
228 period. Under Section 550 of the charter, such part-time regular employees are members
229 of the career service.

230 PP. "Part-time regular position" means a regular position in which the part-time
231 regular employee is employed for at least nine hundred ten hours but less than a full-time
232 basis in a calendar year in a work unit in which a thirty-five hour work week is standard
233 or for at least one thousand forty hours but less than a full-time basis in a calendar year in
234 a work unit in which a forty-hour work week is standard. Where the standard work week
235 falls between thirty-five and forty hours, the manager, in consultation with the
236 department, is responsible for determining what hour threshold will apply.

237 QQ. "Pay plan" means a systematic schedule of numbered pay ranges with a
238 minimum, maximum and intermediate steps for each pay range, a schedule of assignment
239 of each classification to a numbered pay range and rules for administration.

240 RR. "Pay range" means one or more pay rates representing the minimum,
241 maximum and intermediate steps assigned to a classification.

242 SS. "Pay range adjustment" means the adjustment of the numbered pay range of a
243 classification to another numbered pay range in the schedule based on a classification
244 change, competitive pay data or other significant factors.

245 TT. "Personnel guidelines" means only those operational procedures promulgated
246 by the manager necessary to implement personnel policies or requirements previously
247 stipulated by ordinance or the charter. Such personnel guidelines shall be applicable only
248 to employees assigned to executive departments and administrative agencies.

249 UU. "Position" means a group of current duties and responsibilities assigned by
250 competent authority requiring the employment of one person.

251 VV. "Probationary employee" means an employee serving a probationary period
252 in a regular career service. Probationary employees are temporary employees and
253 excluded from career service under Section 550 of the charter.

254 WW. "Probationary period" means a period of time, as determined by the
255 manager, constituting the final step in the competitive screening process for career
256 service or for promotion from one career service position to another. An appointment to
257 the career service, whether following successful completion of an initial probationary
258 period of county employment or a promotional probationary period, shall not be final
259 unless the employee successfully completes this probationary period.

260 XX. "Probationary period salary increase" means a within-range salary increase
261 from one step to the next highest step upon satisfactory completion of the probationary
262 period.

263 YY. "Promotion" means the movement of an employee to a position in a
264 classification having a higher maximum salary.

265 ZZ. "Provisional appointment" means an appointment made in the absence of a
266 list of candidates certified as qualified by the manager. Only the manager may authorize a
267 provisional appointment. An appointment to this status is limited to six months.

268 AAA. "Provisional employee" means an employee serving by provisional
269 appointment in a regular career service. Provisional employees are temporary employees
270 and excluded from career service under Section 550 of the charter.

271 BBB. "Recruiting step" means the first step of the salary range allocated to a
272 class unless otherwise authorized by the executive.

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

276 DDD. "Salary or pay rate" means an individual dollar amount that is one of the
277 steps in a pay range paid to an employee based on the classification of the position
278 occupied.

279 EEE. "Serious health condition" means an illness or injury, impairment or
280 physical or mental condition that involves one or more of the following:

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

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

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

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

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

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

296 FFF. "Temporary employee" means an employee employed in a temporary
297 position and in addition, includes an employee serving a probationary period or is under
298 provisional appointment. Under Section 550 of the charter, temporary employees shall
299 not be members of the career service.

300 GGG. "Temporary position" means a position that is not a regular position as
301 defined in this chapter and excludes administrative intern. Temporary positions include
302 both term-limited temporary positions as defined in this chapter and short-term (normally
303 less than six months) temporary positions in which a temporary employee works less than
304 nine hundred ten hours in a calendar year in a work unit in which a thirty-five hour work
305 week is standard or less than one thousand forty hours in a calendar year in a work unit in
306 which a forty hour work week is standard, except as provided elsewhere in this chapter.
307 Where the standard work week falls between thirty-five and forty hours, the manager, in
308 consultation with the department, is responsible for determining what hour threshold will
309 apply.

310 HHH. "Term-limited temporary employee" means a temporary employee who is
311 employed in a term-limited temporary position. Term-limited temporary employees are
312 not members of the career service. Term-limited temporary employees may not be
313 employed in term-limited temporary positions longer than three years beyond the date of
314 hire, except that for grant-funded projects capital improvement projects and information
315 systems technology projects the maximum period may be extended up to five years upon
316 approval of the manager. The manager shall maintain a current list of all term-limited
317 temporary employees by department.

318 III. "Term-limited temporary position" means a temporary position with work
319 related to a specific grant, capital improvement project, information systems technology
320 project or other nonroutine, substantial body of work, for a period greater than six
321 months. In determining whether a body of work is appropriate for a term-limited
322 temporary position, the appointing authority will consider the following:

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

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

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

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

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

345 6. Temporary placement in regular positions: These are positions used to back
346 fill regular positions for six months or more due to a career service employee's absence
347 such as extended leave or assignment on any of the foregoing time-limited projects. All
348 appointments to term-limited temporary positions will be made by the appointing
349 authority in consultation with the manager before the appointment of term-limited
350 temporary employees.

351 JJJ. "Volunteer for the county" means an individual who performs service for the
352 county for civic, charitable or humanitarian reasons, without promise, expectation or
353 receipt of compensation from the county for services rendered and who is accepted as a
354 volunteer by the county, except emergency service worker volunteers as described by
355 chapter 38.52 RCW. A "volunteer for the county" may receive reasonable

356 reimbursement of expenses or an allowance for expenses actually incurred without losing
357 his or her status as a volunteer. "Volunteer for the county" includes, but is not limited to,
358 a volunteer serving as a board member, officer, commission member, volunteer intern or
359 direct service volunteer.

360 KKK. "Volunteer intern" means volunteers who are also enrolled full-time during
361 the regular school year in a program of education, internship or apprenticeship who are
362 receiving scholastic credit or scholastic recognition for participating in the internship.

363 LLL. "Work study student" means a student enrolled or accepted for enrollment
364 at a post-secondary institution who, according to a system of need analysis approved by
365 the higher education coordinating board, demonstrates a financial inability, either
366 parental, familial or personal, to bear the total cost of education for any semester or
367 quarter.

368 SECTION 4. Ordinance 12014, Section 13, as amended, and K.C.C. 3.12.100 are
369 each hereby amended to read as follows:

370 A. There shall be a probationary period during which time a probationary
371 employee shall be evaluated by the appointing authority to determine qualification for
372 entry into the career service. The probationary period shall be determined by the director,
373 but shall be not less than six months or more than one year of actual service, and shall be
374 served by those employees who have been newly((-) hired, ((re-employed)) reemployed,
375 transferred to a different position, or promoted or demoted. A furloughed employee's
376 probationary period shall not be extended as a result of ((emergency budget)) a budgetary
377 furlough ((days)).

378 B. A probationary employee may be separated from county service at any time
379 during the probationary period without right of appeal to the personnel board.
380 Notwithstanding any other provisions of this section, an employee who does not
381 successfully complete the probationary period in a position to which he or she had been
382 promoted or transferred may be restored to his or her former position. Such restoration is
383 not mandatory, but is optional at the discretion of the former appointing authority within
384 the limits of available authorized positions. Such restoration shall include restoration of
385 the employee's former salary and all other benefits to which he or she would have been
386 entitled if the promotion or transfer had not occurred.

387 SECTION 5. Ordinance 12014, Section 15, as amended, and K.C.C. 3.12.120 are
388 each hereby amended to read as follows:

389 A. Nothing contained in this chapter shall prevent, relieve(~~(s)~~) or otherwise
390 excuse any county officer or employee from the performance of any duty imposed upon
391 him or her by any other law of this county, or from the rendering of service at such times
392 and places as are necessary in order to properly perform the functions of his or her office
393 or employment.

394 B. Except as otherwise provided by ordinance, the official workday shall consist
395 of eight hours of work for all full-time regular and full-time probationary employees.
396 The lunch hour shall not be considered as part of the workday. The official workday for
397 other employees shall be determined by the director. In the case of service reductions
398 resulting in a(~~n emergency budget~~) budgetary furlough, departments may reduce work
399 hours (~~(may be reduced)~~) or county offices may be closed.

400 C. Except as otherwise provided by ordinance, the official workweek shall
401 consist of five working days for all full-time regular and full-time probationary
402 employees. The official workweek for other employees shall be determined by the
403 director. In the case of ~~((an emergency budget))~~ service reductions resulting in a
404 budgetary furlough, county offices may be closed, resulting in the reduction of the
405 workweek.

406 D. ~~((In the event of an emergency budget furlough, a furloughed employee~~
407 ~~regularly scheduled to work on those days must take the designated furlough days off~~
408 ~~without pay. If any designated furlough day falls on an employee's regularly scheduled~~
409 ~~day off, the affected employee will take an alternate furlough day off without pay. An~~
410 ~~employee who regularly works less than a standard work week for his or her agency shall~~
411 ~~observe a furlough day or days on a prorated basis.))~~

412 E.) The county recognizes that there is an occasional need for an employee to
413 return to work outside his or her normal workday. The personnel guidelines shall contain
414 procedures relating to call duty.

415 ~~((F.))~~ E. The county recognizes a responsibility for action regarding on-the-job
416 injuries. The personnel guidelines shall contain procedures relating to on-the-job injury.

417 ~~((G.))~~ F. A career service employee who accepts an appointment to an exempt
418 position effective on or after January 1, 1996, and which position and appointment
419 resulted from the reorganization of the executive branch as reflected in the creation of
420 certain new positions contained in Attachment A to Ordinance 12013 shall retain his or
421 her career service status and rights while holding such exempt position and have the
422 restoration rights set forth in this section. This provision is not intended to provide the

423 career service employee with a right to the exempt position. But, such employee, if
424 selected for the exempt position, could be terminated from the position only for just
425 cause.

426 ~~((H.))~~ G. A career service employee who accepts a transfer or promotion to an
427 exempt position ~~((prior to))~~ before December 1, 1979, shall, upon separation from the
428 exempt position, be allowed to re-enter career service at a position comparable in terms
429 of responsibilities and salary or wage (including normal cost-of-living increases) to the
430 career service position formerly held by the employee. A career service employee
431 accepting such a transfer or promotion on or after December 1, 1979, shall have such a
432 right to restoration~~((; provided, that))~~, but only if:

433 1. The right to restoration is exercised within four calendar years from the
434 effective date of the transfer or promotion to an exempt position; and

435 2.a. ~~((F))~~ the former appointing authority, at ((his or her)) the appointing
436 authority's discretion, approves ((such)) the restoration within the limits of available
437 authorized positions; or

438 ~~((3-))~~ b. ((A))a different appointing authority, having jurisdiction over
439 comparable authorized positions, and at ((his or her)) the different appointing authority's
440 discretion, approves ((such)) the restoration within the limits of available authorized
441 positions.

442 ~~((I.))~~ H. Matters involving wages and hours, including but not limited to
443 minimum wage and overtime compensation, shall be determined in accordance with
444 applicable state and federal laws and regulations.

445 ((J.)) I. Overtime work may be authorized by the department director where
446 necessary to maintain or perform vital county services and shall be paid in accordance
447 with appropriate state and federal law.

448 SECTION 6. Ordinance 12077, Section 3, as amended, and K.C.C. 3.12.125 are
449 each hereby amended to read as follows:

450 A. Notwithstanding any other provision of this chapter, in the event the number
451 of hours in the standard work week of a position occupied by a full-time regular
452 employee, part-time regular employee or, term-limited temporary employee is increased,
453 the sick leave and vacation leave accruals of such employee at the time of the increase
454 shall be adjusted upward so as to insure that the equivalent number of sick leave and
455 vacation leave days accrued does not change. For example, if the standard work week of
456 such a position is increased from thirty-five to forty hours, and if at the time of such
457 change the employee occupying the position had accrued seven hours of sick leave, the
458 sick leave accrual of that employee would be adjusted upward to eight hours. This
459 section shall apply to all employees eligible for leave benefits occupying positions where
460 the standard work week of the position was increased on or after July 1, 1991. After such
461 increase, such employees shall accrue vacation and sick leave in accordance with the
462 otherwise applicable provisions of K.C.C. chapter 3.12.

463 B. Separate accounts shall be maintained for any vacation or sick leave accrued
464 ~~((prior to))~~ before an increase in the number of work-week hours. The "adjusted leave
465 account" shall be used for leave accrued ~~((prior to))~~ before an increase in the number of
466 work-week hours. The "unadjusted leave account" shall be used for leave accrued

467 subsequent to an increase in the number of work-week hours. Leave in the adjusted leave
468 account shall be used first.

469 C. In the event the number of work-week hours is reduced for any employee
470 whose vacation and sick leave accruals have been adjusted upward under the terms of this
471 section, the remaining hours in the adjusted leave account shall be reduced in the same
472 proportion as the work-week hours are reduced. Under no circumstances shall the
473 adjusted leave account be reduced by a greater proportion than the proportion of the
474 previous upward adjustment. Any leave accrued in the unadjusted leave account shall not
475 be affected by this reduction.

476 D. No adjustment to reduce sick leave or vacation accruals for a furloughed
477 employee shall be made as a result of a(~~n-emergency-budget~~) budgetary furlough.

478 SECTION 7. Ordinance 12014, Section 19, as amended, and K.C.C. 3.12.190 are
479 each hereby amended to read as follows:

480 A. Beginning January 1, 1996, employees eligible for leave benefits shall accrue
481 vacation leave benefits as described in and further qualified by this section.

Full Years of Service	Annual Leave in Days
Upon hire through end of Year 5	12
Upon beginning of Year 6	15
Upon beginning of Year 9	16
Upon beginning of Year 11	20
Upon beginning of Year 17	21
Upon beginning of Year 18	22
Upon beginning of Year 19	23

Upon beginning of Year 20	24
Upon beginning of Year 21	25
Upon beginning of Year 22	26
Upon beginning of Year 23	27
Upon beginning of Year 24	28
Upon beginning of Year 25	29
Upon beginning of Year 26 and beyond	30

482 B. Notwithstanding the vacation leave schedule (~~set forth~~) in subsection A. of
483 this section, employees eligible for leave benefits, excluding employees in the former
484 department of metropolitan services, shall accrue vacation leave as follows:

485 1. Those employees who were employed on or before December 31, 1995, and
486 by that date had completed at least three but less than five full years of service shall begin
487 to accrue fifteen days of vacation leave per year effective January 1, 1996;

488 2. Those employees who were employed on or before December 31, 1995, and
489 subsequent to that date complete three full years of service shall begin to accrue fifteen
490 days of vacation leave per year effective on the first day of their fourth full year of
491 service.

492 Beginning on the first day of their sixth full year of service, all such employees
493 shall accrue vacation leave as set forth in subsection A. of this section.

494 C. Vacation accrual rates for an employee who works other than the full time
495 schedule standard to his or her work unit shall be prorated to reflect his or her normally
496 scheduled work week. No adjustment to (~~reduce~~) vacation accrual(~~s~~) rates for a

497 furloughed employee shall be made as a result of a ~~((n-emergency budget))~~ budgetary
498 furlough.

499 D. Employees eligible for vacation leave shall accrue vacation leave from their
500 date of hire into a benefit eligible position.

501 E. Employees eligible for vacation leave may accrue up to sixty days vacation
502 leave, prorated to reflect their normally scheduled work day. Those employees shall use
503 vacation leave beyond the maximum accrual amount ~~((prior to))~~ before December 31 of
504 each year. Failure to use vacation leave beyond the maximum accrual amount will result
505 in forfeiture of the vacation leave beyond the maximum amount unless the appointing
506 authority has approved a carryover of the vacation leave because of cyclical workloads,
507 work assignments or other reasons as may be in the best interests of the county.

508 F. Exempt employees in regular positions, other than provisional or probationary
509 employees, may take and upon leaving county employment be paid for accrued vacation
510 leave as approved by their appointing authorities.

511 G. Career service employees, provisional, probationary and term-limited
512 temporary employees, shall not be eligible to take or be paid for vacation leave until they
513 have successfully completed their first six months of county service, and if they leave
514 county employment ~~((prior to))~~ before successfully completing their first six months of
515 county service, shall forfeit and not be paid for accrued vacation leave.

516 H. A furloughed employee shall not be eligible to take or be paid for vacation
517 ~~((on an emergency budget))~~ in lieu of taking a budgetary furlough day. ~~((A furlough~~
518 ~~administrator may designate that paid vacation leave is available for use by specific~~
519 ~~groups of employees as may be necessary, as set forth in K.C.C. 3.12F.040.))~~

520 In lieu of the remuneration for fifty percent of unused accrued vacation leave at
521 retirement, the manager of the human resources division, or the manager's designee, may,
522 with equivalent funds and in accordance with the procedures in K.C.C. 3.12.220F.2.b,
523 provide eligible employees with a voluntary employee beneficiary association plan that
524 provides for reimbursement of retiree and other qualifying medical expenses.

525 I. ~~An~~ ~~(E)~~ employee(s) who is eligible for leave benefits shall be paid for
526 accrued vacation leave to ~~((their))~~ the employee's date of separation up to the maximum
527 accrual amount if ~~((they have))~~ the employee has successfully completed ~~((their))~~ his or
528 her first six months of county service and ~~((are))~~ is in good standing~~((; provided that,))~~.
529 ~~((e))~~ Except with the written approval of the executive, the position, if vacated by a
530 nonrepresented employee, shall not be filled until salary savings for ~~((such))~~ the position
531 are accumulated in an amount sufficient to pay the cost of the cash out. Payment shall be
532 the accrued vacation leave multiplied by the employee's rate of pay in effect upon the
533 date of leaving county employment less mandatory withholdings.

534 J. Employees shall not use or be paid for vacation leave until it has accrued and
535 such use or payment is consistent with the provisions of this section.

536 K. ~~((No e))~~ Employees shall not work for compensation for the county in any
537 capacity during the time that the employees ~~((is))~~ are on vacation leave.

538 L. For employees covered by the overtime requirements of the Fair Labor
539 Standards Act, vacation leave may be used in one-half hour increments, at the discretion
540 of the appointing authority.

541 M. In cases of separation from county employment by death of an employee with
542 accrued vacation leave and who has successfully completed his or her first six months of

543 county service, payment of unused vacation leave up to the maximum accrual amount
544 shall be made to the employee's estate, or, in applicable cases, as provided for by state
545 law, Title 11 RCW(~~(; provided that,))~~. ~~((e))~~Except with the written approval of the
546 executive, the position, if vacated by a nonrepresented employee, shall not be filled until
547 salary savings for ~~((such))~~ the position are accumulated in an amount sufficient to pay the
548 cost of the cash out.

549 N. If an employee resigns from a full-time regular or part-time regular position
550 with the county in good standing or is laid off and subsequently returns to county
551 employment within two years from the resignation or layoff, as applicable, the
552 employee's prior county service shall be counted in determining the vacation leave
553 accrual rate under subsection A. of this section.

554 SECTION 8. Ordinance 12052, Section 1, as amended, and K.C.C. 3.12.210 are
555 each hereby amended to read as follows:

556 A. Employees eligible for leave benefits shall be entitled to three working days of
557 bereavement leave a year due to death of members of their immediate family. A
558 furloughed employee shall not be eligible to take or be paid for bereavement leave ~~((on~~
559 a)) in lieu of taking a budgetary furlough day.

560 B. Employees who have exhausted their bereavement leave shall be entitled to
561 use sick leave in the amount of three days for each instance of death when death occurs to
562 a member of the employee's immediate family. A furloughed employee shall not be
563 eligible to take or be paid for bereavement sick leave ~~((on-a))~~ in lieu of taking a
564 budgetary furlough day.

565 C. In cases of family death where no sick leave benefit is authorized or exists, an
566 employee may be granted leave without pay.

567 D. In the application of any of subsections A., B. and C. of this section, holidays
568 or regular days off falling within the prescribed period of absence shall not be charged.

569 SECTION 9. Ordinance 12014, Section 20, as amended, and K.C.C. 3.12.215 are
570 each hereby amended to read as follows:

571 A.1. The appointing authority shall allow an employee(~~(s)~~) who is eligible for
572 family leave, sick leave, vacation leave or leave of absence without pay who (~~(are)~~) is
573 voluntarily participating as a donor(~~(s)~~) in a life-giving or life-saving procedure(~~(s)~~) such
574 as, but not limited to, a bone marrow transplant(~~(s)~~), kidney transplant(~~(s)~~) or blood
575 transfusion(~~(s)~~) to take five days paid leave without having (~~(such)~~) the leave charged to
576 family leave, sick leave, vacation leave or leave of absence without pay(~~(; provided~~
577 ~~that)~~), but only if the employee (~~(shall)~~):

578 (~~(1-)~~) a. (~~(G)~~)gives the appointing authority reasonable advance notice of the
579 need to take time off from work for the donation of bone marrow, a kidney(~~(s)~~) or other
580 organs or tissue where there is a reasonable expectation that the employee's failure to
581 donate may result in serious illness, injury, pain or the eventual death of the identified
582 recipient(~~(-)~~); and

583 (~~(2-)~~) b. (~~(P)~~)provides written proof from an accredited medical institution,
584 organization or individual as to the need for the employee to donate bone marrow, a
585 kidney(~~(s)~~) or other organs or tissue or to participate in any other medical procedure
586 where the participation of the donor is unique or critical to a successful outcome.

587 ~~((3-))~~ 2. A furloughed employee shall not be eligible to take or be paid for organ
588 donor leave ~~((on))~~ in lieu of taking a budgetary furlough day.

589 B. Time off from work for the purposes set out above in excess of five working
590 days shall be subject to existing leave policies ~~((contained))~~ in ~~((K.C.C.))~~ this chapter
591 ~~((3.12))~~ or in any applicable collective bargaining agreement.

592 SECTION 10. Ordinance 14591, Section 2, as amended, and K.C.C. 3.12.218 are
593 each hereby amended to read as follows:

594 A. Any employee who is immunized for smallpox and who subsequently misses
595 work for medical reasons related to the smallpox immunization shall be granted paid
596 leave without having such charged to vacation or sick leave for the period the employee
597 is unable to work due to medical complications from the immunization. Paid leave shall
598 be granted if:

599 1. The employee is a member of one or more categories of individuals covered by
600 a declaration by the United States Secretary of Health and Human Services specifying the
601 administration of smallpox countermeasures.

602 2. The employee has been authorized by the county to receive the immunization
603 in order to participate in the county's response under Section 304 of the Homeland
604 Security Act.

605 B. Any part of the leave that is covered by worker's compensation time loss shall
606 be paid from that fund. If the amount of worker's compensation time loss payment is less
607 than the employee's regular net pay, the county will supplement the time loss payment up
608 to the level needed to equal the employee's regular net pay.

609 C. A furloughed employee shall not be eligible to take or be paid for smallpox
610 vaccination leave ~~((on))~~ in lieu of taking a budgetary furlough day. However, any part of
611 the leave that is covered by worker's compensation time loss shall be paid from that fund.

612 SECTION 11. Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220
613 are each hereby amended to read as follows:

614 A. Except for employees covered by subsection G. of this section, employees
615 eligible for leave benefits shall accrue sick leave benefits at the rate of 0.04616 hours for
616 each hour in pay status exclusive of overtime up to a maximum of eight hours per month;
617 except that sick leave shall not begin to accrue until the first of the month following the
618 month in which the employee commenced employment. No adjustment to reduce sick
619 leave accruals for furloughed employee shall be made as a result of ~~((emergency budget))~~
620 a budgetary furlough. The employee is not entitled to sick leave if not previously earned.

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

625 C. For employees covered by the overtime requirements of the Fair Labor
626 Standards Act, sick leave may be used in one-half hour increments, at the discretion of
627 the appointing authority.

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

630 E. Separation from or termination of county employment except by reason of
631 retirement or layoff due to lack of work, funds, efficiency reasons or separation for

632 nondisciplinary medical reasons, shall cancel all sick leave accrued to the employee as of
633 the date of separation or termination. Should the employee resign in good standing, be
634 separated for nondisciplinary medical reason or be laid off, and return to county
635 employment within two years, accrued sick leave shall be restored, but the restoration
636 shall not apply where the former employment was in a term-limited temporary position.

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

652 2.a. In lieu of the remuneration for unused sick leave at retirement, the manager
653 of the human resources division, or the manager's designee, may, with equivalent funds,
654 provide eligible employees with a voluntary employee beneficiary association plan that

655 provides for reimbursement of retiree and other qualifying medical expenses. Under
656 K.C.C. 3.12.190.H., in lieu of the remuneration for fifty percent of unused vacation leave
657 at retirement, the manager may also fund the voluntary employee beneficiary association
658 plan.

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

661 (1) each group of employees hold an election to decide whether to implement
662 a voluntary employee beneficiary association plan for a defined group of employees. The
663 determination of the majority of voting employees in a group shall bind the remainder.
664 Elections for represented employees shall be conducted by the appropriate bargaining
665 representative. Elections for nonrepresented employees shall be conducted in accordance
666 with procedures established by the manager;

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

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

675 (4) employees shall forfeit remuneration under subsections F.1. and 2. of this
676 section if the employee belongs to a group that has voted to implement a voluntary
677 employee beneficiary association plan and the employee fails to execute forms that are

678 necessary to the proper administration of the plan within twelve months of retirement by
679 reason of length of service, as defined in subsection F.1. of this subsection.

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

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

688 2. For a leave for family reasons, the employee shall choose at the start of the
689 leave whether the particular leave would be paid or unpaid; but when an employee
690 chooses to take paid leave for family reasons he or she may set aside a reserve of up to
691 eighty hours of accrued sick leave. A furloughed employee who is on county family
692 medical leave as provided for in this section shall retain county benefits ~~((while~~
693 ~~furloughed))~~ during furlough days.

694 3. An employee who has exhausted all of his or her sick leave may use accrued
695 vacation leave before going on leave of absence without pay, if approved by his or her
696 appointing authority. A furloughed employee shall not be eligible to take or be paid for
697 vacation leave in lieu of sick leave ~~((on))~~ in lieu of taking a furlough day. Sick leave
698 shall be used for the following reasons:

699 a. the employee's bona fide illness, but an employee who suffers an
700 occupational illness may not simultaneously collect sick leave and worker's

701 compensation payments in a total amount greater than the net regular pay of the
702 employee;

703 b. the employee's incapacitating injury, but:

704 (1) an employee injured on the job may not simultaneously collect sick leave
705 and worker's compensation payments in a total amount greater than the net regular pay of
706 the employee, though an employee who chooses not to augment his or her worker's
707 compensation time loss pay through the use of sick leave shall be deemed on unpaid
708 leave status;

709 (2) an employee who chooses to augment workers' compensation payments
710 with the use of accrued sick leave shall notify the safety and workers' compensation
711 program office in writing at the beginning of the leave;

712 (3) an employee may not collect sick leave and workers' compensation time
713 loss payments for physical incapacity due to any injury or occupational illness that is
714 directly traceable to employment other than with the county;

715 c. the employee's exposure to contagious diseases and resulting quarantine;

716 d. a female employee's temporary disability caused by or contributed to by
717 pregnancy and childbirth;

718 e. the employee's medical or dental appointments but only if the employee's
719 appointing authority has approved the use of sick leave for such appointments;

720 f. to care for the employee's child as defined in this chapter if the child has an
721 illness or health condition which requires treatment or supervision from the employee; or

722 g. to care for other family members, if:

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

727 (2) the family member is the employee's spouse or domestic partner, the
728 employee's child, a child of the employee's spouse or domestic partner, the parent of the
729 employee, employee's spouse or domestic partner or an individual who stands or stood in
730 loco parentis to the employee, the employee's spouse or domestic partner; and

731 (3) the reason for the leave is one of the following:

732 i. the birth of a son or daughter and care of the newborn child, or placement
733 with the employee of a son or daughter for adoption or foster care, if the leave is taken
734 within twelve months of the birth, adoption or placement;

735 ii. the care of the employee's child or child of the employee's spouse or
736 domestic partner whose illness or health condition requires treatment or supervision by
737 the employee; or

738 iii. care of a family member who suffers from a serious health condition.

739 I. An employee may take a total of up to eighteen work weeks unpaid leave for
740 his or her own serious health condition, and for family reasons as provided in subsection
741 H.3.f. and g. of this section, combined, within a twelve-month period. The leave may be
742 continuous, which is consecutive days or weeks, or intermittent, which is taken in whole
743 or partial days as needed. Intermittent leave is subject to the following conditions:

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

747 2. An employee may take leave intermittently or on a reduced schedule when
748 medically necessary due to a serious health condition of the employee or a family
749 member of the employee; and

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

756 J. Use of donated leave shall run concurrently with the eighteen work week
757 family medical leave entitlement.

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

760 L. Department management is responsible for the proper administration of the
761 sick leave benefit. Verification from a licensed health care provider may be required to
762 substantiate the health condition of the employee or family member for leave requests.

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

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

766 b. a position with equivalent status, benefits, pay and other terms and
767 conditions of employment; and

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

769 N. Failure to return to work by the expiration date of a leave of absence may be
770 cause for removal and result in termination of the employee from county service.

771 SECTION 12. Ordinance 12014, Section 22, as amended, and K.C.C. 3.12.223
772 are each hereby amended to read as follows:

773 A. 1. Any employee eligible for leave benefits may donate a portion of his or her
774 accrued vacation leave to another employee eligible for leave benefits. Such a donation
775 will occur upon written request to and approval of the donating and receiving employees'
776 department director or directors, except that requests for vacation donation made for the
777 purposes of supplementing the sick leave benefits of the receiving employee shall not be
778 denied unless approval would result in a departmental hardship for the receiving
779 department.

780 2. The number of hours donated shall not exceed the donor's accrued vacation
781 credit as of the date of the request. No donation of vacation hours shall be permitted
782 where it would cause the employee receiving the transfer to exceed his or her maximum
783 vacation accrual.

784 3. A furloughed employee shall not be eligible to take or be paid for donated
785 vacation (~~(on an emergency budget)~~) in lieu of taking a furlough day, except as provided
786 in K.C.C. 3.12F.040.

787 4. Donated vacation leave hours must be used within ninety calendar days
788 following the date of donation. Donated hours not used within ninety days or due to the

789 death of the receiving employee shall revert to the donor. Donated vacation leave hours
790 shall be excluded from vacation leave payoff provisions in this chapter. For purposes of
791 this section, the first hours used by an employee shall be accrued vacation leave hours.

792 B. 1. Any employee eligible for leave benefits may donate a portion of his or her
793 accrued sick leave to another employee eligible for leave benefits upon written notice to
794 the donating and receiving employees' department director or directors.

795 2. No donation shall be permitted unless the donating employee's sick leave
796 accrual balance immediately subsequent to the donation is one hundred hours or more.
797 No employee may donate more than twenty-five hours of his or her accrued sick leave in
798 a calendar year.

799 3. Donated sick leave hours must be used within ninety calendar days. Donated
800 hours not used within ninety days or due to the death of the receiving employee shall
801 revert to the donor. Donated sick leave hours shall be excluded from the sick leave
802 payoff provisions contained in this chapter, and sick leave restoration provisions
803 contained in this chapter. For purposes of this section, the first hours used by an
804 employee shall be accrued sick leave hours.

805 C. All donations of vacation and sick leave made under this chapter are strictly
806 voluntary. Employees are prohibited from soliciting, offering or receiving monetary or
807 any other compensation or benefits in exchange for donating vacation or sick leave hours.

808 D. All vacation and sick leave hours donated shall be converted to a dollar value
809 based on the donor's straight time hourly rate at the time of donation. Such dollar value
810 will then be divided by the receiving employee's hourly rate to determine the actual
811 number of hours received. Vacation leave donated to a furloughed employee, who is

812 designated by ~~((a furlough administrator, as defined in K.C.C. 3.12F.010,))~~ a department
813 director and confirmed by the chief administrative officer as eligible to use donated leave
814 on a furlough day, is donated on an hour-for-hour basis, without an hourly rate
815 conversion. Unused donated vacation and sick leave shall be reconverted based on the
816 donor's straight time hourly rate at the time of reconversion. Vacation leave donated to a
817 furloughed employee who is designated by ~~((a furlough administrator))~~ the department
818 director and confirmed by the chief administrative officer as eligible to use donated leave
819 on a furlough day shall not revert back to the donor.

820 SECTION 13. Ordinance 7956, Section 6, as amended, and K.C.C. 3.12.225 are
821 each hereby amended to read as follows:

822 The appointing authority shall allow the use of up to three days of sick leave each
823 year to allow employees to perform volunteer services at the school attended by the
824 employee's child. A furloughed employee shall not be eligible to take or be paid for
825 school volunteer sick leave ~~((on))~~ in lieu of taking a furlough day. Employees requesting
826 to use sick leave for this purpose shall submit such a request in writing specifying the
827 name of the school and the nature of the volunteer services to be performed.

828 SECTION 14. Ordinance 12014, Section 23, as amended, and K.C.C. 3.12.230
829 are each hereby amended to read as follows:

830 A. The following days are hereby designated as official county holidays:

- 831 1. January 1, New Year's Day;
- 832 2. Third Monday in January, Martin Luther King, Jr. Birthday;
- 833 3. Third Monday in February, President's Day;
- 834 4. Last Monday in May, Memorial Day;

835 5. July 4, Independence Day;
836 6. First Monday in September, Labor Day;
837 7. November 11, Veteran's Day;
838 8. Thanksgiving Day and the day immediately following;
839 9. December 25, Christmas Day;
840 10. Special or limited holidays as declared by the president or governor, and as
841 approved by the council;

842 11. Such other days in lieu of holidays as the council may determine;

843 12. An employee who is eligible for leave benefits shall be granted two personal
844 holidays to be administered through the vacation plan(~~(; provided, that)~~), though the
845 hours granted to an employee working less than a full-time schedule shall be prorated to
846 reflect his or her normally scheduled work day. One day shall be credited to the
847 employee's leave balance on the first of October and one day on the first of November.

848 B. For holidays falling on a Saturday, the Friday before shall be a paid holiday.
849 For holidays falling on a Sunday, the Monday following shall be a paid holiday.

850 C. An employee must be eligible for leave benefits and in a pay status on the day
851 (~~(prior to)~~) before and the day following a holiday to be eligible for holiday pay.

852 However, an employee who has successfully completed at least five years of county
853 service and who retires at the end of a month in which the last regularly scheduled
854 working day is observed as a holiday, shall be eligible for holiday pay if the employee is
855 in a pay status the day before the day observed as a holiday. An employee otherwise
856 eligible for holiday pay shall not be ineligible as a result of not being in a pay status on
857 the day before or after the holiday due to a(~~n emergency budget~~) budgetary furlough.

858 SECTION 15. Ordinance 12077, Section 5, as amended, and K.C.C. 3.12.240 are
859 each hereby amended to read as follows:

860 Any employee eligible for leave benefits who is ordered on a jury shall be entitled
861 to his or her regular county pay but only if any fees received for jury duty are deposited,
862 exclusive of mileage, with the department of finance. A furloughed employee shall not
863 be eligible to take or be paid for jury duty leave ~~((on))~~ in lieu of taking a furlough day.
864 Employees shall report to their work supervisor when dismissed from jury service.

865 SECTION 16. Ordinance 16339, Section 17, as amended, and K.C.C. 3.12F.010
866 are each hereby amended to read as follows:

867 The definitions in this section apply throughout this chapter unless the context
868 clearly requires otherwise.

869 A. ~~((("Annual budget cycle" means the calendar year January 1 through December~~
870 ~~31, or any portion thereof.~~

871 B.)) "Budgetary furlough" has the same meaning as found in K.C.C. 3.12.010.

872 B. "Emergency budget crisis" or "financial emergency" means a circumstance in
873 which projected county revenues are determined to be insufficient to fully fund county
874 agency operations and significant cost savings must be achieved through reductions in
875 service and pay.

876 C. ~~((("Emergency budget furlough," also referred to as "mandated leave," shall~~
877 ~~have the same meaning as found in K.C.C. 3.12.010.~~

878 D.)) "Furlough day" ~~((shall have))~~ has the same meaning as found in K.C.C.
879 3.12.010.

880 (~~E.~~) D. "Furloughed employee" (~~shall have~~) has the same meaning as found in
881 K.C.C. 3.12.010.

882 (~~F.~~) E. "Furlough administrator" means: the county executive for the executive
883 departments; the chair of the council for the legislative branch; the prosecutor for the
884 office of the prosecuting attorney, the presiding judge of the district and superior courts,
885 the sheriff for the department of public safety, the assessor for the department of
886 assessments, the director of elections for the department of elections; the chair of the
887 forecast council for the office of economic and financial analysis; or the official or
888 officials designated by that branch of unit of county government.

889 (~~G.~~) F. "Salaried employee" means an employee whose position is normally
890 exempt from wage and hours regulations.

891 SECTION 17. Ordinance 16339, Section 18, and K.C.C. 3.12F.020 are each
892 hereby amended to read as follows:

893 A. Whenever the executive determines that an emergency budget crisis exists in
894 King County, the executive may proclaim in writing the existence of such an emergency.
895 The executive shall transmit a proclamation and proposed ratifying ordinance to the
896 council within seven days of the proclamation. A proclamation is effective only if
897 ratified by ordinance. A proclamation of an emergency budget crisis remains in effect for
898 all or a portion of one annual budget cycle.

899 B. Whenever the council determines that an emergency budget crisis exists in
900 King County, it may by ordinance declare the existence of such an emergency. A
901 declaration of an emergency budget crisis remains in effect for all or a portion of one
902 annual budget cycle.

903 C. Upon a proclaimed and ratified or declared emergency budget crisis, the
904 executive may:

905 1. Order a(~~n-emergency budget~~) budgetary furlough, including the furlough of
906 employees of the executive branch and closure of county offices; or

907 2. Order the reduction in hours or the closure of county offices on specific days
908 associated with a(~~n-emergency budget~~) budgetary furlough; or

909 3. Order any other actions relating to employees in K.C.C. Title 3.

910 ((C.)) D. If an emergency budget crisis has been proclaimed and ratified or
911 declared and furlough days are ordered, the executive shall notify the public of days that
912 county offices are closed, by posting the information on the county buildings or offices
913 that are closed, by posting a notice on the Internet, by advertising in the official county
914 newspaper and by issuing press releases.

915 SECTION 18. Ordinance 16339, Section 19, and K.C.C. 3.12F.030 are each
916 hereby repealed.

917 SECTION 19. Ordinance 16339, Section 20, and K.C.C. 3.12F.040 are each
918 hereby amended to read as follows:

919 A.1. When a furlough administrator other than the executive has determined that
920 a(~~n-emergency budget~~) budgetary furlough is necessary, the furlough administrator
921 shall designate a person to administer the ((~~emergency budget~~)) budgetary furlough and
922 to provide for the effective direction, control and coordination of a(~~n-emergency~~
923 ~~budget~~) budgetary furlough in a manner to preserve county functions.

924 2. The county administrative officer shall be responsible for ((~~emergency~~
925 ~~budget~~) budgetary furlough administration in the executive branch and shall provide for

926 the effective direction, control and coordination of a(~~n emergency budget~~) budgetary
927 furlough in a manner to preserve county functions.

928 B. In order to achieve budget savings, a furlough administrator may implement a
929 budgetary furlough for designated nonrepresented employees, and implement reductions
930 in operating and office hours, closure of offices or departments or reductions in levels of
931 operations or service. A furlough administrator shall seek and document the views of
932 affected nonrepresented employees when determining whether and how to implement a
933 budgetary furlough.

934 C. If a furlough administrator directs reductions in operating and office hours,
935 closures of offices or departments or reductions in levels or service that result in
936 budgetary furloughs for represented employees, the executive shall fulfill all applicable
937 bargaining obligations with labor unions representing the employees in those departments
938 before the implementation of a furlough.

939 E. In administering a(~~n emergency budget~~) budgetary furlough, the following
940 principles should apply:

941 1. An employee who is (~~subject to the emergency budget furlough~~) furloughed
942 should be notified of furlough in writing when possible, although any reasonable notice is
943 permissible;

944 2. During a furlough period, a furloughed employee remains a King County
945 employee subject to K.C.C. chapter 3.04;

946 3. A furloughed employee shall not volunteer to do what the county otherwise
947 pays any employee to do;

948 4. Medical, dental, vision and any other insured benefits shall remain in effect for
949 a furloughed benefit-eligible employee during a furlough period;

950 5. A furloughed employee shall not be eligible to take or be paid for vacation or
951 sick leave on an ~~((emergency budget))~~ budgetary furlough day. The furlough
952 administrator may designate that paid vacation leave is available for the following
953 employees:

954 a. those employees earning equal or less than two times the federal poverty
955 index; and

956 b. those employees enrolled in the Public Employees' Retirement System or
957 the city of Seattle retirement systems who submit to the chief administrative officer or the
958 furlough administrator a letter of intent to retire during the succeeding two calendar
959 years; and

960 6. A salaried employee is considered an hourly employee for each week in
961 which the employee observes one or more furlough days and must track and report his or
962 her hours and follow standard hourly work practices.

963 ~~((C. If an emergency budget furlough is ordered, the furlough administrator shall
964 file the order with the clerk of the council no later than 10:00 a.m. of the second business
965 day after it is issued.~~

966 ~~D. The furlough administrator or his or her designee may direct specific
967 employees to perform work with pay on furlough days as determined necessary to
968 perform necessary county function that must not be interrupted by furlough.))~~

969 NEW SECTION. SECTION 20. There is hereby added to K.C.C. chapter 3.12F
970 a new section to read as follows:

971 A. In any year for which an emergency budget crisis has been proclaimed and
972 ratified or declared, or for which any furlough administrator orders budgetary furlough
973 days, the furlough administrator shall provide the council with a report of the
974 implementation plan for the budget furlough by January 30. The report shall include:

975 1. Efforts to notify the public of the budget furlough and the closure of county
976 offices or sites;

977 2. The number of employees who have been furloughed;

978 3. The length of the furlough;

979 4. The number of employees exempted from the furlough and the reasons for
980 the exemption;

981 5. The anticipated budget savings from the furlough;

982 6. The anticipated effects of the furlough on both workload and service to the
983 public and other county agencies; and

984 7. A summary of input received from nonrepresented employees on whether and
985 how to implement a budgetary furlough.

986 B. A furlough administrator who orders a budget furlough shall provide the
987 council with a report on the effects of the furlough by June 30 of the furlough year. The
988 report shall contain the same information required by subsection A. of this section.

989 C. The reports required by this section must be filed in electronic format and in
990 the form of twelve paper copies with the clerk for the council, who shall retain the
991 original and forward the paper copies to each councilmember and the chief of staff.

992 SECTION 21. Severability. If any provision of this ordinance or its application
993 to any person or circumstance is held invalid, the remainder of the ordinance or the
994 application of the provision to other person or circumstances is not affected."

995 **EFFECT:**

- 996 • Clarifies that budgetary furloughs can be ordered without an emergency budget
997 crisis
- 998 • Requires executive to fulfill collective bargaining obligations before
999 implementing a budgetary furlough
- 1000 • Requires furlough administrators to consult with affected employees and
1001 document their input. (Pg. 43, Line 928)
- 1002 • A summary of the input is to be included as part of required furlough reporting.
1003 (Pg. 45, Line 984)
- 1004 • Uses and cites current law, as codified and amended, as the base for each
1005 amendatory section.
- 1006 • Amends and repeals sections in the format prescribed by law and the Drafting
1007 Guide for King County Legislation.
- 1008 • Makes grammatical corrections.