



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**April 28, 2015**

**Ordinance 18028**

**Proposed No. 2014-0209.2**

**Sponsors Hague**

1 AN ORDINANCE relating to personnel policies; providing  
2 that probationary periods are not applied to employees who  
3 transfer to a position within their same classification, pay  
4 range and department or agency unless the human  
5 resources director or the director's designee first makes a  
6 written finding that the essential functions of the new  
7 position are substantially different from those of the  
8 employee's previous position; and amending Ordinance  
9 12014, Section 5, as amended, and K.C.C. 3.12.010 and  
10 Ordinance 12014, Section 13, as amended, and K.C.C.  
11 3.12.100.

12 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

13 **SECTION 1. Findings:**

14 A. A county employee is appointed to a career service position as a result of a  
15 competitive selection process, and the appointment is final upon the successful  
16 completion of a probationary period. The probationary period is used to determine  
17 whether the probationary employee is qualified for the position. K.C.C. 3.12.100  
18 provides that a probationary period is required for all promotions, demotions and

19 transfers. Until the employee has successfully completed the probationary period, the  
20 employee is "at will" and may be terminated without cause.

21 B. The probationary period has been applied to county employees upon initial  
22 employment, reemployment and movement to different career service positions,  
23 including lateral transfers to different positions within their same classification, pay range  
24 and department or agency.

25 C. However, when a career service employee laterally transfers to a different  
26 position that is within the employee's same classification, pay range and department or  
27 agency and has essential functions that are not substantially different from those of the  
28 position from which the employee transferred, the probationary period should not be  
29 applied. This is because the employee has previously engaged in a competitive selection  
30 process and demonstrated proficiency in the classification, pay range and department or  
31 agency. This ordinance provides that a probationary period will not be applied in these  
32 circumstances unless human resources director or the director's designee first makes a  
33 written finding that the essential functions of the new position are substantially different  
34 from those of the employee's previous position, thereby justifying a probationary period.

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

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

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

42           a. enrolled full-time during the regular school year in a program of education,  
43 internship or apprenticeship; or

44           b. veterans temporarily working to gain practical workforce experience.

45           2. All administrative internships in executive departments shall be approved by  
46 the manager. Administrative interns are exempt from the career service under Section  
47 550 of the charter.

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

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

55           D. "Board" means the county personnel board established by Section 540 of the  
56 charter.

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

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

66 G. "Career service position" means all positions in the county service except for  
67 those that are designated by Section 550 of the charter as follows: all elected officers; the  
68 county auditor, the clerk and all other employees of the county council; the county  
69 administrative officer; the chief officer of each executive department and administrative  
70 office; the members of all boards and commissions; the chief economist and other  
71 employees of the office economic and financial analysis; the chief economist and other  
72 employees of the office of economic and financial analysis; administrative assistants for  
73 the executive and one administrative assistant each for the county administrative officer,  
74 the county auditor, the county assessor, the chief officer of each executive department  
75 and administrative office and for each board and commission; a chief deputy for the  
76 county assessor; one confidential secretary each for the executive, the chief officer of  
77 each executive department and administrative office, and for each administrative assistant  
78 specified in this section; all employees of those officers who are exempted from the  
79 provisions of this chapter by the state constitution; persons employed in a professional or  
80 scientific capacity to conduct a special inquiry, investigation or examination; part-time  
81 and temporary employees; administrative interns; election precinct officials; all persons  
82 serving the county without compensation; physicians; surgeons; dentists; medical interns;  
83 and student nurses and inmates employed by county hospitals, tuberculosis sanitariums  
84 and health departments of the county.



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

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

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

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

- 94 1. Under eighteen years of age; or
- 95 2. Eighteen years of age or older and incapable of self care because of a mental  
96 or physical disability.

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

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

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

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

110 N. "Council" means the county council as established by Article 2 of the charter.

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

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

121 Q. "Direct cost" means the cost aggregate of the actual weighted average cost of  
122 insured benefits, less any administrative cost therefor. Any payments to part-time and  
123 temporary employees under this chapter shall not include any administrative overhead  
124 charges applicable to administrative offices and executive departments.

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

126 S. "Division" means the human resources management division or its successor  
127 agency.

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

- 130 U. "Domestic partnership" is a relationship whereby two people:
- 131 1. Have a close personal relationship;
- 132 2. Are each other's sole domestic partner and are responsible for each other's
- 133 common welfare;
- 134 3. Share the same regular and permanent residence;
- 135 4. Are jointly responsible for basic living expenses which means the cost of
- 136 basic food, shelter and any other expenses of a domestic partner that are paid at least in
- 137 part by a program or benefit for which the partner qualified because of the domestic
- 138 partnership. The individuals need not contribute equally or jointly to the cost of these
- 139 expenses as long as they agree that both are responsible for the cost;
- 140 5. Are not married to anyone;
- 141 6. Are each eighteen years of age or older;
- 142 7. Are not related by blood closer than would bar marriage in the state of
- 143 Washington;
- 144 8. Were mentally competent to consent to contract when the domestic
- 145 partnership began.

146 V. "Employed at least half time or more" means employed in a regular position

147 that has an established work schedule of not less than one-half the number of hours of the

148 full-time positions in the work unit in which the employee is assigned, or when viewed

149 on a calendar year basis, nine hundred ten hours or more in a work unit in which a work

150 week of more than thirty-five but less than forty hours is standard or one thousand forty

151 hours or more in a work unit in which a forty hour work week is standard. If the standard

152 work week hours within a work unit varies (employees working both thirty five and forty

153 hours) the manager, in consultation with the department, is responsible for determining  
154 what hour threshold applies.

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

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

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

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

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

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

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

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

178 EE. "Grievance" means an issue raised by an employee relating to the  
179 interpretation of rights, benefits, or condition of employment as contained in either the  
180 administrative rules or procedures, or both, for the career service.

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

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

186 HH. "Integrated work setting" means a work setting with no more than eight  
187 persons with developmental disabilities or with the presence of a sensory, mental or  
188 physical handicap as specified in K.C.C. 3.12.180. This definition refers to all county  
189 offices, field locations and other work sites at which supported employees work  
190 alongside employees who are not persons with development disabilities employed in  
191 permanent county positions.

192 II. "Life-giving and life-saving procedures" means a medically-supervised  
193 procedure involving the testing, sampling, or donation of blood, organs, fluids, tissues  
194 and other human body components for the purposes of donation without compensation to  
195 a person for a medically necessary treatment.

196 JJ. "Manager" means the manager of the human resources management division  
197 or its successor agency.

198           KK. "Marital status" means the presence or absence of a marital relationship and  
199 includes the status of married, separated, divorced, engaged, widowed, single or  
200 cohabiting.

201           LL. "Part-time employee" means an employee employed in a part-time position.  
202 Under Section 550 of the charter, part-time employees are not members of the career  
203 service.

204           MM. "Part-time position" means an other than a regular position in which the  
205 part-time employee is employed less than half time, that is less than nine hundred ten  
206 hours in a calendar year in a work unit in which a thirty-five hour work week is standard  
207 or less than one thousand forty hours in a calendar year in a work unit in which a forty-  
208 hour work week is standard, except as provided elsewhere in this chapter. Where the  
209 standard work week falls between thirty-five and forty hours, the manager, in  
210 consultation with the department, is responsible for determining what hour threshold will  
211 apply. Part-time position excludes administrative intern.

212           NN. "Part-time regular employee" means an employee employed in a part-time  
213 regular position and, for part-time career service positions, is not serving a probationary  
214 period. Under Section 550 of the charter, such part-time regular employees are members  
215 of the career service.

216           OO. "Part-time regular position" means a regular position in which the part-time  
217 regular employee is employed for at least nine hundred ten hours but less than a full-time  
218 basis in a calendar year in a work unit in which a thirty-five hour work week is standard  
219 or for at least one thousand forty hours but less than a full-time basis in a calendar year in  
220 a work unit in which a forty-hour work week is standard. Where the standard work week

221 falls between thirty-five and forty hours, the manager, in consultation with the  
222 department, is responsible for determining what hour threshold will apply.

223 PP. "Pay plan" means a systematic schedule of numbered pay ranges with  
224 minimum, maximum and intermediate steps for each pay range, a schedule of assignment  
225 of each classification to a numbered pay range and rules for administration.

226 QQ. "Pay range" means one or more pay rates representing the minimum,  
227 maximum and intermediate steps assigned to a classification.

228 RR. "Pay range adjustment" means the adjustment of the numbered pay range of  
229 a classification to another numbered pay range in the schedule based on a classification  
230 change, competitive pay data or other significant factors.

231 SS. "Personnel guidelines" means only those operational procedures promulgated  
232 by the manager necessary to implement personnel policies or requirements previously  
233 stipulated by ordinance or the charter. Such personnel guidelines shall be applicable only  
234 to employees assigned to executive departments and administrative agencies.

235 TT. "Position" means a group of current duties and responsibilities assigned by  
236 competent authority requiring the employment of one person.

237 UU. "Probationary employee" means an employee serving a probationary period  
238 in a regular career service. Probationary employees are temporary employees and  
239 excluded from career service under Section 550 of the charter.

240 VV. "Probationary period" means a period of time, as determined by the  
241 ~~((manager)) director, ((constituting the final step in the competitive screening process for~~  
242 ~~career service or for promotion from one career service position to another. An~~  
243 ~~appointment to the career service, whether following successful completion of an initial~~

244 ~~probationary period of county employment or a promotional probationary period, shall~~  
245 ~~not be final unless the employee successfully completes this probationary period))~~ for  
246 assessing whether an individual is qualified for a career service position to which the  
247 employee has been newly appointed or has moved from another position, whether  
248 through promotion, demotion or transfer, except as provided in K.C.C. 3.12.100.

249       WW. "Probationary period salary increase" means a within-range salary increase  
250 from one step to the next highest step upon satisfactory completion of the probationary  
251 period.

252       XX. "Promotion" means the movement of an employee to a position in a  
253 classification having a higher maximum salary.

254       YY. "Provisional appointment" means an appointment made in the absence of a  
255 list of candidates certified as qualified by the manager. Only the manager may authorize  
256 a provisional appointment. An appointment to this status is limited to six months.

257       ZZ. "Provisional employee" means an employee serving by provisional  
258 appointment in a regular career service. Provisional employees are temporary employees  
259 and excluded from career service under Section 550 of the charter.

260       AAA. "Recruiting step" means the first step of the salary range allocated to a  
261 class unless otherwise authorized by the executive.

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



265 CCC. "Salary or pay rate" means an individual dollar amount that is one of the  
266 steps in a pay range paid to an employee based on the classification of the position  
267 occupied.

268 DDD. "Section" means an agency's budget unit comprised of a particular project  
269 program or line of business as described in the budget detail plan for the previous fiscal  
270 period as attached to the adopted appropriation ordinance or as modified by the most  
271 recent supplemental appropriations ordinance. This definition is not intended to create an  
272 organization structure for any agency.

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

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

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

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

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

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

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

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

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

304           HHH. "Term-limited temporary employee" means a temporary employee who is  
305 employed in a term-limited temporary position. Term-limited temporary employees are  
306 not members of the career service. Term-limited temporary employees may not be  
307 employed in term-limited temporary positions longer than three years beyond the date of  
308 hire, except that for grant-funded projects capital improvement projects and information  
309 systems technology projects the maximum period may be extended up to five years upon

310 approval of the manager. The manager shall maintain a current list of all term-limited  
311 temporary employees by department.

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

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

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

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

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

331 5. Seasonal positions: These are positions with work for more than six  
332 consecutive months, half-time or more, with total hours of at least nine hundred ten in a

333 calendar year in a work unit in which a thirty-five hour work week is standard or at least  
334 one thousand forty hours in a calendar year in a work unit in which a forty hour work  
335 week is standard, that due to the nature of the work have predictable periods of inactivity  
336 exceeding one month. Where the standard work week falls between thirty-five and forty  
337 hours, the manager, in consultation with the department, is responsible for determining  
338 what hour threshold will apply; and

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

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

345           JJJ. "Volunteer for the county" means an individual who performs service for the  
346 county for civic, charitable or humanitarian reasons, without promise, expectation or  
347 receipt of compensation from the county for services rendered and who is accepted as a  
348 volunteer by the county, except emergency service worker volunteers as described by  
349 chapter 38.52 RCW. A "volunteer for the county" may receive reasonable  
350 reimbursement of expenses or an allowance for expenses actually incurred without losing  
351 his or her status as a volunteer. "Volunteer for the county" includes, but is not limited to,  
352 a volunteer serving as a board member, officer, commission member, volunteer intern or  
353 direct service volunteer.

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

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

362            SECTION 3. Ordinance 12014, Section 13, as amended, and K.C.C. 3.12.100 are  
363 each hereby amended to read as follows:

364            A. There shall be a probationary period during which time a probationary  
365 employee shall be evaluated by the appointing authority to determine qualification for  
366 entry into the career service. Except as otherwise provided in this section, an individual's  
367 appointment, promotion, demotion or transfer to a career service position is not final  
368 unless the employee successfully completes the probationary period. The probationary  
369 period shall be determined by the director, but shall be not less than six months or more  
370 than one year of actual service, and shall be served by those employees who have been  
371 newly hired(~~(,))~~ or reemployed (~~(, transferred to a different position, or promoted or~~  
372 ~~demoted.))~~ or have moved from another career service position, whether through  
373 promotion, demotion or transfer except:

374            1. A furloughed employee's probationary period shall not be extended as a result  
375 of a budgetary furlough; and

376           2. A career service employee who transfers to a position within the employee's  
377 same classification, pay range and department or agency shall not be required to serve a  
378 probationary period unless the director of the human resources division or its successor,  
379 or the director's designee, makes a written finding, in advance of the transfer, that the  
380 essential functions of the new position are substantially different from those of the  
381 employee's previous position, taking into consideration: the specific duties of the  
382 position; the work setting; the skills, training, and experience needed; the level of  
383 available support and supervision; and any other factors the director or designee deems  
384 relevant.

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

394           SECTION 4. Severability. If any provision of this ordinance or its application

395 to any person or circumstance is held invalid, the remainder of the ordinance or the  
396 application of the provision to other persons or circumstances is not affected.  
397

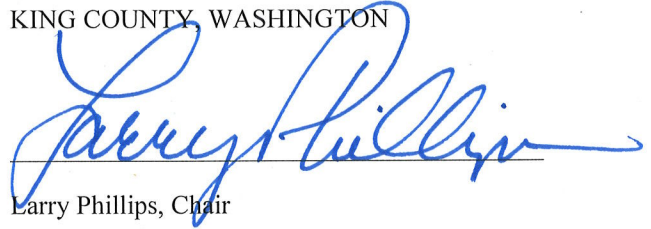
Ordinance 18028 was introduced on 6/30/2014 and passed by the Metropolitan King County Council on 4/27/2015, by the following vote:

Yes: 6 - Mr. Phillips, Mr. Gossett, Ms. Hague, Ms. Lambert, Mr. McDermott and Mr. Dembowski

No: 0

Excused: 3 - Mr. von Reichbauer, Mr. Dunn and Mr. Upthegrove

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 6 day of MAY, 2015.



Dow Constantine, County Executive

RECEIVED  
2015 MAY -6 PM 4:03  
KING COUNTY CLERK  
KING COUNTY COUNCIL

Attachments: None