



King County

Metropolitan King County Council Budget and Fiscal Management Committee

STAFF REPORT

Agenda Item No.:	20	Date:	8 Nov 2011
Proposed Ordinance No.:	2011-0388	Prepared by:	Nick Wagner

SUMMARY

Proposed Ordinance 2011-0388 (pp. 5-10 of these materials) would provide for paid leaves of absence and continuation of benefits for county employees on active duty in the military.

BACKGROUND

In response to the terrorist attacks of 11 September 2001, and in anticipation of a military response by the United States, King County Executive Ron Sims signed an executive order on 5 October 2001 declaring it to be “the policy of King County to support to the extent possible those employees called to active duty by the government of the United States.” The executive order (pp. 19-20 of these materials) provided for:

- Continuation of medical, dental, vision, and life insurance benefits to eligible employees and their families if the employees were ordered to or volunteered for active duty or active duty training in any branch of the Armed Forces, the National Guard, or the United States Public Health Service;
- A paid leave of absence from their county position at their regular rate of pay, less the amount of any military pay to which they were entitled, for employees ordered to active duty if they were members of the reserves of any branch of the Armed Forces or the National Guard, on or before 11 September 2001; and
- Leave without pay for employees who enlisted in the Armed Forces or the Armed Forces Reserves after 11 September 2001.

Some of these protections already existed in sections 3.12.260 and 3.12.262 of the King County Code (p. 21 of these materials), but they did not provide for paid leaves of absence.

Both federal and state law also provide support for employees who are serving in the military. Section 38.40.060 of the Revised Code of Washington (p. 23 of these materials) provides for 21 days of paid military leave of absence from work per year for public employees who are members of the Armed Forces, the National Guard, or the Armed Forces Reserves, so that they can attend required military duty, training, or drills.

The federal Uniform Services Employment and Reemployment Rights Act of 1994 (“USERRA”), 38 U.S.C. Chapter 43, focuses on the rights of employees who are returning to the workplace following military service.

It continues to be the policy of King County to support its employees who are serving their country in the military. As recently as last year, the Council issued a proclamation pledging continued support for county employees who serve in the National Guard and the Armed Forces Reserves. See pp. 25-27 of these materials. In addition, as noted in Section 1.H of the proposed ordinance, “providing continuity of benefits and compensation for county employees who volunteer for or are called to active duty in the Armed Forces or the United States Public Health Service Commissioned Corps is consistent with the King County Strategic Plan by promoting King County as an employer of choice and furthering the goal of developing and empowering its employees” (pp. 6-7 of these materials).

There is a gap in the existing support provisions, however. Except for the 21 days of paid leave that state law provides, paid leaves of absence are limited in the 2001 executive order to employees who already, on 11 September 2001, were members of the Armed Forces reserves or the National Guard. The proposed legislation would fill that gap. It also clarifies certain points, as described below.

THE PROPOSED LEGISLATION

The principal changes that would be made by Proposed Ordinance 2011-0388, as proposed to be amended by Striking Amendment S3 (pp. 11-17 of these materials), are:

1. Extension of the entitlement to paid leave to any employee who “(1) is eligible for benefits under K.C.C. 3.12.040, (2) volunteers or is ordered to serve in the Armed Forces or the United States Public Health Service Commissioned Corps, or to receive associated training that requires a leave of absence from the employee's county position, and (3) has exhausted annual military leave provided pursuant to state and federal law or a collective bargaining agreement”—including those who have taken leave since 11 September 2001 and who may take leave at any time from now through 2012 (or such later date as the Council might designate by ordinance) (Section 2.C) (pp. 14-15 of these materials);
2. Clarification that eligible employees will continue to accrue vacation and sick leave while they are on leave (Section 3.A) (pp. 13-14 of these materials).
3. Clarification of the notice that employees are required to provide to the county (Section 2.B) (p. 14 of these materials).
4. Clarification of the supporting documentation that employees are required to provide to the county (Section 2.D) (p. 15 of these materials).
5. Retroactive authorization and ratification of prior acts of the Executive in granting military leave and benefits since 11 September 2001 (Section 4) (p. 16 of these materials). (For example, accrual of vacation and sick leave have been included

in the benefits provided to employees on military leave, though those benefits were not specifically enumerated in the 2001 executive order.)

6. Clarification that the ordinance is not retroactive, except for the retroactive authorization and ratification of prior acts of the Executive.

FISCAL IMPACT

The fiscal impact of the proposed legislation would arise principally from the extension of paid leave to employees who were not eligible under the 2001 executive order. According to executive staff, there were seven such employees in 2010; today, however, that number stands at only one, though there is no guarantee, of course, that it will stay at that level.¹ Based on executive staff's analysis of 2011 data, the per-employee cost of military leave differential pay averages about \$12,700 per year.

AMENDMENTS

There is a proposed Striking Amendment S3 (pp. 11-17 of these materials). Its primary substantive provisions are: (1) that the leave granted pursuant to the proposed ordinance will continue until the conclusion of the employee's active duty service, but that eligibility for paid leave applies only to employees who begin their leave no later than the end of 2012, or whatever later date the Council might designate by ordinance; and (2) several clarifications of the original proposed ordinance.

ATTACHMENTS

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¹ That one employee had been working in the Marine Division of the Department of Transportation.

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Signature Report

October 21, 2011

Ordinance

Proposed No. 2011-0388.1

Sponsors Ferguson and McDermott

1 AN ORDINANCE relating to personnel policies, providing
2 continuity of benefits and leave accruals, and military leave
3 differential pay for King County employees who enter
4 active duty in the Armed or Uniform Services; and
5 amending Ordinance 12014, Section 26, as amended, and
6 K.C.C. 3.12.260, and Ordinance 9967, Section 2, as
7 amended, and K.C.C. 3.12.262.

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 **SECTION 1. Findings:**

10 A. In response to the terrorist attacks on September 11, 2001, the United States
11 initiated military action requiring activation of the Armed Services and members of the
12 National Guard, including employees of King County.

13 B. King County employees called to active duty provide a valuable service to
14 King County, the region and the nation by serving their county.

15 C. In consideration of the service King County employees provide to King
16 County, the region, and to their country, King County executive signed Executive Order
17 No. PER 18-4 (AEO) on September 25, 2001. The executive order ensured the
18 continuity of insured benefits to eligible employees and their families, and provided

19 military leave differential pay to employees ordered to active duty if they were members
20 of the reserves of any branch of the uniformed services on or before September 11, 2001.

21 D. Also in consideration of public employee service in the military, state law
22 provides for twenty-one days of paid military leave of absence from work for public
23 employees.

24 E. The federal Uniform Services Employment and Reemployment Rights Act of
25 1994 ("USERRA") was enacted to minimize the disruption to the lives of persons serving
26 in the military and to provide guidance for employers. USERRA largely regulates the
27 reemployment of service members and affords protection to them against discrimination
28 related to their service. While USERRA does not require an employer to provide military
29 leave differential pay, where an employer adopts a policy of providing the pay, USERRA
30 will protect the employee's rights under that policy.

31 F. Since the time that the 2001 Executive Order was signed, the United States has
32 become engaged in multiple military conflicts and numerous county employees have
33 volunteered for or have been ordered to active duty, including active military training
34 duty for those and other military engagements.

35 G. It is the current policy of King County to support to the extent possible those
36 employees in the Armed and Uniformed Services who volunteer for or are ordered to
37 active duty. On May 24, 2011, the King County council issued a proclamation pledging
38 continued support for King County employees who serve in the Armed Services or
39 Uniformed Services.

40 H. Providing continuity of benefits and compensation for county employees who
41 volunteer for or are called to active duty in the Armed or Uniformed Services is

42 consistent with the King County Strategic Plan by promoting King County as an
43 employer of choice and furthering the goal of developing and empowering its employees.

44 SECTION 2. Ordinance 12014, Section 26, as amended, and K.C.C. 3.12.260 are
45 each hereby amended to read as follows:

46 A. A leave of absence (~~((for active military duty or active military training duty~~
47 ~~shall be granted to eligible employees in accordance with applicable provisions of state~~
48 ~~and/or federal law; provided, that a request for such leave shall be submitted to the~~
49 ~~appointing authority in writing by the employee and accompanied by a validated copy of~~
50 ~~military orders ordering such active duty or active training duty))~~ shall be granted, in
51 accordance with applicable provisions of state or federal law for any employee who
52 voluntarily or upon demand by the Washington state or the United States governments
53 leaves his or her position with the county, either to determine his or her physical fitness
54 to enter or to actually enter active duty or training in the United States Armed Services or
55 the Uniformed Services, which include the Washington National Guard, the United States
56 Air National Guard, the United States Army National Guard, the United States Coast
57 Guard and the United States Public Health Service Commissioned Corps.

58 B. Employees are required to give the county advance notice of the need for
59 military leave, preferably in writing, though verbal notification is sufficient. Notice
60 should be provided as soon as is reasonable under the circumstances and, if feasible to do
61 so, service members should provide thirty days' advanced notice. Notice should be
62 accompanied by a validated copy of military orders ordering the active duty or active
63 training duty. However, advance notice is not required if prevented by military necessity

64 or is otherwise impossible or unreasonable under the circumstances, as provided in
65 federal law and regulations.

66 C. A benefit-eligible employee, which is any of the type of employee listed in
67 K.C.C. 3.12.040, who volunteers for or is ordered to serve in the Armed Services or
68 Uniformed Services, or associated training duty that requires a leave of absence from the
69 employee's county position, and who has exhausted annual military leave provided by the
70 county or a collective bargaining agreement, shall be granted a paid leave of absence
71 from the employee's county position at the employee's regular base rate of pay less the
72 amount of military pay to which the employee is entitled. This subsection expires
73 December 31, 2012, unless renewed by the Council.

74 D. Receipt of military leave differential pay is contingent upon the employee
75 providing their employing county agency with supporting documentation verifying the
76 employee's rank, that the employee is on active duty, and the amount of military pay to
77 which the employee is entitled. This subsection expires December 31, 2012, unless
78 renewed by the Council.

79 SECTION 3. Ordinance 9967 Section 2, as amended, and K.C.C. 3.12.262 are
80 each hereby amended to read as follows:

81 ~~A. ((Any employee eligible for leave and insured benefits who upon demand by~~
82 ~~the United States Government vacates his or her position with the county either to~~
83 ~~determine his or her physical fitness to enter, or to actually enter upon active duty or~~
84 ~~training in the Washington National Guard, the United States Armed Services, or the~~
85 ~~United States Public Health Service)) A benefit-eligible employee who volunteers for or~~
86 ~~is ordered to serve in the Armed Services or Uniformed Services or associated training~~

87 duty that requires a leave of absence from the employee's county position shall continue
88 to receive medical, dental, vision, and life insurance benefits, ((for the time period)) and
89 shall continue to accrue vacation and sick leave commencing with the beginning of an
90 employee's military leave of absence and continuing until active duty has been
91 completed. ((These employees may continue to receive the medical, dental and life
92 benefits that they received prior to separation from county employment.))

93 B. Receipt of medical, dental, vision, life insurance benefits and leave accruals is
94 contingent upon the employee providing his or her employing county agency with
95 supporting documentation verifying that the employee is on active duty. The
96 documentation shall be provided by the employee upon commencing military leave,
97 annually in September and upon leaving military service.

98 SECTION 4. This ordinance authorizes and ratifies prior acts of the executive in
99 granting special additional military leave and benefits after September 11, 2001, and
100 provides specific legislative authorization for such leave and benefits.

101 SECTION 5. Severability. If any provision of this ordinance or its application to
102 any person or circumstance is held invalid, the remainder of the ordinance or the
103 application of the provision to other persons or circumstances is not affected.

104

Larry Gossett, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this _____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None

Nov. 8, 2011

S3

nw

Sponsor: Ferguson

Proposed No.: 2011-0388

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2011-0388, VERSION**

2 **1**

3 On page 1, beginning on line 8, strike everything through page 5, line 103, and insert:

4 "BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 **SECTION 1. Findings:**

6 A. In response to the terrorist attacks on September 11, 2001, the United States
7 initiated military action requiring activation of the Armed Forces and members of the
8 National Guard, including employees of King County.

9 B. King County employees called to active duty provide a valuable service to
10 King County, the region and the nation by serving their country.

11 C. In consideration of the service King County employees provide to King
12 County, the region, and the nation, the King County executive signed Executive Order
13 No. PER 18-4 (AEO) on October 5, 2001, effective September 25, 2001. The executive
14 order provided for (1) continuation of medical, dental, vision, and life insurance benefits
15 to eligible employees and their families if the employees were ordered to or volunteered
16 for active duty or active duty training in any branch of the Armed Forces, the National
17 Guard, or the United States Public Health Service; (2) a paid leave of absence from their

18 county position at their regular rate of pay, less the amount of any military pay to which
19 they were entitled, for employees ordered to active duty if they were members of the
20 reserves of any branch of the Armed Forces or the National Guard, on or before
21 September 11, 2001; and (3) leave without pay for employees who enlisted in the Armed
22 Forces or the Armed Forces Reserves after September 11, 2011.

23 D. Also in consideration of public employee service in the military, state law,
24 RCW 38.40.060, provides for twenty-one days of paid military leave of absence from
25 work per year for public employees who are members of the Armed Forces, the National
26 Guard, or the Armed Forces Reserves, so that they can attend required military duty,
27 training, or drills.

28 E. The federal Uniform Services Employment and Reemployment Rights Act of
29 1994 ("USERRA"), 38 U.S.C. Chapter 43, was enacted to minimize the disruption to the
30 lives of persons serving in the military and to provide guidance for employers. USERRA
31 largely regulates the reemployment of service members and affords protection to them
32 against discrimination related to their service. While USERRA does not require an
33 employer to provide military leave differential pay, where an employer adopts a policy of
34 providing the pay, USERRA protects the employee's rights under that policy.

35 F. Since the time that the 2001 Executive Order was signed, the United States has
36 become engaged in multiple military conflicts, and numerous county employees have
37 volunteered for or have been ordered to active duty, including active military training
38 duty.

39 G. It is the current policy of King County to support to the extent possible those
40 employees in the Armed Forces, including the National Guard, and the United States

41 Public Health Service Commissioned Corps who volunteer for or are ordered to active
42 duty. On May 24, 2010, the King County council issued a proclamation pledging
43 continued support for King County employees who serve in the National Guard and the
44 Armed Forces Reserves.

45 H. In consideration for the service of King County employees while serving in
46 the military, providing continuity of benefits and compensation for county employees
47 who volunteer for or are called to active duty in the Armed Forces or the United States
48 Public Health Service Commissioned Corps is consistent with the King County Strategic
49 Plan by promoting King County as an employer of choice and furthering the goal of
50 developing and empowering its employees.

51 SECTION 2. Ordinance 12014, Section 26, as amended, and K.C.C. 3.12.260 are
52 each hereby amended to read as follows:

53 A. A leave of absence (~~((for active military duty or active military training duty~~
54 ~~shall be granted to eligible employees in accordance with applicable provisions of state~~
55 ~~and/or federal law; provided, that a request for such leave shall be submitted to the~~
56 ~~appointing authority in writing by the employee and accompanied by a validated copy of~~
57 ~~military orders ordering such active duty or active training duty))~~ shall be granted, in
58 accordance with applicable provisions of state or federal law, to any employee who
59 voluntarily or upon demand by the Washington state or the United States government
60 leaves his or her position with the county, either to determine his or her physical fitness
61 to enter or to actually enter active duty or training in the United States Armed Forces,
62 including without limitation the Washington National Guard, the United States Air
63 National Guard, the United States Army National Guard, and the United States Coast

64 Guard, or the United States Public Health Service Commissioned Corps. The leave of
65 absence shall continue until the conclusion of the employee's active duty service.

66 B. Employees are required to give their employing county agency advance notice
67 of the need for military leave, preferably in writing, though oral notification is sufficient.
68 Notice should be provided as soon as is reasonable under the circumstances, and, if
69 feasible to do so, service members should provide thirty days advance notice; however,
70 advance notice is not required if prevented by military necessity or otherwise impossible
71 or unreasonable under the circumstances, to the extent provided in federal law and
72 regulations. Written notice should be accompanied by a validated copy of the military
73 orders ordering the active duty or active training duty. Oral notice should be
74 supplemented as soon as is reasonable with a validated copy of the military orders.

75 C. An employee who (1) is eligible for benefits under K.C.C. 3.12.040, (2)
76 volunteers or is ordered to serve in the Armed Forces or the United States Public Health
77 Service Commissioned Corps, or to receive associated training that requires a leave of
78 absence from the employee's county position, and (3) has exhausted annual military leave
79 provided pursuant to state and federal law or a collective bargaining agreement, shall be
80 granted a paid leave of absence from the employee's county position at the employee's
81 regular base rate of pay less the amount of military pay to which the employee is entitled.
82 The paid leave of absence shall continue until the conclusion of the employee's active
83 duty service in the Armed Forces or the United States Public Health Service
84 Commissioned Corps. This section applies only to employees who volunteer or are
85 ordered to serve in the Armed Forces or the United States Public Health Service

86 Commissioned Corps no later than December 31, 2012, or whatever later date the
87 Council might designate by ordinance.

88 D. Receipt of the pay provided for in the preceding section is contingent upon the
89 employee providing the employing county agency with supporting documentation
90 verifying (1) the employee's rank, (2) that the employee is on active duty, and (3) the
91 amount of military pay to which the employee is entitled.

92 SECTION 3. Ordinance 9967 Section 2, as amended, and K.C.C. 3.12.262 are
93 each hereby amended to read as follows:

94 A. ~~((Any employee eligible for leave and insured benefits who upon demand by~~
95 ~~the United States Government vacates his or her position with the county either to~~
96 ~~determine his or her physical fitness to enter, or to actually enter upon active duty or~~
97 ~~training in the Washington National Guard, the United States Armed Services, or the~~
98 ~~United States Public Health Service shall receive medical, dental and life benefits for the~~
99 ~~time period commencing with the beginning of an employee's military leave of absence~~
100 ~~and continuing until active duty has been completed. These employees shall continue to~~
101 ~~receive the medical, dental and life benefits that they received prior to separation from~~
102 ~~county employment.)) An employee who is eligible for benefits under K.C.C. 3.12.040~~
103 and who volunteers or is ordered to serve in the Armed Forces or the United States Public
104 Health Service Commissioned Corps, or to receive associated training that requires a
105 leave of absence from the employee's county position, shall continue to receive medical,
106 dental, vision, and life insurance benefits, and shall continue to accrue vacation and sick
107 leave, until the conclusion of the employee's active duty service in the Armed Forces or
108 the United States Public Health Service Commissioned Corps.

109 B. Receipt of medical, dental, vision, and life insurance benefits and leave
110 accruals is contingent upon the employee providing his or her employing county agency
111 with supporting documentation verifying that the employee is on active duty. The
112 documentation shall be provided by the employee upon commencing military leave,
113 annually in September and upon leaving military service.

114 SECTION 4. This ordinance authorizes and ratifies prior acts of the executive in
115 granting special additional military leave and benefits after September 11, 2001, and
116 provides specific legislative authorization for such leave and benefits.

117 SECTION 5. Severability. If any provision of this ordinance or its application to
118 any person or circumstance is held invalid, the remainder of the ordinance or the
119 application of the provision to other persons or circumstances is not affected.

120 SECTION 6. This ordinance is not retroactive, except to the extent provided in
121 Section 4."

122 **EFFECT: The amendment would:**

- 123 **1. Clarify the terminology in references to the Armed Forces.**
- 124 **2. Clarify the timing of the 2001 executive order and the description of its**
125 **terms.**
- 126 **3. Clarify the summary of RCW 38.40.060.**
- 127 **4. Make clear that paid leave and benefits have been and are being granted to**
128 **eligible county employees in consideration for their service while serving in**
129 **the military.**
- 130 **5. Provide that the leave granted pursuant to the proposed ordinance will**
131 **continue until the conclusion of the employee's active duty service, but that**

132 **eligibility for paid leave applies only to employees who begin their leave no**
133 **later than the end of 2012 or whatever later date as the Council might**
134 **designate by ordinance.**

135 **6. Clarify the notice requirements contained in the proposed ordinance.**

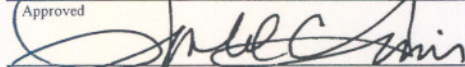
136 **7. Clarify other language in the proposed ordinance.**

137 **8. Make clear that the ordinance is not retroactive, except to the extent**
138 **provided in Section 4.**

139 **9. Make technical corrections.**

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Title Leaves of Absence and Continuation of Benefits for Military Reservists	Document Code No. PER 18-4 (AEO)
Department/Issuing Agency Office of Human Resources Management	Effective Date September 24, 2001
Approved 	

1.0 SUBJECT TITLE: Leaves of Absence and Continuation of Benefits for Military Reservists

1.1 EFFECTIVE DATE: September 25, 2001

1.2 TYPE OF ACTION: New

1.3 KEY WORDS: Military leave, military reserves, leave of absence

2.0 REFERENCES:

2.1 KCC 3.12.260, Leave of absence - military

2.2 KCC 3.12.262, Extension of benefits to military personnel

2.3 RCW 38.40.060, Military leaves for public employees

2.4 Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C., Chapter 43

3.0 DEFINITIONS:

3.1 “Benefit eligible employee” means an employee who in a regular position or a TLT position that is eligible for leave and insured benefits

3.2 “Life insurance” means basic life insurance, and excludes enhanced accidental death and dismemberment (AD&D) and long-term disability (LTD)

3.3 “Medical” encompasses both medical and vision care insurance

3.4 “Regular rate of pay” means an employee’s regular wages or salary, and includes any merit pay or educational incentive pay as provided by ordinance or a collective bargaining agreement, but does not include special duty, lead worker, or overtime pay.

THE PURPOSE of this Executive Order is to ensure continuity of benefits and, in certain instances, income to employees and their families in the event an employee who volunteers for or is ordered to active duty as a result of the September 11, 2001 terrorist attacks on the United States.

WHEREAS, on September 11, 2001, the United States suffered violent attacks from international terrorists; and

WHEREAS, in response to those attacks the President and Congress of the United States are preparing for the possibility of military action, requiring activation of the armed forces and members of the National Guard, including many reservists employed by King County; and,

WHEREAS, it is the policy of King County to support to the extent possible those employees called to active duty by the government of the United States;

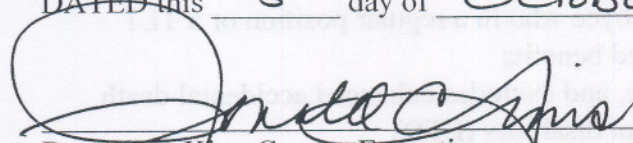
NOW, THEREFORE, I, Ron Sims, King County Executive, do hereby order as follows:

King County will continue to provide medical, dental, and life insurance benefits to benefit eligible employees and their families should the employee be called upon or volunteer for active duty or active duty training in any branch of the United States armed forces, the National Guard, or the United States Public Health Service, in accordance with KCC 3.12.262.

A benefit eligible employee who, as of September 11, 2001, was a member of the reserves of any branch of the United States armed forces or the National Guard, and who is ordered to active duty by the United States government thus requiring a leave of absence from his or her County position, will be granted a paid leave of absence from their County position at their regular rate of pay less the amount of any military pay to which they are entitled. Employees who enlist in the armed forces or armed forces reserves subsequent to September 11, 2001 will not be eligible for a paid leave of absence, but will be granted leave without pay.

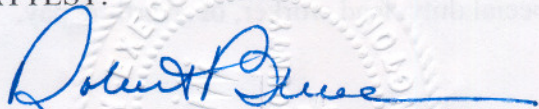
This order will remain in effect until such time as it is specifically repealed by the King County Executive.

DATED this 5 day of OCTOBER, 2001



Ron Sims, King County Executive

ATTEST:



Robert Bruce, Manager
King County Records & Elections

KCC (as of 2011-10-18 per Municipal Research and Services Center)

3.12.250 Leave of absence - without pay.

A. An employee eligible for leave benefits may take a leave of absence without pay for thirty calendar days or less if authorized in writing by the employee's appointing authority.

B. An employee eligible for leave benefits may take a leave of absence without pay for more than thirty calendar days if authorized in writing by the employee's appointing authority and the director.

C. Leaves of absence without pay shall be for periods not to exceed one year except that the director may, in special circumstances, grant an extension beyond one year.

D. Other employee benefits as provided in this chapter shall not be provided to or accrue to the employee while on leave of absence without pay, except as provided in K.C.C. 3.12.220.

E. If a leave of absence without pay was granted for purposes of recovering health, the employee shall be required by the director to submit a physician's statement concerning the employee's ability to resume duties prior to return to work.

F. An employee on leave of absence without pay may return from the leave before its expiration date if the employee provides the appointing authority with a written request to that effect at least fifteen days prior to resuming duties.

G. Failure to return to work by the expiration date of a leave of absence without pay shall be cause for removal and shall result in automatic termination of the employee from county service.

H. A leave of absence without pay may be revoked by the director upon evidence submitted to the director by the appointing authority of the employee indicating that such leave was requested and granted under false pretenses, or that the need for such leave has ceased to exist. (Ord. 13377 § 5, 1998: Ord. 12014 § 25, 1995).

3.12.260 Leave of absence - Military. A leave of absence for active military duty or active military training duty shall be granted to eligible employees in accordance with applicable provisions of state and/or federal law; provided, that a request for such leave shall be submitted to the appointing authority in writing by the employee and accompanied by a validated copy of military orders ordering such active duty or active training duty. (Ord. 12422 § 3, 1996: Ord. 12014 § 26, 1995).

3.12.262 Extension of benefits to military personnel. Any employee eligible for leave and insured benefits who upon demand by the United States Government vacates his or her position with the county either to determine his or her physical fitness to enter, or to actually enter upon active duty or training in the Washington National Guard, the United States Armed Services, or the United States Public Health Service shall receive medical, dental and life benefits for the time period commencing with the beginning of an employee's military leave of absence and continuing until active duty has been completed. These employees shall continue to receive the medical, dental and life benefits that they received prior to separation from county employment. (Ord. 12943 § 11, 1997: Ord. 9967 § 2, 1991).

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RCW 38.40.060

Military leave for public employees.

Every officer and employee of the state or of any county, city, or other political subdivision thereof who is a member of the Washington national guard or of the army, navy, air force, coast guard, or marine corps reserve of the United States, or of any organized reserve or armed forces of the United States shall be entitled to and shall be granted military leave of absence from such employment for a period not exceeding twenty-one days during each year beginning October 1st and ending the following September 30th in order that the person may report for required military duty, training, or drills including those in the national guard under Title 10 U.S.C., Title 32 U.S.C., or state active status. Such military leave of absence shall be in addition to any vacation or sick leave to which the officer or employee might otherwise be entitled, and shall not involve any loss of efficiency rating, privileges, or pay. During the period of military leave, the officer or employee shall receive from the state, or the county, city, or other political subdivision, his or her normal pay. The officer or employee shall be charged military leave only for days that he or she is scheduled to work for the state or the county, city, or other political subdivision.

[2010 c 91 § 1; 2008 c 71 § 5; 2001 c 71 § 1; 1991 c 25 § 1; 1989 c 19 § 50; 1957 c 236 § 1; 1939 c 113 § 1.]

Notes:

Effective date -- 2001 c 71: "This act takes effect October 1, 2001." [2001 c 71 § 2.]

Application -- 1991 c 25: "This act applies to all public employees and officers who reported for active duty or active training duty, under RCW 38.40.060, on or after August 2, 1990." [1991 c 25 § 2.]

Military family leave act: Chapter 49.77 RCW.

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Metropolitan King County Council

Earning public trust, enhancing quality of life, protecting public health and safety

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May 24, 2010

County Council recognizes Memorial Day by pledging continued support for King County employees

In advance of the holiday that recognizes the men and women who gave their lives defending America, the Metropolitan King County Council today celebrated Memorial Day with a proclamation pledging its support for county employees serving in the National Guard and Reserve. The proclamation was sponsored by Council Chair Bob Ferguson, who sponsored the 2005 King County Veterans and Human Services Levy, and Councilmember Pete von Reichbauer, the only veteran on the Council.

“County employees that pull double duty by also being members of our National Guard and Reserve deserve our support and appreciation for their service,” said Ferguson.

“It is important to recognize the county employees who are not only serving King County citizens through their work here, but who are also protecting county citizens through their military service,” said Councilmember von Reichbauer. “It is an honor to acknowledge local National Guard and Reserve personnel who play such an important role in keeping our military strong and our country safe.”

The National Guard and Reserve comprise approximately half of the uniformed military forces of the United States. Thirty percent of the country’s Iraq and Afghanistan veterans are members of the National Guard and Reserve. Since 2001, members of the National Guard and Reserve have experienced unprecedented levels and length of deployment overseas.

The proclamation recognizes the importance of employers valuing the military service of employees, and pledges King County’s appreciation and support for National Guard and Reserve personnel during absences for military training or deployment. King County enforces the

Uniformed Services Employment and Reemployment Rights Act, which protects service members' reemployment rights when returning from a period of service in the uniformed services. King County also supports the military service of its employees in other ways, including the extension of medical, dental, and life benefits to county employees while on active duty.

On hand were representatives of the Employer Support of the Guard and Reserve (ESGR), an organization established in 1972 that seeks to promote a culture in which all employers support and value the military service of their employees.

"We greatly appreciate the support of the King County Council," said Bob DeWald, ESGR's Employer Outreach Director for Washington State. "Supportive employers are critical to maintaining the strength and readiness of the nation's National Guard and Reserve units."

The proclamation also encourages county residents to participate in the National Moment of Remembrance by pausing for a minute of silence at 3:00 p.m. on Memorial Day to pay tribute to those who have died in service to the nation.

PROCLAMATION

WHEREAS, Memorial Day commemorates the more than one million Americans who died while in the military service; and

WHEREAS, Memorial Day has been observed as early as 1866 and was declared a national holiday by an act of Congress in 1971; and

WHEREAS, the observance of Memorial Day honors the sacrifice of our fallen service men and women, their spirit, courage, and commitment to our country and its ideals; and

WHEREAS, all who wear or have worn the uniform of the United States deserve our deep appreciation and support; and

WHEREAS, the National Guard and Reserve, which have experienced unprecedented levels and length of deployment, comprise almost half of America's uniformed military forces; and

WHEREAS, appreciation and support for our country's service members and their families is demonstrated by promoting a culture in which all American employers support and value the

military service of their employees;

NOW, THEREFORE, we, the Metropolitan King County Council, hereby proclaim May 31, 2010, as Memorial Day in King County and encourage all county residents to participate in the National Moment of Remembrance by pausing at 3 p.m. on Memorial Day for a minute of silence to remember and pay tribute to those who have died in service to the nation.

FURTHERMORE, to honor those who serve in the National Guard and Reserve, we, the Metropolitan King County Council, hereby pledge that King County will continue to:

- recognize, honor and enforce the Uniformed Services Employment and Reemployment Rights Act;
- ensure managers and supervisors will have the tools they need to effectively manage those employees who serve in the Guard and Reserve; and
- continually recognize and support our country's service members and their families in peace, in crisis, and in war.

DATED this twenty-fourth day of May, 2010.

Updated: May 24, 2010

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