



April 26, 2018
Technical changes only

Sponsor: Dembowski

[HSP]

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2018-0138, VERSION**

2 **1**

3 On page 2, beginning on line 27, strike everything through page 62, line 1363, and insert:

4 "STATEMENT OF FACTS:

5 1. In October 2017, a tentative agreement for the county's first Master
6 Labor Agreement ("MLA") was reached. The MLA achieves
7 unprecedented efficiencies by bringing together twenty-one unions, which
8 represent six thousand employees covered by sixty-one labor agreements,
9 into one master collective bargaining agreement that governs many of the
10 terms and conditions of county employment.

11 2. The MLA will ease the burden on county personnel of administering
12 sixty-one different collective bargaining agreements, and will bring
13 greater equity to county employees by standardizing many common
14 benefits and practices.

15 3. Standardization between the MLA and the King County Code furthers
16 these achievements and supports King County's Strategic Plan goal of
17 ensuring that county government operates efficiently and effectively.

18 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

19 **SECTION 1.** Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010 are

20 each hereby amended to read as follows:

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

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

26 a. enrolled during the regular school year in a program of education, internship
27 or apprenticeship;

28 b. legal interns who have graduated from law school but have not yet been
29 admitted to the Washington State Bar Association; or

30 c. veterans temporarily working to gain practical workforce experience.

31 2. All administrative internships in executive departments shall be approved by
32 the manager. Administrative interns are exempt from the career service under Section
33 550 of the charter.

34 B. "AmeriCorps" means those who apply for and are selected to serve in
35 positions at King County government through either AmeriCorps or Washington Service
36 Corps programs, or both.

37 C. "Appointing authority" means the county council, the executive, chief officers
38 of executive departments and administrative offices, or division managers having
39 authority to appoint or to remove persons from positions in the county service.

40 D. "Basis of merit" means the value, excellence or superior quality of an
41 individual's work performance, as determined by a structured process comparing the
42 employee's performance against defined standards and, where possible, the performance

43 of other employees of the same or similar class.

44 E. "Board" means the county personnel board established by Section 540 of the
45 charter.

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

52 G. "Career service employee" means a county employee appointed to a career
53 service position as a result of the selection procedure provided for in this chapter, and
54 who has completed the probationary period.

55 H. "Career service position" means all positions in the county service except for
56 those that are designated by Section 550 of the charter as follows: all elected officers; the
57 county auditor, the clerk and all other employees of the county council; the county
58 administrative officer; the chief officer of each executive department and administrative
59 office; the members of all boards and commissions; the chief economist and other
60 employees of the office economic and financial analysis; the chief economist and other
61 employees of the office of economic and financial analysis; administrative assistants for
62 the executive and one administrative assistant each for the county administrative officer,
63 the county auditor, the county assessor, the chief officer of each executive department
64 and administrative office and for each board and commission; a chief deputy for the
65 county assessor; one confidential secretary each for the executive, the chief officer of

66 each executive department and administrative office, and for each administrative assistant
67 specified in this section; all employees of those officers who are exempted from the
68 provisions of this chapter by the state constitution; persons employed in a professional or
69 scientific capacity to conduct a special inquiry, investigation or examination; part-time
70 and temporary employees; administrative interns; election precinct officials; all persons
71 serving the county without compensation; physicians; surgeons; dentists; medical interns;
72 and student nurses and inmates employed by county hospitals, tuberculosis sanitariums
73 and health departments of the county.

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

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

80 I. "Charter" means the King County Charter, as amended.

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

- 83 1. Under eighteen years of age; or
- 84 2. Eighteen years of age or older and incapable of self care because of a mental
85 or physical disability.

86 K. "Class" or "classification" means a position or group of positions, established
87 under authority of this chapter, sufficiently similar in respect to the duties, responsibilities
88 and authority thereof, that the same descriptive title may be used to designate each

89 position allocated to the class.

90 L. "Classification plan" means the arrangement of positions into classifications
91 together with specifications describing each classification.

92 M. "Compensatory time" means time off granted with pay in lieu of pay for work
93 performed either on an authorized overtime basis or work performed on a holiday that is
94 normally scheduled as a day off. Such compensatory time shall be granted on the basis of
95 time and one-half.

96 N. "Competitive employment" means a position established in the county budget
97 and that requires at least twenty-six weeks of service per year as the work schedule
98 established for the position.

99 O. "Comprehensive leave benefits" means those leave benefits described in and
100 subject to this chapter, including leaves for vacations, promotional or qualifying
101 examinations, bereavement, life-giving or life-saving procedures, sickness, (~~volunteering~~
102 ~~at schools~~) volunteer service, parental leave, donated leave and leaves of absence
103 without pay.

104 P. "Council" means the county council as established by Article 2 of the charter.

105 Q. "County" means King County and any other organization that is legally
106 governed by the county with respect to personnel matters.

107 R. "Developmental disability" means a developmental disability, as defined in
108 RCW 71A.10.020(2), as amended, attributable to mental retardation, cerebral palsy,
109 epilepsy, autism or other neurological or other condition of an individual found by the
110 secretary of the Washington state Department of Social and Health Services or the
111 secretary's designee to be closely related to mental retardation or to require treatment

112 similar to that required for individuals with mental retardation, which disability originates
113 before the individual attains age eighteen, that has continued or can be expected to
114 continue indefinitely and that constitutes a substantial handicap for the individual.

115 S. "Direct cost" means the cost aggregate of the actual weighted average cost of
116 insured benefits, less any administrative cost therefor. Any payments to part-time and
117 temporary employees under this chapter shall not include any administrative overhead
118 charges applicable to administrative offices and executive departments.

119 T. "Director" means the manager of the human resources management division or
120 its successor agency.

121 U. "Division" means the human resources management division or its successor
122 agency.

123 V. "Domestic partners" are two people in a domestic partnership, one of whom is
124 a county employee.

125 W. "Domestic partnership" is a relationship whereby two people:

- 126 1. Have a close personal relationship;
- 127 2. Are each other's sole domestic partner and are responsible for each other's
128 common welfare;
- 129 3. Share the same regular and permanent residence;
- 130 4. Are jointly responsible for basic living expenses which means the cost of
131 basic food, shelter and any other expenses of a domestic partner that are paid at least in
132 part by a program or benefit for which the partner qualified because of the domestic
133 partnership. The individuals need not contribute equally or jointly to the cost of these
134 expenses as long as they agree that both are responsible for the cost;

- 135 5. Are not married to anyone;
- 136 6. Are each eighteen years of age or older;
- 137 7. Are not related by blood closer than would bar marriage in the state of
138 Washington;
- 139 8. Were mentally competent to consent to contract when the domestic
140 partnership began.
- 141 X. "Employed at least half time or more" means employed in a regular position
142 that has an established work schedule of not less than one-half the number of hours of the
143 full-time positions in the work unit in which the employee is assigned, or when viewed
144 on a calendar year basis, nine hundred ten hours or more in a work unit in which a work
145 week of more than thirty-five but less than forty hours is standard or one thousand forty
146 hours or more in a work unit in which a forty hour work week is standard. If the standard
147 work week hours within a work unit varies (employees working both thirty five and forty
148 hours) the manager, in consultation with the department, is responsible for determining
149 what hour threshold applies.
- 150 Y. "Employee" means any person who is employed in a career service position or
151 exempt position.
- 152 Z. "Employees eligible for comprehensive leave benefits" means full-time
153 regular, part-time regular, provisional, probationary and term-limited temporary
154 employees.
- 155 AA. "Executive" means the county executive, as established by Article 3 of the
156 charter.
- 157 BB. "Exempt employee" means an employee employed in a position that is not a

158 career service position under Section 550 of the charter. Exempt employees serve at the
159 pleasure of the appointing authority.

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

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

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

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

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

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

179 II. "Immediate family" means spouse, child, parent, son-in-law, daughter-in-law,
180 grandparent, grandchild, sibling, domestic partner and the child, parent, sibling,

181 grandparent or grandchild of the spouse or domestic partner.

182 JJ. "Incentive increase" means an increase to an employee's base salary within the
183 assigned pay range, based on demonstrated performance.

184 KK. "Insured benefits" means those insurance benefits described in and subject
185 to this chapter, including medical, dental, life, disability and vision benefits.

186 LL. "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)) in which the majority of people employed are individuals
192 without disabilities and wages are paid at minimum wage or better.~~

193 MM. "King County family and medical leave" means a leave of absence taken
194 under K.C.C. 3.12.221.

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

199 OO. "Manager" means the manager of the human resources management division
200 or its successor agency.

201 PP. "Marital status" means the presence or absence of a marital relationship and
202 includes the status of married, separated, divorced, engaged, widowed, single or
203 cohabiting.

204 QQ. "Part-time employee" means an employee employed in a part-time position.
205 Under Section 550 of the charter, part-time employees are not members of the career
206 service.

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

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

219 TT. "Part-time regular position" means a regular position in which the part-time
220 regular employee is employed for at least nine hundred ten hours but less than a full-time
221 basis in a calendar year in a work unit in which a thirty-five hour work week is standard
222 or for at least one thousand forty hours but less than a full-time basis in a calendar year in
223 a work unit in which a forty-hour work week is standard. Where the standard work week
224 falls between thirty-five and forty hours, the manager, in consultation with the
225 department, is responsible for determining what hour threshold will apply.

226 UU. "Pay plan" means a systematic schedule of numbered pay ranges with

227 minimum, maximum and intermediate steps for each pay range, a schedule of assignment
228 of each classification to a numbered pay range and rules for administration.

229 VV. "Pay range" means one or more pay rates representing the minimum,
230 maximum and intermediate steps assigned to a classification.

231 WW. "Pay range adjustment" means the adjustment of the numbered pay range
232 of a classification to another numbered pay range in the schedule based on a classification
233 change, competitive pay data or other significant factors.

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

239 YY. "Position" means a group of current duties and responsibilities assigned by
240 competent authority requiring the employment of one person.

241 ZZ. "Probationary employee" means an employee serving a probationary period
242 in a regular career service. Probationary employees are temporary employees and
243 excluded from career service under Section 550 of the charter.

244 AAA. "Probationary period" means a period of time, as determined by the
245 director, for assessing whether an individual is qualified for a career service position to
246 which the employee has been newly appointed or has moved from another position,
247 whether through promotion, demotion or transfer, except as provided in K.C.C. 3.12.100.

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

250 period.

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

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

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

259 FFF. "Qualifying event" means the birth of the employee's child, the employee's
260 adoption of a child or the foster-to-adopt placement of a child with the employee.

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

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

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

268 JJJ. "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 KKK. "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 LLL. "Short-term temporary employee" means a temporary employee who is
291 employed in a short-term temporary position.

292 MMM. "Short-term temporary position" means a type of position in which a
293 temporary employee works less than nine hundred ten hours in a calendar year in a work
294 unit in which a thirty-five-hour work week is standard or less than one thousand forty
295 hours in a calendar year in a work unit in which a forty-hour work week is standard.

296 Where the standard work week falls between thirty-five and forty hours, the manager, in
297 consultation with the department, is responsible for determining what hour threshold will
298 apply.

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

303 OOO. "Temporary position" means a position that is not a regular position as
304 defined in this chapter and excludes administrative intern. Temporary positions include
305 both term-limited temporary and short-term temporary positions.

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

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

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

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

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

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

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

341 6. Temporary placement in regular positions: These are positions used to back

342 fill regular positions for six months or more due to a career service employee's absence
343 such as extended leave or assignment on any of the foregoing time-limited projects.

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

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

356 SSS. "Volunteer intern" means volunteers who are either:

357 1. Enrolled during the regular school year in a program of education, internship
358 or apprenticeship and receiving scholastic credit or scholastic recognition for
359 participating in the internship; or

360 2. Legal interns who have graduated from law school but have not yet been
361 admitted to the Washington State Bar Association.

362 TTT. "Washington state registered domestic partner" means persons who have
363 met the requirements for a valid state-registered domestic partnership as established by
364 RCW 26.60.030 and who have been issued a certificate of state-registered domestic

365 partnership by the Secretary of State's office.

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

371 SECTION 2. Ordinance 12014, Section 7, as amended, and K.C.C. 3.12.040 are
372 each hereby amended to read as follows:

373 A. Full-time regular, part-time regular, provisional, probationary and term-
374 limited temporary employees shall receive the comprehensive leave benefits provided in
375 this chapter. Short-term temporary employees and administrative interns do not receive
376 comprehensive leave benefits and are only eligible for the sick leave benefits outlined in
377 K.C.C. 3.12.220.

378 B. Full-time regular, part-time regular, provisional, probationary, term-limited
379 temporary employees and those employees who meet the definition of full time employee
380 under the Patient Protection and Affordable Care Act of 2010, as amended, and including
381 applicable regulations promulgated under the Patient Protection and Affordable Care
382 ~~((a))~~Act of 2010, as amended, and their spouses or Washington state registered domestic
383 partners, each of their dependent children and each of the dependent children of their
384 spouses or Washington State registered domestic partners shall be eligible for medical,
385 dental, life, disability and vision benefits, except in those instances where contrary
386 provisions have been agreed to in the collective bargaining process and to the extent such
387 benefits are available through insurers selected by the county. The director shall establish

388 specific provisions governing eligibility for these benefits as part of the personnel
389 guidelines and consistent with budget requirements. The provisions may include waiting
390 periods for employees newly-hired to the county.

391 C. Part-time and temporary employees, other than probationary, provisional and
392 term-limited temporary employees, who exceed the calendar year working hours
393 threshold defined in this chapter shall receive compensation in lieu of leave benefits at
394 the rate of fifteen percent of gross pay for all hours worked less the value of any sick
395 leave benefits provided under K.C.C. 3.12.220.A.2, paid retroactive to the first hour of
396 employment and for each hour worked thereafter. If an employee has not previously
397 received insured benefits provided under K.C.C. 3.12.040.B, the employee shall also
398 receive a one-time only payment in an amount equal to the direct cost of three months of
399 insured benefits, as determined by the director, and, in lieu of insured benefits, in an
400 amount equal to the direct cost to the county for each employee for whom insured
401 benefits are provided, prorated to reflect the affected employee's normal work week, for
402 each hour worked thereafter. The additional compensation shall continue until
403 termination of employment or hire into a full-time regular, part-time regular or term-
404 limited position. Further, employees receiving pay in lieu of insured benefits may elect
405 to receive the medical component of the insured benefit plan, with the cost to be deducted
406 from their gross pay, but an employee who so elects shall remain in the selected plan
407 until: termination of employment; hire into a full-time regular, part-time regular or term-
408 limited position; or service of an appropriate notice of change or cancellation during the
409 employee benefits annual open enrollment.

410 Part-time and temporary employees, other than probationary, provisional and

411 term-limited temporary employees, who exceed the applicable threshold are also eligible
412 for cash in lieu of the bus pass benefit provided to regular employees. The value shall be
413 determined based on the average annual cost per employee as determined in the adopted
414 budget, prorated to an hourly equivalent based on the employee's normal work week, and
415 shall be paid retroactive to the first hour worked and for each hour worked thereafter until
416 termination of employment or hire into a full-time regular, part-time regular or term
417 limited position.

418 SECTION 3. Ordinance 12014, Section 14, and K.C.C. 3.12.110 are each hereby
419 amended to read as follows:

420 A. It shall be the policy of the county to provide, within budgeted appropriations,
421 training opportunities for employees. The objective of the training policy shall be guided
422 by, but not limited to, the overall objectives of encouraging and motivating employees to
423 improve their personal capabilities in performance of their assigned job duties.

424 B. The director shall be responsible for planning and executing an adequate
425 training program for employees.

426 C. The county shall pay for any training, certification or license, except for a
427 driver's license, that is required by the county for the employee's position. This includes
428 necessary release time for training that is preapproved by the employee's supervisor.

429 D. The county shall not reimburse employees for unauthorized training.

430 ~~((D-))~~ E. Employees wishing to complete educational programs may request a
431 leave of absence without pay for this purpose.

432 SECTION 4. Ordinance 12014, Section 19, as amended, and K.C.C. 3.12.190 are
433 each hereby amended to read as follows:

434 A. ~~((Beginning January 1, 1996, e))~~ Employees eligible for comprehensive leave
 435 benefits shall accrue vacation leave benefits as described in and further qualified by this
 436 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))

437

<u>Months of Service</u>	<u>Hourly Accrual Rate</u>	<u>Approximate Days/Year</u>
<u>0</u>	<u>0.04620</u>	<u>12.01200</u>
<u>60</u>	<u>0.05770</u>	<u>15.00200</u>
<u>96</u>	<u>0.06160</u>	<u>16.01600</u>

<u>120</u>	<u>0.07700</u>	<u>20.02000</u>
<u>192</u>	<u>0.08080</u>	<u>21.00800</u>
<u>204</u>	<u>0.08470</u>	<u>22.02200</u>
<u>216</u>	<u>0.08850</u>	<u>23.01000</u>
<u>228</u>	<u>0.09240</u>	<u>24.02400</u>
<u>240</u>	<u>0.09620</u>	<u>25.01200</u>
<u>252</u>	<u>0.10010</u>	<u>26.02600</u>
<u>264</u>	<u>0.10390</u>	<u>27.01400</u>
<u>276</u>	<u>0.10780</u>	<u>28.02800</u>
<u>288</u>	<u>0.11160</u>	<u>29.01600</u>
<u>300</u>	<u>0.11540</u>	<u>30.00400</u>

438 B. (~~Notwithstanding the vacation leave schedule in subsection A. of this section,~~
439 ~~employees eligible for comprehensive leave benefits, excluding employees in the former~~
440 ~~department of metropolitan services, shall accrue vacation leave as follows:~~

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

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

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

450 ~~€:))~~ Vacation accrual rates for an employee who works other than the full time

451 schedule standard to the employee's work unit shall be prorated to reflect the employee's
 452 normally scheduled work week. No adjustment to vacation accrual rates for a furloughed
 453 employee shall be made as a result of a budgetary furlough.

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

456 E.1. Employees hired before December 31, 2017, who are eligible for vacation
 457 leave may accrue up to ~~((sixty days))~~ four hundred eighty hours of vacation leave,
 458 prorated to reflect their normally scheduled work ~~((day))~~ schedule.

459 2. Employees hired January 1, 2018, or thereafter, who are eligible for vacation
 460 leave may accrue up to three hundred twenty hours of vacation leave, prorated to reflect
 461 their normally scheduled work schedule.

462 ~~((Those))~~ 3. All employees shall use vacation leave beyond the employee's maximum
 463 accrual amount before December 31 of each year. Failure to use vacation leave beyond
 464 the employee's maximum accrual amount ~~((will))~~ shall result in forfeiture of the vacation
 465 leave beyond the employee's maximum accrual amount unless the appointing authority
 466 has approved a carryover of the vacation leave because of cyclical workloads, work
 467 assignments or other reasons as may be in the best interests of the county.

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

471 ~~G. Career service employees, provisional, probationary and term limited~~
 472 ~~temporary e))~~ D. Employees ~~((, shall not be eligible to take or be paid for vacation leave~~
 473 ~~until they have successfully completed their first six months of county service, and if they~~

474 ~~leave county employment before successfully completing their first six months of county~~
 475 ~~service, shall forfeit and not be paid for accrued vacation leave))~~ eligible for
 476 comprehensive leave benefits may use vacation leave hours in the pay period after they
 477 are accrued. Employees who leave county employment before successfully completing
 478 their first six months of county service shall forfeit their vacation leave hours and are
 479 excluded from the payout provisions in this section.

480 ~~((H.))~~ E. A furloughed employee shall not be eligible to take or be paid for
 481 vacation in lieu of taking a budgetary furlough day.

482 F. In lieu of the remuneration for fifty percent of unused accrued vacation leave
 483 at retirement, the ~~((manager of the human resources division or designee))~~ director may,
 484 with equivalent funds and in accordance with the procedures in K.C.C.

485 3.12.220.~~((F.))~~G.2.b, provide eligible employees with a voluntary employee beneficiary
 486 association plan that provides for reimbursement of retiree and other qualifying medical
 487 expenses.

488 ~~((I.))~~ G. An employee who is eligible for comprehensive leave benefits shall be
 489 paid for accrued vacation leave to the employee's date of separation up to the employee's
 490 maximum accrual amount if the employee has successfully completed the employee's
 491 first six months of county service and is in good standing. Except with the written
 492 approval of the executive, the position, if vacated by a nonrepresented employee, shall
 493 not be filled until salary savings for the position are accumulated in an amount sufficient
 494 to pay the cost of the cash out. Payment shall be the accrued vacation leave multiplied by
 495 the employee's rate of pay in effect upon the date of leaving county employment less
 496 mandatory withholdings.

497 ~~((J. Employees shall not use or be paid for vacation leave until it has accrued and~~
498 ~~the use or payment is consistent with the provisions of this section.~~

499 ~~K.))~~ H. Employees shall not work for compensation for the county in any
500 capacity during the time that the employees are on vacation leave.

501 ~~((L.))~~ I. For employees covered by the overtime requirements of the Fair Labor
502 Standards Act, vacation leave may be used in ~~((one-half hour))~~ fifteen-minute
503 increments, at the discretion of the appointing authority.

504 ~~((M.))~~ J. In cases of separation from county employment by death of an employee
505 with accrued vacation leave and who has successfully completed the employee's first six
506 months of county service, payment of unused vacation leave up to the employee's
507 maximum accrual amount shall be made to the employee's estate, or, in applicable cases,
508 as provided for by state law, Title 11 RCW. Except with the written approval of the
509 executive, the position, if vacated by a nonrepresented employee, shall not be filled until
510 salary savings for the position are accumulated in an amount sufficient to pay the cost of
511 the cash out.

512 ~~((N.))~~ K. If an employee resigns from a full-time regular or part-time regular
513 position with the county in good standing or is laid off and subsequently returns to county
514 employment within two years from the resignation or layoff, as applicable, the
515 employee's prior county service shall be counted in determining the vacation leave
516 accrual rate under subsection A. of this section.

517 SECTION 5. Ordinance 4324, Section 27, as amended, and K.C.C. 3.12.210 are
518 each hereby amended to read as follows:

519 A. Employees eligible for comprehensive leave benefits shall be entitled to

520 ~~((three))~~ up to five working days, with a maximum of forty hours, of bereavement leave
 521 ~~((a year due to))~~ for each death of ~~((members of their immediate))~~ the following family
 522 members: the employee's spouse or domestic partner; the parent, grandparent, child, son
 523 or daughter-in-law, grandchild or sibling of the employee, the employee's spouse or the
 524 employee's domestic partner; or the employee's legal guardian, ward or any person over
 525 whom the employee has legal custody. Part-time employees' bereavement leave benefits
 526 shall be prorated to reflect their work week. ~~((A furloughed employee shall not be~~
 527 ~~eligible to take or be paid for bereavement leave in lieu of taking a budgetary furlough~~
 528 ~~day.~~

529 ~~B. Employees eligible for comprehensive leave benefits who have exhausted~~
 530 ~~their bereavement leave shall be entitled to use sick leave in the amount of three days for~~
 531 ~~each instance of death when death occurs to a member of the employee's immediate~~
 532 ~~family.))~~

533 B. A furloughed employee shall not be eligible to take or be paid for bereavement
 534 ~~((sick))~~ leave in lieu of taking a budgetary furlough day.

535 ~~C. ((In cases of family death where no sick leave benefit is authorized or exists,~~
 536 ~~an e))~~ Employees who are not eligible for comprehensive leave benefits may be granted
 537 leave without pay or be allowed to use compensatory time, if available, for bereavement
 538 leave.

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

541 E. Any additional paid leave, including sick leave, may be approved by mutual
 542 agreement between the county and the employee.

543 SECTION 6. Ordinance 18408, Section 2, as amended, and K.C.C. 3.12.219 are
 544 each hereby amended to read as follows:

545 A. ~~((The executive shall create a program that provides nonrepresented~~
 546 ~~employees, on the terms in Ordinance 18408, paid parental leave following a qualifying~~
 547 ~~event.~~

548 B. ~~The executive is authorized to enter into memoranda of agreement with the~~
 549 ~~labor organizations that represent King County employees to provide those employees~~
 550 ~~paid parental leave consistent with the terms of this section.~~

551 C. ~~The program for paid parental leave shall be subject to the following:~~

552 1. ~~The program is intended to provide employees eligible for comprehensive~~
 553 ~~leave benefits with twelve weeks of paid parental leave during the twelve months~~
 554 ~~following a qualifying event;~~

555 2. ~~Participation in the program shall be limited to e))~~ Employees eligible for
 556 comprehensive leave benefits who have been employed with the county for at least six
 557 months of continuous service at the time of ~~((the qualifying event))~~ a birth, adoption or
 558 foster-to-adopt placement of a child, and are either nonrepresented or represented by a
 559 union that has signed a paid parental leave memorandum of agreement ~~((in subsection B.~~
 560 ~~of this section;))~~ with the county, are eligible for up to twelve weeks of paid parental
 561 leave.

562 B. If both parents work for King County, then each employee is entitled to up to
 563 twelve weeks of paid parental leave.

564 ~~((3-))~~ C. An employee's supplemental paid parental leave benefit shall be
 565 calculated based on the employee's accrued paid leave balances at the time of the

566 qualifying event. The employee shall receive the equivalent of the employee's full salary
567 for up to a total of twelve weeks, when combined with the employee's accrued leaves,
568 except for one week of sick leave and one week of vacation leave, or the equivalent for
569 benefit time off. ~~((4. An employee electing to participate in the program must reserve~~
570 ~~one week of accrued vacation and one week of accrued sick leave, or whatever smaller~~
571 ~~amount of each the employee has accrued. An employee with twelve weeks or more of~~
572 ~~unreserved, accrued paid leave at the time of the qualifying event may use up to twelve~~
573 ~~weeks of accrued paid leave as paid parental leave during the twelve months after the~~
574 ~~qualifying event. An employee who has less than twelve weeks of unreserved, accrued~~
575 ~~paid leave at the time of the qualifying event shall be granted supplemental paid leave in~~
576 ~~an amount sufficient, when combined with the employee's unreserved accrued paid leave,~~
577 ~~to equal a total of twelve weeks of paid parental leave.)) For example, if an employee~~
578 has two weeks of accrued vacation and three weeks of accrued sick leave at the time of
579 the qualifying event, the employee shall be granted nine weeks of supplemental paid
580 leave, bringing the total available paid parental leave to twelve weeks.

581 ~~((5.))~~ D. An employee may use supplemental paid leave and accrued paid leave
582 in any order and is not required to use any of the accrued paid leave as paid parental
583 leave.

584 ~~((6.))~~ E. An employee on paid parental leave ~~((in the program))~~ shall be
585 compensated at the employee's base pay rate.

586 ~~((7.))~~ F. An employee should provide notice to the designated representative of
587 the employee's department that the employee intends to participate in the program. The
588 notice should meet the notice requirements for taking family and medical leave under

589 federal law.

590 ~~((8-))~~ G. Paid parental leave (~~((under the program))~~) must begin and end within
591 twelve months after the qualifying event.

592 ~~((9-))~~ H. The employee and the employee's supervisor shall agree upon a
593 schedule for taking paid parental leave that is consistent with the county's operational
594 needs. An employee may use the paid parental leave on a part-time or intermittent basis
595 as long as (~~((that))~~) it is consistent with the county's operational needs and is approved in
596 writing by the supervisor before the leave begins.

597 ~~((10-))~~ I. Paid parental leave (~~((under Ordinance 18408))~~) shall run concurrently
598 with King County family and medical leave, as well as federal and state family and
599 medical leave, to the extent permitted by law.

600 ~~((11-))~~ J. During the time that an employee is on leave in the program, the
601 employee's job shall be protected to the same extent that an employee's job is protected
602 while the employee is on family or medical leave under federal or state law. No
603 retaliatory action may be taken against an employee for participating or planning to
604 participate in the program or for exercising the employee's rights under this ordinance. In
605 particular, permission to use accrued paid leave shall not be denied or delayed on the
606 basis that the employee intends to participate in the program. This is a general statement
607 of county policy that cannot form the basis of a private right of action.

608 ~~((12-))~~ K. Taking leave under the paid parental leave program shall not affect an
609 employee's health benefits or an employee's accrual of paid leave, which shall continue
610 during the period of paid parental leave.

611 ~~((13-))~~ L. Employees shall not be compensated in any manner for not using the

612 supplemental paid parental leave (~~(that is available under Ordinance 18408)~~).

613 ~~((14.))~~ M. An employee who does not return to work for at least six months of
614 continuous service following the paid parental leave, (~~(will)~~) shall be required to
615 reimburse King County for the supplemental paid parental leave funds received.

616 SECTION 7. Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220 are
617 each hereby amended to read as follows:

618 A.1. Except for employees covered by subsection A.3. of this section, employees
619 eligible for comprehensive leave shall accrue sick leave benefits at the rate of 0.04616
620 hours for each hour in pay status exclusive of overtime up to a maximum of eight hours
621 per month; except that if an hourly employee works in excess of seventy-four hours in
622 one week, the employee shall accrue sick leave at the rate of 0.025 hours for each hour
623 worked in excess of seventy-four. No adjustment to reduce sick leave accruals for
624 furloughed employee shall be made as a result of a budgetary furlough.

625 2. Short-term temporary employees and administrative interns shall accrue sick
626 leave at the rate of 0.025 hours for each hour in pay status.

627 3. Employees who are members of the Law Enforcement Officers and
628 Firefighters (LEOFF) 1 retirement system and short-term temporary employees who are
629 employed in social service programs designed to help youth gain basic work training
630 skills, such as Work Experience (WEX) participants and Division of Youth Services
631 (DYS) youth employment workers, shall not accrue sick leave.

632 B. Employees are entitled to use sick leave after it is accrued.

633 C. For employees covered by the overtime requirements of the Fair Labor
634 Standards Act, sick leave may be used in fifteen-minute increments.

635 D. There shall be no limit to the number of sick leave hours accrued and carried
636 over to the following year by employees eligible for comprehensive leave benefits.
637 Short-term temporary employees and administrative interns may carry over forty hours of
638 unused sick leave to the following year, all other unused accrued sick leave shall be
639 forfeited.

640 ~~((C.))~~ E. For employees covered by the overtime requirements of the Fair Labor
641 Standards Act, sick leave may be used in fifteen-minute increments.

642 ~~((D. There shall be no limit to the hours of sick leave benefits accrued by an
643 eligible employee.))~~

644 ~~((E.))~~ F.1. Separation from or termination of county employment except by
645 reason of retirement or layoff due to lack of work, funds, efficiency reasons or separation
646 for medical reasons, shall cancel all sick leave accrued to employees eligible for
647 comprehensive leave benefits as of the date of separation or termination.

648 2. Separation from, retirement from or termination of county employment shall
649 cancel all sick leave accrued to short-term temporary employees and administrative
650 interns as of the date of the separation, retirement or termination.

651 3. Should an employee return to county employment within two years, accrued
652 sick leave shall be restored. If a retiree is rehired, that employee is not entitled to have
653 any sick leave restored.

654 ~~((F.))~~ G.1. Except for short-term temporary employees, administrative interns,
655 and employees covered by the Law Enforcement Officers and Firefighters (LEOFF) 1
656 retirement system, employees eligible to accrue sick leave who have successfully
657 completed at least five years of county service and who retire as a result of length of

658 service or who terminate by reason of death shall be paid, or their estates paid or as
 659 provided for by Title 11 RCW, as applicable, an amount equal to thirty-five percent of
 660 their unused, accumulated sick leave multiplied by the employee's rate of pay in effect
 661 upon the date of leaving county employment less mandatory withholdings. This
 662 provision is predicated on the requirement that, except with the written approval of the
 663 executive, the position, if vacated by a nonrepresented employee, shall not be filled until
 664 salary savings for the position are accumulated in an amount sufficient to pay the cost of
 665 the cash out. For the purposes of this subsection ~~((F.))~~G.1., "retire as a result of length of
 666 service" means an employee is eligible, applies for and begins drawing a pension from
 667 the Law Enforcement Officers and Firefighters (LEOFF), Public Employees' Retirement
 668 System (PERS), Public Safety Employees' Retirement System (PSERS) or the city of
 669 Seattle Retirement Plan immediately upon terminating county employment.

670 2.a. In lieu of the remuneration for unused sick leave at retirement, the
 671 ~~((manager of the human resources division or designee))~~ director may, with equivalent
 672 funds, provide eligible employees with a voluntary employee beneficiary association plan
 673 that provides for reimbursement of retiree and other qualifying medical expenses. Under
 674 K.C.C. 3.12.190.~~((H.))~~E., in lieu of the remuneration for fifty percent of unused vacation
 675 leave at retirement, the ~~((manager))~~ director may also fund the voluntary employee
 676 beneficiary association plan.

677 b. The ~~((manager))~~ director shall adopt procedures for the implementation of
 678 all voluntary employee beneficiary association plans. At a minimum, the procedures
 679 shall provide that:

680 (1) each group of employees hold an election to decide whether to implement

681 a voluntary employee beneficiary association plan for a defined group of employees. The
682 determination of the majority of voting employees in a group shall bind the remainder.
683 Elections for represented employees shall be conducted by the appropriate bargaining
684 representative. Elections for nonrepresented employees shall be conducted in accordance
685 with procedures established by the ~~((manager))~~ director;

686 (2) the ~~((manager))~~ director has discretion to determine the scope of
687 employee groups voting on whether to adopt a voluntary employee beneficiary
688 association plan. The ~~((manager))~~ director shall consult with bargaining representatives
689 and elected officials in determining the scope of voting groups;

690 (3) any voluntary employee beneficiary association plan implemented in
691 accordance with this subsection ~~((F.))~~ G.2. complies with federal tax law. Disbursements
692 in accordance with this subsection ~~((F.))~~ G.2. shall be exempt from withholdings, to the
693 extent permitted by law; and

694 (4) employees shall forfeit remuneration under subsection ~~((s-F.))~~ G.1. and 2.
695 of this section if the employee belongs to a group that has voted to implement a voluntary
696 employee beneficiary association plan and the employee fails to execute forms that are
697 necessary to the proper administration of the plan within twelve months of retirement by
698 reason of length of service, as defined in subsection ~~((F.))~~ G.1. of this section.

699 ~~((G.))~~ H.1. An employee must use all of the employee's accrued sick leave and
700 any donated sick leave before taking unpaid leave for the employee's own health reasons.
701 If the employee has an injury or illness that is compensable under the county's workers
702 compensation program, then the employee has the option to augment or not augment
703 wage replacement pay with the use of accrued sick leave. A furloughed employee shall

704 not be eligible to take or be paid for sick leave in lieu of taking a budgetary furlough day.

705 2. For a leave for family reasons, the employee shall choose at the start of the
706 leave whether the particular leave would be paid or unpaid, but when an employee
707 chooses to take paid leave for family reasons the employee may set aside a reserve of up
708 to eighty hours of accrued sick leave. A furloughed employee who is on county family
709 medical leave as provided for in this section shall retain county benefits during furlough
710 days.

711 3. An employee who has exhausted all of the employee's accrued sick leave may
712 use accrued vacation leave before going on leave of absence without pay, if approved by
713 the employee's appointing authority. A furloughed employee shall not be eligible to take
714 or be paid for vacation leave in lieu of sick leave in lieu of taking a furlough day.

715 ~~((H.))~~ I. Sick leave may be used for the following reasons:

- 716 1. An absence:
- 717 a. resulting from the employee's mental or physical illness, injury, or health
 - 718 condition;
 - 719 b. to accommodate the employee's need for medical diagnosis, care or
 - 720 treatment of a mental or physical illness, injury or health condition; or
 - 721 c. for the employee's need for preventive medical care;
- 722 2. To allow the employee to provide care:
- 723 a. for a family member with a mental or physical illness, injury or health
 - 724 condition;
 - 725 b. for a family member who needs medical diagnosis, care or treatment of a
 - 726 mental or physical illness, injury or health condition; or

- 727 c. for a family member who needs preventive medical care;
- 728 3. When a King County facility is closed by order of public official for any
729 health-related reason, or when an employee's child's school or place of care is closed by
730 order of a public official for a health-related reason;
- 731 4. For absences that qualify for leave under the domestic violence leave act,
732 chapter 49.76 RCW;
- 733 5. For absences to increase the safety of the employee or a family member when
734 the employee or a family member has been a victim of trafficking under RCW
735 9A.40.100; and
- 736 6. For family and medical leave available under federal law, state law or King
737 County ordinance.
- 738 ~~((H))~~ J. For purposes of sick leave, "family member" means any of the following:
- 739 1. A child, including a biological, adopted or foster child, a stepchild or a child
740 to whom the employee stands in loco parentis, is a legal guardian or is a de facto parent,
741 regardless of age or dependency status, or the child of the employee's domestic partner;
- 742 2. The parent of an employee, employee's spouse or employee's domestic
743 partner. Parent includes:
- 744 a. a biological parent;
- 745 b. an adoptive parent;
- 746 c. a de facto parent;
- 747 d. a foster parent;
- 748 e. a stepparent;
- 749 f. a legal guardian; or

750 g. a person who stood or stands in loco parentis to the employee, employee's
751 spouse or employee's domestic partner.

752 3. A spouse;

753 4. A domestic partner;

754 5. A grandparent;

755 6. A grandchild; or

756 7. A sibling.

757 ~~((J.))~~ K.1. An employee injured on the job may not simultaneously collect sick
758 leave and workers' compensation payments in a total amount greater than the net regular
759 pay of the employee, though an employee who chooses not to augment the employee's
760 workers' compensation wage replacement pay through the use of sick leave shall be
761 deemed on unpaid leave status.

762 2. An employee who chooses to augment workers' compensation payments with
763 the use of accrued sick leave shall notify the safety and workers' compensation program
764 office in writing at the beginning of the leave.

765 3. An employee may not collect sick leave and workers' compensation wage
766 replacement pay for physical incapacity due to any injury or occupational illness that is
767 directly traceable to employment other than with the county;

768 ~~((K.))~~ L. Management of the employee's department is responsible for the proper
769 administration of sick leave benefits. Management of the employee's department may
770 require an employee to provide reasonable notice of an absence from work, so long as the
771 notice does not interfere with an employee's lawful use of sick leave.

772 ~~((L.))~~ M. Verification that an employee's use of sick leave is for an authorized

773 purpose may be required for absences exceeding three days. Verification may not result
 774 in an unreasonable burden or expense on the employee and may not exceed privacy or
 775 verification requirements otherwise established by law.

776 SECTION 8. Ordinance 15558, Section 2, as amended, and K.C.C. 3.12.222 are
 777 each hereby amended to read as follows:

778 ~~((The executive may implement a process providing the opportunity for benefit-~~
 779 ~~eligible employees to convert accrued vacation or accumulated compensatory hours, or~~
 780 ~~both, into a cash donation. This process must conform to the following:))~~

781 A. Annually, from the first business day in October through the last business day
 782 in November, an employee eligible for comprehensive leave benefits may sign a written
 783 authorization subject to approval by the employee's department director(~~(, or the~~
 784 ~~employee's department director's designee,)) to convert accrued vacation or accumulated
 785 compensatory hours, or both, into cash to benefit up to three nonprofit organizations
 786 participating in the King County employee annual drive in accordance with K.C.C.
 787 chapter 3.36, of the employee's choice.~~

788 B. Notwithstanding K.C.C. 3.12.190, an employee eligible for comprehensive
 789 leave benefits may convert accrued vacation or accumulated compensatory hours, or
 790 both, into cash to benefit natural disaster relief efforts. Upon the occurrence of a natural
 791 disaster and with the exception of the employee (~~(charitable campaign))~~ annual drive-
 792 related period designated under subsection A. of this section the executive may authorize
 793 a forty-five-day opportunity for ((benefit-eligible)) employees eligible for comprehensive
 794 leave benefits to sign a written authorization to convert accrued vacation or accumulated
 795 compensatory hours, or both, into cash to benefit up to three nonprofit organizations

796 designated by the executive. The employee's written authorization is subject to approval
797 by the employee's department director (~~or the employee's department director's~~
798 ~~designee~~). The designated nonprofit organization must be a King County employee
799 annual drive participant in accordance with K.C.C. chapter 3.36. This section shall be
800 administered in accordance with K.C.C. chapter 3.36.

801 C. The hours converted under subsection A. or B. of this section must be in full-
802 hour increments. The employee's donation must be a minimum of four hours and no
803 more than forty hours per calendar year with the exception of the conditions described in
804 subsection D. of this section.

805 D. An employee eligible for comprehensive leave benefits who earned excess
806 vacation leave or compensatory hours, or both, beyond the amount that may be carried
807 over into the next fiscal year may donate greater than forty hours under subsection A. or
808 B. of this section with approval from the employee's department director(~~or the~~
809 ~~employee's department director's designee~~).

810 E. All King County (~~benefit-eligible~~) employees eligible for comprehensive
811 leave benefits may donate in accordance with this section voluntarily.

812 F. The finance and business operations division shall value the hours donated
813 under this section based on the regular hourly rate of the employee in effect at the time
814 the approved conversion authorization is processed. The finance and business operations
815 division shall process leave donations authorized under subsection A. of this section
816 within the first two full weeks in December. The finance and business operations
817 division shall process leave donations authorized under subsection B. of this section
818 within the first two full weeks after the forty-five-day period designated in accordance

819 with subsection B. of this section.

820 G. The net cash value of the accrued vacation or compensatory hours, or both,
821 after all mandatory withholdings, including, but not limited to, withholding in accordance
822 with retirement plans, federal income tax and the Federal Insurance Contributions Act,
823 have been deducted must be distributed by the finance and business operations division to
824 the designated nonprofit organization or organizations.

825 ~~((H. Employees governed by a collective bargaining agreement may convert to
826 cash accrued vacation or accumulated compensatory hours, or both, if the existing
827 agreement allows for, or the agreement is amended to allow for, conversions as
828 authorized in this section. The executive may enter into such agreements or
829 modifications to existing collective bargaining agreements as are necessary to implement
830 this section.))~~

831 SECTION 9. Ordinance 12014, Section 22, as amended, and K.C.C. 3.12.223 are
832 each hereby amended to read as follows:

833 A.1. Any employee eligible for comprehensive leave benefits may donate a
834 portion of the employee's accrued vacation leave to another employee eligible for
835 comprehensive leave benefits. Such a donation ~~((will))~~ may only occur upon written
836 request to and approval of the donating and receiving employees' department director or
837 directors~~((, except that requests for vacation donation made for the purposes of
838 supplementing the sick leave benefits of the receiving employee shall not be denied
839 unless approval would result in a departmental hardship for the receiving department))~~.

840 2. The number of hours donated shall not exceed the donor's accrued vacation
841 ~~((credit))~~ leave as of the date of the request. No donation of vacation hours shall be

842 permitted where it would cause the employee receiving the transfer to exceed that
843 employee's maximum vacation accrual.

844 3. A furloughed employee shall not be eligible to take or be paid for donated
845 vacation in lieu of taking a furlough day, except as provided in K.C.C. 3.12F.040.

846 4. Donated vacation leave hours remain with the recipient. (~~must be used~~
847 ~~within ninety calendar days following the date of donation. Donated hours not used~~
848 ~~within ninety days or due to the death of the receiving employee shall revert to the~~
849 ~~donor.~~) Donated vacation leave hours shall be excluded from vacation leave payoff
850 provisions in this chapter. (~~For purposes of this section, the first hours used by an~~
851 ~~employee shall be accrued vacation leave hours.~~)

852 B.1. Any employee eligible for comprehensive leave benefits may donate a
853 portion of the employee's accrued sick leave to another employee eligible for
854 comprehensive leave benefits upon written (~~notice to~~) request to and approval of the
855 donating and receiving employees' department director or directors.

856 2. No donation of sick leave hours shall be permitted unless the donating
857 employee's sick leave accrual balance immediately subsequent to the donation is one
858 hundred hours or more. No employee may donate more than twenty-five hours of the
859 employee's accrued sick leave in a calendar year.

860 3. Donated sick leave hours remain with the recipient. (~~must be used within~~
861 ~~ninety calendar days. Donated hours not used within ninety days or due to the death of~~
862 ~~the receiving employee shall revert to the donor.~~) Donated sick leave hours shall be
863 excluded from the sick leave payoff provisions contained in this chapter, and sick leave
864 restoration provisions contained in this chapter. (~~For purposes of this section, the first~~

865 ~~hours used by an employee shall be accrued sick leave hours.))~~

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

869 D. All vacation and sick leave hours donated shall be converted to a dollar value
870 based on the donor's straight time hourly rate at the time of donation. Such dollar value
871 ~~((will))~~ shall then be divided by the receiving employee's hourly rate to determine the
872 actual number of hours received. Vacation leave donated to a furloughed employee, who
873 is designated by a department director and confirmed by the chief administrative officer
874 as eligible to use donated leave on a furlough day, is donated on an hour-for-hour basis,
875 without an hourly rate conversion. ~~((Unused donated vacation and sick leave shall be
876 reconverted based on the donor's straight time hourly rate at the time of reconversion.
877 Vacation leave donated to a furloughed employee who is designated by the department
878 director and confirmed by the chief administrative officer as eligible to use donated leave
879 on a furlough day shall not revert back to the donor.))~~

880 SECTION 10. Ordinance 13743, Section 1, as amended, and K.C.C. 3.12.224 are
881 each hereby amended to read as follows:

882 Notwithstanding K.C.C. 3.12.190, if an employee dies while engaged within the
883 scope of the employee's employment, the executive may implement a process providing a
884 one-time opportunity to allow employees eligible for comprehensive leave benefits to
885 convert either accrued vacation or accumulated compensatory time hours, or both, to cash
886 to benefit any children of the deceased employee who are under twenty-three years old at
887 the time of the employee's death. This process must conform to the following

888 requirements:

889 A. The executive shall establish a forty-five-day period during which time
890 employees may sign a written request, subject to approval by the executive, to convert
891 either accrued vacation or accumulated compensatory time hours, or both, to cash and to
892 authorize a payroll deduction of the cash to benefit the children of the deceased employee
893 who are under twenty-three years old at the time of the employee's death. The hours
894 must be in full-hour increments, with a minimum of four;

895 B. The executive shall determine the maximum hours that any employee can
896 convert to cash, but the maximum may not be greater than a total of forty by each
897 employee;

898 C. The value of the hours must be determined based on the regular hourly rate of
899 the employee in effect at the time the approved conversion request is received by the
900 county's payroll office;

901 D. If employees elect to convert either accrued vacation or accumulated
902 compensatory time hours, or both, to cash as set forth in this section, the executive shall
903 identify one or more support accounts or programs to which the cash may be paid for the
904 benefit of the children. Unless the executive determines that another support account or
905 program is more suitable given the circumstances of the children, the executive shall first
906 insure the establishment of a Washington state college tuition prepaid program-
907 guaranteed education tuition (GET) account with the state of Washington treasury to
908 benefit the children of the deceased employee. In addition to or in lieu of the GET
909 program, the executive may direct that some or all of the cash collected under this section
910 be paid to other support accounts or programs that the executive has determined:

- 911 1. Are established in the names of the children or their legal guardian for the
912 benefit of the children;
- 913 2. Are held by a governmental agency, nonprofit organization, bank, trust or
914 lawful entity other than an individual;
- 915 3. Contain adequate safeguards against theft, diversion, loss or wasting of the
916 funds paid under this section; and
- 917 4. Restrict the permissible use of funds paid under this section to paying for
918 minimal, if any, administrative expenses and providing for the children's reasonable food,
919 shelter and educational expenses; and

920 E. The cash resulting from converted accrued vacation or compensatory time
921 hours, or both, net of all mandatory deductions, including, but not limited to, deductions
922 for retirement plans and federal income tax and the Federal Insurance Contributions Act,
923 must be transmitted to the Washington state college tuition prepaid program-guaranteed
924 education tuition (GET) account established by the executive, or such other accounts or
925 programs as may be determined by the executive, under subsection D. of this section(~~;~~
926 ~~and~~

927 ~~F. Employees governed by a collective bargaining agreement may convert to~~
928 ~~cash either accrued vacation or accumulated compensatory time hours, or both, only if~~
929 ~~the existing agreement allows for or the collective bargaining agreement is amended to~~
930 ~~allow for conversions as authorized in this section)).~~

931 SECTION 11. Ordinance 13743, Section 2, as amended, and K.C.C. 3.12.2245
932 are each hereby repealed.

933 SECTION 12. Ordinance 7956, Section 6, as amended, and K.C.C. 3.12.225, are

934 each hereby amended to read as follows:

935 ~~((The appointing authority))~~ A. Division managers shall allow the division's
936 employees who are eligible for comprehensive leave benefits the use of up to three days
937 of sick leave each calendar year ((to allow employees)) to perform volunteer services at
938 ((the)) a local school ((attended by the employee's child)) or at a nonprofit organization
939 on the approved list for the employee giving program. During a calendar year, an
940 employee may use sick leave for volunteer service for both school and nonprofit
941 organization participation. The aggregate number of sick leave days used for those
942 purposes shall not exceed three days in a calendar year.

943 B. A furloughed employee shall not be eligible to take or be paid for ~~((school))~~
944 volunteer sick leave in lieu of taking a furlough day.

945 C. Employees requesting to use sick leave for this purpose shall submit such a
946 request in writing specifying the name of the school or organization and the nature of the
947 volunteer services to be performed. The employee's supervisor may request in advance
948 that the employee obtain written proof of the service from the school or organization.

949 SECTION 13. Ordinance 12014, Section 23, as amended, and K.C.C. 3.12.230,
950 are each hereby amended to read as follows:

951 ~~A. ((The following days are hereby designated as official county holidays))~~ All
952 employees eligible for comprehensive leave benefits shall be granted the following
953 designated holidays with pay:

- 954 1. January 1, New Year's Day;
- 955 2. Third Monday in January, Martin Luther King, Jr. ~~((Birthday))~~ Day;
- 956 3. Third Monday in February, President's Day;

- 957 4. Last Monday in May, Memorial Day;
- 958 5. July 4, Independence Day;
- 959 6. First Monday in September, Labor Day;
- 960 7. November 11, Veteran's Day;
- 961 8. Fourth Thursday in November, Thanksgiving Day ~~((and the day immediately~~
- 962 ~~following));~~
- 963 9. Friday after Thanksgiving, Day after Thanksgiving;
- 964 10. December 25, Christmas Day; and
- 965 ~~((10. Special or limited holidays as declared by the president or governor, and as~~
- 966 ~~approved by the council;~~
- 967 ~~11. Such other days in lieu of holidays as the council may determine;~~
- 968 ~~12.)) 11. For ~~((A))~~an employee who is eligible for comprehensive leave benefits~~
- 969 ~~((shall be granted)), two personal holidays ~~((to)),~~ which shall be ~~((administered through~~~~
- 970 ~~the vacation plan, though the hours granted to an employee working less than a full time~~
- 971 ~~schedule shall be prorated to reflect that employee's normally scheduled work day. One~~
- 972 ~~day shall be credited to the employee's leave balance on the first of October and one day~~
- 973 ~~on the first of November)) added to the employee's vacation bank in the second full pay~~
- 974 period of the calendar year or upon hire.
- 975 B. For holidays falling on a Saturday, the Friday before shall be a paid holiday.
- 976 For holidays falling on a Sunday, the Monday following shall be a paid holiday.
- 977 C. An employee must be eligible for comprehensive leave benefits and in a pay
- 978 status on the day before and the day following a holiday to be eligible for holiday pay.
- 979 However, an employee who has successfully completed at least five years of county

980 service and who retires at the end of a month in which the last regularly scheduled
 981 working day is observed as a holiday, shall be eligible for holiday pay if the employee is
 982 in a pay status the day before the day observed as a holiday. An employee otherwise
 983 eligible for holiday pay shall not be ineligible as a result of not being in a pay status on
 984 the day before or after the holiday due to budgetary furlough.

985 D. When a holiday falls on the scheduled day off of a full-time employee entitled
 986 to comprehensive leave benefits who works other than a five-day, eight-hour schedule,
 987 the employee shall be given a deferred holiday. The employee and the employee's
 988 supervisor shall jointly select another day, preferably within the same pay period, for the
 989 employee to take as the holiday. Deferred holidays for a part-time employee eligible for
 990 comprehensive leave benefits shall be prorated to the employee's schedule.

991 SECTION 14. Ordinance 12077, Section 5, as amended, and K.C.C. 3.12.240,
 992 are each hereby amended to read as follows:

993 ~~((Any))~~ A. An employee eligible for comprehensive leave benefits who is
 994 ordered on a jury shall be entitled to the employee's regular county pay but only if any
 995 fees received for jury duty are deposited, exclusive of mileage, with the ~~((department of))~~
 996 finance and business operations division of the department of executive services.

997 B. An employee who is not eligible for comprehensive leave benefits shall be
 998 released, unpaid, from work duties for the duration of the employee's jury duty, and may
 999 retain any fees paid for jury service.

1000 C. A furloughed employee shall not be eligible to take or be paid for jury duty
 1001 leave in lieu of taking a furlough day.

1002 D. Employees shall report to their work supervisor when dismissed from jury

1003 service.

1004 SECTION 15. Ordinance 12014, Section 25, as amended, and K.C.C. 3.12.250,

1005 are each hereby amended to read as follows:

1006 A. An employee eligible for comprehensive leave benefits may take a leave of
1007 absence without pay for thirty calendar days or less if authorized in writing by the
1008 employee's ~~((appointing authority))~~ division manager.

1009 B. An employee eligible for comprehensive leave benefits may take a leave of
1010 absence without pay for more than thirty calendar days for nonmedical reasons if
1011 authorized in writing by the employee's ~~((appointing authority and the director))~~ division
1012 manager.

1013 C. An employee eligible for comprehensive leave benefits may take a leave of
1014 absence without pay for more than thirty days for medical reasons if authorized in writing
1015 by the director.

1016 D. Leaves of absence without pay shall be for periods not to exceed one year
1017 except that the director may, in special circumstances, grant an extension beyond one
1018 year.

1019 ~~((D-))~~ E. Other employee benefits as provided in this chapter shall not be
1020 provided to or accrue to the employee while on leave of absence without pay, except as
1021 provided in K.C.C. 3.12.220 or K.C.C. 3.12.040.

1022 ~~((E-))~~ F. If a leave of absence without pay was granted for purposes of recovering
1023 health, the employee shall be required ~~((by the director))~~ to submit a physician's
1024 statement concerning the employee's ability to resume duties prior to return to work.

1025 ~~((F-))~~ G. An employee on leave of absence without pay may return from the leave

1026 before its expiration date if the employee provides the ~~((appointing authority))~~ division
1027 manager with a written request to that effect at least fifteen days prior to resuming duties.

1028 ~~((G.))~~ H. Failure to return to work by the expiration date of a leave of absence
1029 without pay shall be cause for removal and shall result in automatic termination of the
1030 employee from county service.

1031 ~~((H.))~~ I. A leave of absence without pay may be revoked by the employee's
1032 division manager or the director upon evidence submitted to the director by the
1033 ~~((appointing authority))~~ division manager of the employee indicating that such leave was
1034 requested and granted under false pretenses, or that the need for such leave has ceased to
1035 exist.

1036 SECTION 16. Ordinance 12498, Sections 1 and 4 through 7, as amended, and
1037 K.C.C. 3.12.335, are each hereby amended to read as follows:

1038 A. It is the policy of King County to provide opportunities for paid, competitive
1039 employment for individuals with developmental disabilities, as defined in this chapter, in
1040 integrated work settings. The executive shall seek the cooperation, assistance and
1041 participation of all county departments in the successful implementation of this policy.

1042 B. Persons with developmental disabilities as defined in RCW
1043 71A.10.020~~((2))~~(5), as amended, shall be eligible for supported employment pursuant to
1044 this section.

1045 C. The ~~((department of community and))~~ human ~~((services))~~ resources
1046 management division, or its successor agency, is designated as the lead agency
1047 responsible for the management of the supported employment ~~((initiative))~~ program, with
1048 technical support provided by the developmental disabilities division, or its successor

1049 agency.

1050 D. The executive is authorized to adopt administrative rules to implement this
1051 section pursuant to K.C.C. 3.12.350.

1052 SECTION 17. Ordinance 12014, Section 50, as amended, and K.C.C. 3.15.020,
1053 are each hereby amended to read as follows:

1054 This section applies to all positions in the executive branch, noncommissioned
1055 positions in the office of the sheriff and the department of assessments allocated to a
1056 classification approved by the council.

1057 A.1. Except as otherwise provided by ordinance, the schedule of pay ranges shall
1058 consist of ninety-nine pay ranges, each containing ten steps as approved by ordinance
1059 annually.

1060 2. On a continuing three-year cycle, the executive shall assess market conditions
1061 and determine whether to make adjustments, if any, to pay ranges assigned to existing
1062 classifications.

1063 B.1. The director may reassign pay ranges to existing classifications.

1064 2. When the director adjusts the pay range of a classification, the incumbent
1065 employee shall be placed at the same step in the new pay range as the employee was in
1066 the previous pay range.

1067 3. Implementation of any pay range adjustment shall be prospective and shall
1068 take effect at the start of the pay period following the approval by the director or, if
1069 required by K.C.C. 3.15.040, by the appropriate council committee.

1070 C. Consistent with K.C.C. 3.12.350, the (~~manager of the human resources~~
1071 ~~management division~~) director shall establish guidelines for pay increases in accordance

1072 with the following:

1073 1. Employees may receive within-range increases from one step to the next
1074 higher step upon satisfactory completion of the probationary period. All probationary-
1075 period pay increases must be supported by documented performance appraisal.
1076 Probationary-period pay increases exceeding Step 5 must have prior written approvals by
1077 the department director and the ~~((manager of the human resources management division))~~
1078 director. ~~((In the event of the completion of the probationary period by))~~ When a division
1079 of human resources employee completes the employee's probationary period, the county
1080 administrative officer must provide prior written approval for probationary-period pay
1081 increases exceeding Step 5;

1082 2. Employees may be eligible to receive increases annually in accordance with
1083 the following principles:

1084 a. An incentive increase must be supported by an annual documented
1085 performance appraisal approved by the department director ~~((or designee))~~ and the
1086 documented performance appraisal must be maintained in the employee's personnel file.
1087 Incentive increases shall be prospective only and shall be effective on January 1
1088 following the year on which the appraisal was based;

1089 b. For employees currently in Steps 1 through 4 in the pay range, the
1090 appointing authority may grant an increase of a single step for standard performance and
1091 may grant an increase exceeding a single step for above-standard or outstanding
1092 performance, as defined by the ~~((manager of the human resources management division))~~
1093 director;

1094 c. For employees currently in Steps 5 through 7 in the pay range, the

1095 appointing authority may grant an increase of one or more steps for above-standard
 1096 performance; and

1097 d. For employees currently in Steps 8 through 9 in the pay range, the
 1098 appointing authority may grant an increase of one step, not to exceed the top of the pay
 1099 range, for outstanding performance;

1100 3. An appointing authority may grant an employee incentive pay up to five
 1101 percent above the top step of the range for a period of twelve months, if all of the
 1102 following conditions are met:

1103 a. the employee is not a department director;

1104 b. the employee has been at the top step of the prior or current range for two
 1105 years before the award of the increase; and

1106 c. the employee has demonstrated continuous outstanding performance;

1107 4. All incentive increases are subject to the availability of funds. Within-range
 1108 incentive increases are not automatic but shall be given only upon the written direction of
 1109 the appointing authority, as defined in K.C.C. 3.12.010.B., within the guidelines
 1110 established by the ~~((manager of the human resources management division;))~~ director.

1111 ~~((5.a. When the manager of the human resources management division
 1112 reclassifies a position to a higher classification, the pay rate of the incumbent employee
 1113 shall be increased to the first step of the pay range of the new classification or the nearest
 1114 step that constitutes an increase of no more than five percent above the former rate of
 1115 pay, whichever is greater.~~

1116 ~~b. A pay increase as a result of reclassification may not exceed the top step of
 1117 the new range, unless the employee's former pay includes an above-Step-10 amount as a~~

1118 ~~result of an incentive increase. If the employee's former pay includes an above Step 10~~
1119 ~~amount as a result of an incentive increase, the employee's new pay is calculated upon the~~
1120 ~~above Step 10 amount. If the increase from reclassification results in pay that is above~~
1121 ~~the top step of the new range, the pay shall be reduced to the top step of the new range at~~
1122 ~~the end of the incentive period unless the employee requalifies for an above Step 10~~
1123 ~~incentive award.~~

1124 ~~c. Implementation of a reclassification and any related pay change shall be~~
1125 ~~prospective and is effective when the classification is approved by the manager of the~~
1126 ~~human resources management division. The pay increase as a result of reclassification~~
1127 ~~may not exceed five percent above the top step in any case; and~~

1128 ~~6. When the manager of the human resources management division adjusts the~~
1129 ~~pay range of a classification, the incumbent employee shall be placed at the same step in~~
1130 ~~the new pay range as the employee was in the previous range. Implementation of any~~
1131 ~~pay range adjustment shall be prospective and is effective when approved by the manager~~
1132 ~~of the human resources management division or, if required by K.C.C. 3.15.040, by the~~
1133 ~~labor, operations and technology committee or its successor committee.))~~

1134 SECTION 18. Ordinance 12014, Section 52, as amended, and K.C.C. 3.15.030,
1135 are each hereby amended to read as follows:

1136 A. The ~~((manager of the human resources management division))~~ director may
1137 reclassify any position to an existing or new classification ~~((and reassign pay ranges to~~
1138 ~~existing classifications))~~.

1139 B. An employee or a group of employees may request that a position or group of
1140 positions be reclassified for the following reasons:

1141 1. The employee's position is not assigned to the appropriate classification;

1142 2. A significant or gradual change has occurred in the employee's on-going

1143 duties or responsibilities over a period of at least one-year; or

1144 3. A departmental reorganization or council action has caused the duties of the

1145 position to change.

1146 C. Group reclassifications may be submitted if all of the employees' positions are

1147 in the same classification in the same section of a division. The director shall evaluate

1148 each position individually, reserving the right to place individual positions into different

1149 classifications.

1150 D. An employee is not eligible to submit a reclassification request if:

1151 1. It has been less than twelve months since the date of a previous classification

1152 determination for the position;

1153 2. The employee is on probation;

1154 3. The employee is on a performance improvement plan; or

1155 4. The employee is asking for the reclassification of a special duty position.

1156 E. When the director reclassifies a position to a higher classification, the pay rate

1157 of the incumbent employee shall be increased to the first step of the pay range of the new

1158 classification or the step that is at least five percent above the former rate of pay,

1159 whichever is greater.

1160 F. When the director reclassifies a position to a lateral classification, the pay rate

1161 of the incumbent employee shall remain at the same step of the pay range.

1162 G. When the director reclassifies a position to a lower classification, the pay rate

1163 of the incumbent employee shall be the highest step in the new pay range that does not

1164 exceed the employee's current pay rate.

1165 H. A pay increase as a result of a reclassification may not exceed the top step of
1166 the new range, unless the employee's former pay includes above-Step-10 incentive pay.
1167 If the employee's former pay includes an above-Step-10 incentive pay, the employee's
1168 new pay is calculated upon the above-Step-10 amount. If the increase from
1169 reclassification results in pay that is above the top step of the new range, the pay shall be
1170 reduced to the ((s))top step of the new range at the end of the incentive period, unless the
1171 employee requalifies for an above-Step-10 incentive award.

1172 I. Implementation of a reclassification and any related pay change shall be
1173 effective at the start of the pay period following receipt of the completed reclassification
1174 request form at the human resources management division or its successor agency; except
1175 a reclassification to a lower pay grade shall be effective at the start of the pay period at
1176 least thirty calendar days after notification of the classification determination from the
1177 human resources management division or its successor agency.

1178 J. A reclassified employee shall not serve a probationary period in the new
1179 classification.

1180 K. 1. When an employee's position is reclassified retroactively into a
1181 classification with a different FLSA status, the change in FLSA status shall be
1182 prospective only.

1183 2. When an employee's position is reclassified from a FLSA-exempt
1184 classification to an FLSA non-exempt classification, the employee will be paid overtime
1185 pay from the date of the reclassification decision.

1186 3. When an employee's position is reclassified from a FLSA non-exempt

1187 classification to a FLSA-exempt classification, the employee shall receive a cash out of
 1188 all accrued compensatory time.

1189 SECTION 19. Ordinance 14233, Section 6, as amended, and K.C.C. 3.15.130,
 1190 are each hereby amended to read as follows:

1191 A.~~((1.))~~ If a promotion results from something other than a reclassification, the
 1192 pay rate of the incumbent employee shall be increased to the first step of the pay range of
 1193 the new classification or the step that is at least five percent above the former rate of pay,
 1194 whichever is greater. The promoted employee may be placed at a higher step in the pay
 1195 range if the employee's department director determines the action is warranted, if the
 1196 criteria and procedures in K.C.C. 3.15.120 are met and if funds are available in the
 1197 agency.

1198 B. A pay increase as a result of ~~((reclassification))~~ a promotion may not exceed
 1199 the top step of the new range, unless the employee's former pay includes an above-Step-
 1200 10 amount as a result of an incentive increase. If the employee's former pay includes
 1201 ~~((an))~~ above-Step-10 ~~((amount as a result of an))~~ incentive ~~((increase))~~ pay, the
 1202 employee's new pay is calculated upon the above-Step-10 amount. If the increase from
 1203 ~~((reclassification))~~ a promotion results in pay that is above the top step of the new range,
 1204 the pay shall be reduced to the top step of the new range at the end of the incentive period
 1205 unless the employee requalifies for an above-Step-10 incentive award.

1206 ~~((2.))~~ C. Implementation of a ~~((reclassification))~~ promotion and any related pay
 1207 change shall be prospective and is effective when the ~~((classification))~~ promotion is
 1208 approved by the ~~((manager of the human resources management division. The pay~~
 1209 ~~increase as a result of reclassification may not exceed five percent above the top step in~~

1210 any case.

1211 ~~B. If a promotion results from something other than a reclassification, the~~
1212 ~~promoted employee may be placed at a higher step in the pay range when the department~~
1213 ~~director determines this action is warranted, if the criteria and procedures in K.C.C.~~
1214 ~~3.15.120 are met and if funds are available in the agency)) director.~~

1215 SECTION 20. Ordinance 14233, Section 7, as amended, and K.C.C. 3.15.140,
1216 are each hereby amended to read as follows:

1217 A.1. A~~((n appointing authority, with the prior written approval of the))~~
1218 ~~department director and, when required, ((the manager of the human resources~~
1219 ~~management division and the county administrative officer)) the director of the human~~
1220 resources management division or its successor agency may assign an employee in a
1221 regular position to an existing higher-level classification for a limited term when the
1222 higher-level duties and responsibilities comprise the majority of the work performed for a
1223 minimum of thirty calendar days.

1224 2. Temporary employees, including term-limited temporary employees, are not
1225 eligible for special duty assignments.

1226 B. Depending upon the type of special duty assignments needed for business
1227 operations, special duty assignments may be made for ~~((up to twelve months, up to three~~
1228 ~~year, and)) up to a maximum of five years~~((, respectively)).~~~~

1229 1. ~~((In cases where a special duty assignment is made to provide for additional~~
1230 ~~staffing at a higher level, the a))Assignments may be approved for up to a term of twelve~~
1231 ~~months (({but only}) if((: a. the assignment is)) authorized in advance ((in writing)) by~~
1232 the department director to backfill for a vacant regular position, or to provide additional

1233 staffing needed~~((; and))~~;

1234 ~~((b.))~~ a. ~~((the assignment is needed for))~~ due to work that exceeds either the
1235 volume or complexity, or both, than what is routinely expected, but the work is of a
1236 limited duration~~((and is not ongoing))~~;

1237 b. ~~((the assignment is needed for))~~ due to work ~~((which))~~ that is unanticipated
1238 due to unique circumstances ~~((which))~~ that are not expected to reoccur; or

1239 c. ~~((the assignment is needed))~~ to either develop or implement, or both, a new
1240 function, system~~((;))~~ or proposal ~~((within a division))~~.

1241 2. Assignments may be approved for up to a term of up to three years if
1242 authorized in advance by the director to perform a significant or substantial body of
1243 work, such as a non-routine project or work related to the initiation or cessation of a
1244 county function, project or department.

1245 3. Assignments may be approved for up to a term of five years if authorized in
1246 advance in writing by the director:

1247 a. ~~((In cases where a special duty assignment is made))~~ to backfill a regular
1248 position, ~~((the assignment may be approved for up to a term of three years, but only if:~~

1249 a. ~~the backfill assignment is authorized in advance in writing by the~~
1250 ~~department director and the county administrative officer based upon a specific~~
1251 ~~determination that a special duty assignment continues to meet the requirements in this~~
1252 ~~chapter and that a position reclassification is not appropriate;~~

1253 b. ~~the assignment is made to backfill))~~ when:

1254 (1) an ~~((incumbent))~~ employee ~~((who))~~ is absent because of an extended leave
1255 of absence for a medical reason~~((; as required under applicable county, state or federal~~

1256 law));

1257 (2) an ((incumbent)) employee ((who)) is absent because of military ((f))

1258 service ((f)); or

1259 (3) an ((incumbent)) employee ((who)) is absent because of ((assignment to))

1260 a special duty or another assignment; and

1261 b. to staff or backfill staff on a clearly defined grant-funded, capital

1262 improvement, or information systems technology project.

1263 ((3.)) 4. ((in no cases, may the)) A special duty backfill assignment may not

1264 exceed the term of the incumbent employee's absence.

1265 ((4. In cases where a special duty assignment is made for the performance of a

1266 project necessitating a higher level of work, the assignment may be approved for up to a

1267 term of three years, but only if:

1268 a. ~~the project assignment is authorized in advance in writing by the department~~

1269 ~~director, the manager of the human resources management division and the county~~

1270 ~~administrative officer based upon a specific determination that a special duty assignment~~

1271 ~~continues to meet the requirements in this chapter and that a position reclassification is~~

1272 ~~not appropriate; and~~

1273 ~~(1) the project is clearly defined, a project plan has been developed or the~~

1274 ~~employee will develop a project plan;~~

1275 ~~(2) the project has a beginning and end date of three years or less;~~

1276 ~~(3) the employee will perform duties that are primarily related to a single~~

1277 ~~specifically defined project; and~~

1278 ~~(4) the employee is performing non-routine work for a project outside of the~~

1279 ~~regular scope of the normal division functions.~~

1280 ~~5. In cases where a special duty assignment is made to staff or to backfill staff~~
1281 ~~on a grant funded, capital improvement, or information systems technology project~~
1282 ~~necessitating a higher level of work, the assignment may be approved for up to a term of~~
1283 ~~three years and, upon justification, extended an additional two years up to a term of five~~
1284 ~~total years, but only if:~~

1285 ~~a. the project assignment is authorized in advance in writing by the department~~
1286 ~~director, the manager of the human resources management division and the county~~
1287 ~~administrative officer based upon a specific determination that a special duty assignment~~
1288 ~~continues to meet the requirements in this chapter and that a position reclassification is~~
1289 ~~not appropriate; and~~

1290 ~~b. the assignment is made to a clearly defined project with a limited term and a~~
1291 ~~definite termination date; or the assignment is made to backfill staff on the project.))~~

1292 5. Special duty assignments to salaried classifications shall be made in full-
1293 week increments, from Saturday through Friday.

1294 6. An employee's special duty assignment shall end when management becomes
1295 aware that the employee's absence will exceed thirty calendar days or at the conclusion of
1296 a thirty-day absence, whichever occurs first.

1297 C. A special duty assignment must be made in writing to the employee before the
1298 beginning of the assignment. The written notice must provide the classification title and
1299 description and must list the specific duties that the employee is to perform and the
1300 duration of the assignment. The written notice must also include a statement that the
1301 assignment ((will)) does not confer on the employee any new privilege, right of appeal,

1302 right of position, transfer, demotion, promotion or reinstatement. A special duty
 1303 assignment may be revoked at any time at the discretion of the appointing authority.
 1304 Special duty pay may not be assigned retroactively.

1305 D. The special duty increase shall be to the first step of the pay range of the
 1306 ~~((existing))~~ higher-level job classification or ~~((to a pay step in the existing higher~~
 1307 ~~classification that provides an increase of approximately))~~ a flat five percent above the
 1308 ~~((former))~~ base rate of pay, whichever is greater.

1309 E. ~~((Special duty compensation may not exceed the top step of the new range i))~~
 1310 If the employee was receiving above-Step-10 incentive pay, the pay for the special duty
 1311 assignment is calculated using the incentive pay and may result in incentive pay while in
 1312 the special duty assignment. ~~((In those instances, the pay may exceed the maximum of~~
 1313 ~~the new pay range by no more than five percent and shall continue only as long as the~~
 1314 ~~incentive pay would have remained in effect.))~~

1315 F. While on special duty assignment, the employee shall continue to be eligible
 1316 for step increases in the employee's regular position. If the employee is at Step-10 in the
 1317 employee's regular position, the employee shall be eligible for step increases in the
 1318 special duty classification.

1319 G. Any accrued compensatory time shall be cashed out before an hourly
 1320 employee begins a salaried special duty assignment, and before an employee in an hourly
 1321 special duty assignment returns to a salaried regular position.

1322 ~~((F-))~~ H. When the special duty assignment is completed, the employee's pay
 1323 shall revert to the pay rate the employee would have received if the employee had not
 1324 been assigned to special duty.

1325 ~~((G.))~~ I. Special duty pay shall not be considered part of an employee's base pay
1326 rate for purposes of placement within a salary range as a result of promotion or
1327 reclassification, for purposes of cashing out vacation or sick leave or when making
1328 vacation or sick leave donations.

1329 J. When the special duty assignment is hourly, the employee's special duty pay
1330 will be used for the computation of overtime and compensatory time.

1331 ~~((H.))~~ K. If the special duty position is converted to a regular position and the
1332 employee who served in the special duty position is hired into the regular position, the
1333 time served in the special duty position will count toward any required probationary
1334 period. If the time served in the special duty position was longer than the required
1335 probationary period, the employee's probationary period shall be considered served.

1336 L. The executive shall notify the council each year in writing of the total number
1337 of county employees on special duty assignment by department. The executive shall file
1338 a paper original and electronic copy of each memorandum with the clerk of the council,
1339 who shall retain the original and provide an electronic copy to all councilmembers and
1340 the lead staff for the government accountability and oversight committee or its successor.

1341 NEW SECTION. SECTION 21. There is hereby added to K.C.C. chapter 3.15 a
1342 new section to read as follows:

1343 A. For the purposes of this section, "working out of classification" means an
1344 employee in a regular position is assigned in writing some or all of the duties of a higher-
1345 paid classification for a period of less than thirty calendar days.

1346 B. Working-out-of-classification assignments must occur in full day or full shift
1347 increments.

1348 C. While working out of classification, the employee shall receive a flat five
1349 percent pay premium. Any overtime the employee earns while working out of
1350 classification shall include the five percent premium. Paid leaves taken while an
1351 employee is working out of classification shall not include the pay premium.

1352 D. If a working-out-of-classification assignment exceeds twenty-nine consecutive
1353 calendar days, the assignment shall be prospectively converted to a special duty
1354 assignment."

1355 **EFFECT: The amendment would make technical changes.**