



King County
METROPOLITAN KING COUNTY COUNCIL
COMMITTEE OF THE WHOLE
STAFF REPORT

Agenda Item: 5

Name: G. Saroja Reddy

Briefing No.: 2009-B0039

Date: February 18, 2009

SUBJECT: Report related to placing non-essential county employees on a mandatory unpaid furlough in 2009.

BACKGROUND

On November 14 the Executive transmitted two pieces of legislation relating to an emergency furlough program for the council's consideration. This transmittal included an ordinance (Proposed Ordinance 2008-0626) making the code revisions necessary to implement furloughs during an emergency fiscal crisis and an ordinance (Proposed Ordinance 2008-0627) approving and adopting the memorandum of agreement negotiated by and between King County and the King County Labor Union Coalition.

In December, the Council passed Ordinances 2008-0626 and -0627 relating to the implementation of a mandatory ten day unpaid furlough program for all but certain designated services. Implementation of this furlough program was expected to result in building closures, less work being performed, and certain delays and/or reductions in service.

Furlough administration. Upon a proclaimed and ratified emergency budget crisis, a furlough administrator¹ may order an emergency budget furlough, including the furlough of employees of the executive branch and closure of county offices; or order the reduction in hours or the closure of county offices on specific days associated with an emergency budget furlough. The county administrative officer (CAO), for the executive branch, and any person designated by the furlough administrator for the other branches of government would be responsible for emergency budget furlough administration and provide for the effective direction, control and coordination of a furlough in a manner to preserve county functions.

The ordinance also provides for exceptions to a specific furlough by authorizing the furlough administrator or his or her designee to direct specific employees to perform work with pay on furlough days as determined necessary to perform necessary county functions that must not be interrupted by furlough.

Notice. If an emergency budget furlough is ordered, the executive or a furlough administrator shall file the order with the clerk of the council not later than 10:00 a.m. of the second business day after it is issued. In addition, the executive shall notify the public of days that county offices

¹ A furlough administrator is defined as the county executive for the executive departments; the chair of the council for the legislative branch; the prosecutor for the office of the prosecuting attorney and the presiding judges of the district and superior courts; the sheriff for public safety, the assessor for assessments; elections director for elections, or the official or officials designated by that branch or unit of county government.

are closed by posting the information on the county buildings and the internet and by issuing press releases of the closures.

Reports to Council. For the 2009 emergency budget crisis, if any furlough administrator orders budget furlough days, the furlough administrator shall provide the council with an implementation plan for the budget furlough by January 30, 2009. The report shall include:

1. Efforts to notify the public of the budget furlough and closure of county offices or sites;
2. The number of employees who have been furloughed;
3. The length of the furlough;
4. The number of employees exempted from the furlough and reasons for the exemption;
5. The anticipated budget savings from the furlough; and
6. The anticipated effects of the furlough on both workload and service to the public and other county agencies.

In addition, any furlough administrator who orders a budget furlough in 2009 shall also provide the council with a report on the effects of the furlough by June 30, 2009. The report shall contain the same information identified above.

SUMMARY OF REPORTS

Reports from the Executive, District Court, Superior Court, the Prosecutor's Attorney's Office and the King County Sheriff Office have been received for the first furlough day of 2009, January 2nd and are Attachments to this paper. The results are briefly summarized in a table on the following page. The furlough implementation program is new for King County and there will be lessons learned as the county departments go through the year. The first unpaid furlough day was implemented with relative ease. While it is too early to tell what the effects of the furlough program are on service provision, the June 30th report will provide more detail and analysis of both service and fiscal effects.

Public Notification: Furlough administrators notified the public that services would be either unavailable and offices closed or that minimal service and staffing levels were in effect.

Examples include:

1. The Executive posted signage for all county facilities informing the public of the January 2nd building closure furlough day. In addition, a press release was issued and the county website included a posting describing the furlough, its reasons and schedule. An advertisement was also placed in the official county newspaper, the Daily Journal of Commerce, announcing the 2009 furlough days.
2. District Court notified the public of the budget furlough and limited services available at Court locations through a variety of means including conducting outreach to all contract cities, attorneys and other stakeholders; signage (in several languages); notices places on Court's website; notice to Administrative Office of the Courts in Olympia and a recorded message on Court's main phone line.
3. The Prosecuting Attorney's Office posted signs at each of its public entrances notifying public that the PAO was closed.
4. The Sheriff's Office used executive branch signage for all county facilities affected.

Summary of January 2, 2009 Furlough

Department	# Employees furloughed	# Employees exempted	Projected budget savings	# Annual Furlough Days	Anticipated effect on workload and service
Executive	5,737	6,463	\$854,624 GF \$1,430,291 AF	10	Generally worked well with some minor complications related to servicing Superior Court and the impact of the snow storms and flooding that occurred in Dec. and early January.
District Court	172	29 to 30	\$35,000		There was no reduction in workload to offset the loss of staff time due to furloughs.
Superior Court	390	62	\$93,708	4	Minimal effect on services
Prosecuting Attorney's Office	all	0	\$169,867	6	There was no reduction in workload to offset the loss of staff time due to furloughs.
Sheriff's Office	176	895	\$52,634	10	Minimal adverse effect on services; may result in deferral of some services

Note: All information presented is from submitted reports. The PAO staff voted to accept a 10-day furlough. Due to a significant portion of workload that is directly related to Superior Court operations, the PAO asked Executive to reduce furlough to 6 days. OMB is expected to transmit a corrections ordinance to Council.

ATTACHMENTS

1. Executive Furlough Administrator Report to Council
2. King County District Court Furlough Report
3. King County Superior Court Furlough Report
4. Furlough Report Prosecuting Attorney's Office
5. King County Sheriff Furlough Report

Attachment 1



King County

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CLERK
KING COUNTY COUNCIL

January 30, 2009

The Honorable Dow Constantine
Chair, King County Council
Room 1200
COURTHOUSE

Dear Councilmember Constantine:

Due to a historic budget shortfall for 2009, King County was faced with a series of difficult budget challenges. In order to address those challenges, we identified innovative solutions which required broad participation by many stakeholders. I am very appreciative of the County Council's cooperation in meeting the challenges.

One of the innovative approaches was, of course, the institution of a ten-day 2009 unpaid furlough strategy for King County. We are very grateful to our labor partners in agreeing to the approach. In addition, the council was instrumental in adopting enabling legislation for both represented and non-represented staff. As part of that legislation, a report was required of the various furlough administrators. Each of the separately elected King County officials were designated as furlough administrators. Attached you will find the furlough administrator report for the Executive Branch required and due January 30, 2009.

The January report details the overall strategies employed in each of the Executive Branch departments and provides the information required by the ordinance. An additional report is due June 30, 2009. In that report, we will be able to detail a higher level of experience with the furlough strategy than is available at this time.



The Honorable Dow Constantine

January 30, 2009

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In summary, the January 2nd furlough operated smoothly with some minor complications. Many of the complications were related to servicing Superior Court and the impact of the snow storms and flooding that occurred in December and early January. These events required some furlough eligible employees to work on their furlough day. These events also impacted the payroll clerks and other administrative staff as they prepared for the furlough day. Despite these events, the number of issues is very small. Given this fact, we look forward to a positive outcome for the entire 2009 cost savings initiative. If you have any questions about this report, please feel free to contact Jim Buck, King County Administrative Officer, at 206-263-9750.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Sims", is written over a circular stamp or mark.

Ron Sims
King County Executive

Enclosure

cc: King County Councilmembers

ATTN: Tom Bristow, Interim Chief of Staff

Saroja Reddy, Policy Staff Director

Anne Noris, Clerk of the Council

Frank Abe, Communications Director

Bob Cowan, Director, Office of Management and Budget

James J. Buck, County Administrative Officer, Director, Department of Executive Services (DES)

Anita Whitfield, Director, Human Resources Division (HRD), DES

Michael Frawley, Deputy Director, HRD, DES

January 30, 2009, Executive Furlough Administrator Report to Council

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

The executive branch developed and posted signage for all county facilities which informed the public of the January 2, 2009, building closure furlough day. The signage was in addition to the standard signage informing the public of the January 1, 2009, holiday observance. In addition, the Executive issued a press release which described the January 2nd furlough closures and those planned for the remainder of 2009. The press release detailed which county services such as transit and transfer stations would be unaffected by the furlough day observance. The press release also detailed the county facilities which would remain open. The county website included a posting describing the furlough, its reasons and schedule. Finally, an advertisement was placed in the official county newspaper, the Daily Journal of Commerce, announcing the 2009 furlough days.

2. The number of employees who have been furloughed;

The number of employees taking the furlough was approximately 5,737, at this time.

3. The length of the furlough;

The January furlough was for a single day, January 2nd.

4. The number of employees exempted from the furlough and reasons for the exemptions;

At this time, we have approximately 6,463 employees were categorized as furlough ineligible. The substantial majority of those employees were so identified due to their job assignments which included transit operators, corrections officers, deputy county sheriff's deputies and the like. Included in the total are 5 employees who occupy positions scheduled for reduction in force and therefore deemed furlough ineligible. Not included in the total are approximately 236 employees who occupy furlough eligible positions but who have declared intent to retire and thus exercised their ability to utilize accrued vacation leave in lieu of an unpaid furlough day. Also not included are approximately sixty-nine employees who were furlough eligible but were called back to work due to emergent circumstances, primarily snow/ flood related and were thus paid.

5. Anticipated budget savings from the furlough; and

The budget saving anticipated from each furlough day is currently estimated at \$851,624 for the General Fund and \$1,430,291 for the non-General Funds. These figures represent approximately one-tenth of the planned annual furlough savings. Total savings for the furlough program for 2009 is anticipated to be

approximately \$8.5 million for the General Fund and approximately \$14.3 million for the non-General Funds.

All parties recognize that King County is going through a first of its kind experience in the administration of an unpaid furlough strategy. In order to ensure that the anticipated budget savings responses stated are reflective of actual savings, the executive agencies are conducting a detailed payroll reconciliation process. At the conclusion of that process, an expanded response can be provided to the Council.

6. Anticipated effects of the furlough on both workload and service to the public and other county agencies.

Except as otherwise noted below, the furlough was observed throughout King County facilities on January 2, 2009. All King County buildings were closed except the following:

- Youth Service Center
- King County Courthouse
- King County Regional Communications and Emergency Services Center (911)
- Maleng Regional Justice Center
- District Courts (seven locations)
- Third Floor of the North District Multi-Service Center
- HealthPoint portion of the Federal Way Public Health Facility
- First floor of the Yesler Building (half day)

King County's Boeing Field terminal building and regular aviation operations were open as usual.

The Cedar Hills Regional Landfill and all King County's transfer station facilities were open with extended hours to 6:00 pm at the Renton and Houghton Solid Waste Transfer Stations to accommodate storm-delayed garbage disposal.

The Department of Judicial Administration, the Superior Court and the District Courts were open as normal on January 2nd.

The King County Crisis and Commitment Services were open and available as usual around the clock for as needed services during the furlough.

King County Animal Care and Control was closed to the public on the New Year's holiday and the January 2nd furlough day although staff and volunteers provided care for the animals.

As a general rule, departmental and, in limited cases, divisional directors' offices appointed the minimum number of key 'on-point' contact staff person(s) to work the furlough day in order to triage emergent events as required and address minimal operational issues which could not be deferred. As a general rule, individuals so assigned are required to observe a substitute furlough day. In addition, snow storm-related demands for emergency service necessitated that some employees work on January 2nd. Below is a summary by department:

- Department of Executive Services. The Department provides a wide variety services to internal King County customers and the public. The department was almost uniformly closed on the furlough date January 2nd. Animal Care and Control was closed to the public but animals were cared for by staff and volunteers. Finance and Business Operations was closed but four staff worked in order to ensure the issuance of the January 5, 2009, paychecks and other date sensitive financial functions. In addition, access, security and other facility oriented services were provided to the Courts. The Facilities Management Division provided minimal staffing in order to ensure essential systems were provided in the Correctional Facilities, Courthouse and other open buildings. As a rule, furlough eligible employees providing coverage will observe substitute furlough days. It is anticipated that the workload and service to the public which would have been provided have been deferred to later dates.
- Department of Development and Environmental Services. The DDES Black River facility was not open to the public for service on January 2nd. The department had taken preparatory steps to facilitate its January 2nd closure by not accepting January 2nd appointments. It is anticipated that the appointments for permitting services which would have been addressed on January 2nd will be deferred to later dates.
- Department of Adult and Juvenile Detention. Since DAJD is a 24 hour per day, seven days per week function, normal operations were maintained in the correctional facilities throughout January 2nd. Managerial and administrative staff observed the furlough. The workload and service to the public which would have been provided has been deferred to later dates.
- Department of Judicial Administration. The department was open and fully operational on January 2nd.
- Department of Transportation. The Transit Division was operational. The Roads Division was staffed with a crew sufficient to respond to the snow event. The Airport Division was open with limited staffing due to FAA

requirements. Fleet Administration observed the furlough subject to emergency response by mechanics or other required staff. Workload and service matters not addressed on January 2 were deferred to later working dates.

- **Department of Natural Resources and Parks.** The Solid Waste Division Cedar Hills Regional Landfill and all transfer stations were operational on January 2nd. Extended hours were observed at two of the sites in order to accommodate increased demand due to the storm. The Wastewater Treatment facilities and Park operations were operational. The department developed a skeleton crew staffing strategy which addressed the operational needs on the furlough day. The Water and Land Resources Division fully observed the furlough. Workload and service matters not addressed on January 2 were deferred to later working dates.
- **Department of Community and Human Services.** The department has two 24-hours per day, seven days per week, services. The Sobering Center (Emergency Service Patrol) was operational and staffed except for managerial and administrative support staff. The Crisis and Commitment Unit was operational and staffed by involuntary commitment specialists and their supervisors. The Office of the Public Defender was open and minimally staffed with interviewers and coordinators due to the need to support the Superior Court being opened.
- **Department of Public Health.** The department has three 24-hours, seven day per week services. Those services are the Medical Examiner, Jail Health Services, and Emergency Medical Services. Those functions were operational on January 2nd. Administrative support and managerial staff generally observed the furlough in those areas. All other functions of the Department of Public Health, including food inspections, clinics and the Director's Office, observed the furlough on January 2nd. Workload and services not addressed on January 2nd have been deferred to later dates.
- **Office of Information Resource Management.** In order to ensure basic systems were maintained and operative, 18 employees were furlough-eligible for January 2nd. They ensured that key systems for internal operations and public communications were maintained. All other employees of the OIRM observed the furlough. Work not performed on January 2nd will be deferred to later dates.
- **Executive Office.** Executive Office staff observed the furlough except for two senior managers who were previously designated to provide oversight as necessary to County functions on the furlough day. One of individual covering the furlough day will take an alternate furlough day. The other individual is within two years of retirement and was able to take accrued vacation time and retain FLSA-exempt status on the furlough day.



King County
District Court
Office of the Presiding Judge

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Telephone: 206-205-2820
Fax: 206-296-0596

The Honorable Barbara Linde
Chief Presiding Judge

Tricia Crozier
Chief Administrative Officer

King County District Court
January Furlough Report
Submitted February 12, 2009

1. District Court has made the following efforts to notify the public of the budget furlough and limited services available at Court locations:
 - o Outreach to all 12 contract cities, attorneys, and other stakeholders;
 - o Signage placed in all District Court locations (in English and Spanish) during the week of the furlough advising the public that the Court locations will be open but operating at drastically reduced staffing levels due to furloughs as a result of budget cuts;
 - o Notices placed on the Court's website;
 - o Notice sent to the Administrative Office of the Courts in Olympia;
 - o An introductory message recorded on the Court's main phone line advising callers that the Court is open at all locations but working with reduced staffing levels due to furloughs as a result of budget cuts

2. The number of employees who have been furloughed: 172 on January 2, 2009

3. The length of the furlough: 8 hour work day on January 2, 2009

4. The number of employees exempted from the furlough and the reasons for the exemption:
21 elected Judicial Officers, one Director, one LAN Administrator, 3 Call Center clerks, 2 to 3 Court Clerks and 1 Court Manager assigned to each of 8 Court locations to run mandated court functions.

The reason for these exemptions are that District Court is legally mandated (see State Constitution, RCW Ch.3, Justice Alexander advisory letter, and contractual obligations pursuant to Interlocal Agreement with cities) to remain open at all times other than holidays. To meet this legal mandate, all elected judges were in court conducting the mandated work but were operating with drastically reduced staff support. Certain types of court work were scheduled, wherever possible, to minimize the impacts of working without the remainder of court clerks, probation officers, management and other staff support.

In addition, 8 court employees are exempt due to their Declarations of Intent to Retire and eligibility to use vacation leave in lieu of the furlough day.

5. The anticipated budget savings from the furlough: approximately \$35,000 from January 2nd
6. The anticipated effects of the furlough on District Court's workload and service to the public and other county agencies:

THERE IS NO REDUCTION IN WORKLOAD TO OFFSET THE LOSS OF STAFF TIME DUE TO FURLOUGHS.

The State Patrol, Sheriff and other law enforcement officers continue to make arrests, issue traffic infractions, and refer cases for adjudication, without regard to furlough days.

The KCPAO will continue to file cases and add to the District Court's workload on any county designated furlough day that the PAO does not furlough its employees. The prosecuting attorneys for the contract cities (who are not county employees and not involved in furloughs) continue to file cases, and the Interlocal Agreements between the County and the Cities obligate the Court to conduct regular court calendars without regard to furlough days.

Civil litigants continue to file cases and documents and make no adjustment to the Court's workload. Citizens continue to need protection orders and anti-harassment orders, and they continue to avail themselves of ancillary court services like passport application services. The result is that court clerks and other court employees have fewer work days to deal with the same amount of work which will cause delays and backlogs to grow. Similarly, Probation Officers have fewer days to perform the same probation supervision and monitoring of their criminal defendant caseload.

The Court's call center is being staffed at less than 25% of normal staffing levels on furlough days, diminishing the public's easy access to justice by telephone. Additionally, attorneys in the Civil Bar have complained about lack of access for ex parte court orders due to changes made to accommodate 10 furlough days in 2009.

KING COUNTY SUPERIOR COURT Furlough Report January 2009

Pursuant to the 2009 emergency budget crisis, King County Superior Court has implemented furlough procedures in order to realize savings as reflected in our King County Council adopted budget. There are 443 employees of King County Superior Court including 53 judges.

Number of Employees furloughed:

As of January 2009, a total of 390 Superior Court employees will each be required to take four (4) furlough days in which one day falls in the months of January, February, April and October. With the exceptions noted below, all Superior Court employees are subject to the furlough regardless of their funding source or representation status.

Employees exempt from furlough:

53 Judges – Superior Court judges are elected officials who are state employees. Their salary is determined by the Washington Citizens' Commission on Salaries for Elected Officials. King County is required by state law to pay for 50% of their salary.

9 Juvenile Probation Screening Unit staff – The screening unit at Juvenile Court Probation Services is a 24/7 operation and must be fully staffed at all times. Furlough of employees in this unit would increase costs since a furloughed employee would have to be backfilled by another screening unit staff member working at overtime rates.

Budget Savings:

By the end of 2009, Superior Court anticipates that the furlough will have budget savings of \$374,832.

Effect of furlough:

The Washington State Constitution Article 4 Section 6, requires the Superior Court to remain open to adjudicate cases, and may not close for the purposes of saving money. In order keep the court open and also implement a furlough, employees are scheduling furlough days in the designated months in a stratified manner such that regular operations are less impacted. This would be similar to scheduling vacation for all staff in a concentrated period.

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PROSECUTING ATTORNEY



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Furlough Report Prosecuting Attorney's Office

Background

In November 2008, members of the Prosecuting Attorney's Office's (PAO's) Deputy Prosecuting Attorney Association (DPAA) and Teamsters Local #117 voted to adopt the Executive's proposed 10-day furlough plan.

King County Superior Court argued that it had to remain open on all judicial days, and as a result, was funded accordingly. Superior Court informed the PAO that it would have reduced criminal calendars on three of the Executive's proposed (and PAO adopted) furlough days: January 2, November 25, and December 24, but that it planned to be open and fully operational on the remaining seven of the Executive's proposed furlough days.

The bulk of the PAO's work is before Superior Court. When Superior Court is open, PAO employees must be present to staff calendars, try cases, respond to motions, and litigate civil and family law cases. Because the Court planned to be open and fully operational on seven of the proposed 10 furlough days, PAO employees were going to be required to work on agreed to furlough days.

Because the PAO was particularly impacted by the Superior Court's plan, Prosecuting Attorney Dan Satterberg asked the Executive to consider the Court's impact on the PAO and its adopted furlough plan.

As part of the plan to keep Superior Court open on all judicial days, the Executive has agreed, pending Council approval, that all PAO employees will take a six day furlough in 2009 instead of a ten day furlough. Three furlough days will take place on days that the Court has agreed to have reduced criminal operations: January 2, November 25, and December 24. The other three furlough days will be "floating" days for all PAO employees.

Report

Efforts to notify the public of the budget furlough: On January 2, the PAO posted signs at each of its public entrances notifying the public that the PAO was closed as the result of a budget-saving furlough day.

Number of employees furloughed: All PAO employees have been furloughed for six days.

Length of furlough: Six days

Number of employees exempted from furlough: The PAO is applying the six day furlough to all employees.

Anticipated budget savings from six day furlough: \$1,019,201

Anticipated effects of furlough on workload and service: The PAO's workload will not be reduced, in any way, as a result of the six-day furlough. The PAO files approximately 10,000 felonies each year as a result of cases referred by law enforcement. Those referrals are not diminished simply because the office is closed. Likewise, the number of cases handled and the number of cases brought to trial by the PAO is not reduced, in any way, by furlough. Instead, PAO employees simply must do the same amount of work with six fewer work days throughout the year.

KING COUNTY SHERIFF
Furlough Report
January 2009

Attachment 5

1. **Efforts to notify the public of the budget furlough and the closures of County offices or sites;**
KCSO used the executive branch signage for all county facilities affected.
2. **The number of employees who have been furloughed;**
176 employees
3. **The length of the furlough;**
The January furlough was for a single day, January 2nd.
4. **The number of employees from the furlough and reasons for the exemptions;**
895 employees were exempted. The majority of those employees were so identified due to their job assignments. This includes all sworn staff (except Chiefs), 911 call receivers and supervisors, Jail ID techs, 10-print examiners, police data techs, certain civil employees, employees that were 100% funded by contract cities, court marshals, and payroll fiscal specialists.
5. **Anticipated budget savings from the furlough;**
By the end of 2009, the King County Sheriff's office anticipates that the furlough will have budget savings of approximately \$526,340.
6. **Anticipated effects of the furlough on both workload and services to the public and other county agencies.**
The effects of the furlough on the agency vary by position and type of work. The workload and service to the public which would have been provided generally has been deferred or in some cases not provided.