



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19013

Proposed No. 2019-0467.2

Sponsors Dembowski

1 AN ORDINANCE relating to council involvement with
2 collective bargaining agreements; amending Ordinance
3 11683, Section 2, as amended, and K.C.C. 1.24.015,
4 Ordinance 11683, Section 5, as amended, and K.C.C.
5 1.24.045, Ordinance 11683, Section 9, as amended, and
6 K.C.C. 1.24.085, Ordinance 10631, Section 2, as amended,
7 and K.C.C. 3.16.015, Ordinance 11480, Section 7, as
8 amended, and K.C.C. 3.16.025, Ordinance 8658, Section 1,
9 and K.C.C. 3.16.040, Ordinance 12014, Section 55, as
10 amended, and K.C.C. 3.16.050, Ordinance 14287, Section
11 5, as amended, and K.C.C. 3.16.055 and repealing
12 Ordinance 10631, Section 1, and K.C.C. 3.16.005; and
13 declaring an emergency.

14 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

15 SECTION 1. Findings:

- 16 A. King County's most-valuable asset is its employees.
- 17 B. One of the major responsibilities of management is to negotiate timely
18 collective bargaining agreements with the county's employees.\
- 19 C. Over the years, the approval process by all parties to the agreements has

20 become lengthened.

21 D. The ratification and approval process now stands as a hindrance to timeline
22 implementation of collective bargaining agreements.

23 E. Because the council is modifying its rules and procedures to handle collective
24 bargaining agreements more expeditiously and making changes to its organizational
25 motion, effective today, this ordinance needs to take immediate affect as to allow
26 efficient administration of the council's work in the support of county government and its
27 existing public institutions.

28 SECTION 2. Ordinance 11683, Section 2, as amended, and K.C.C. 1.24.015 are
29 hereby amended to read as follows:

30 **Rule 2: Powers and duties of the chair.** The chair of the council has the
31 following powers and duties:

32 A. The chair shall:

33 1. Call the council to order at the hour appointed for meeting and, if a quorum is
34 present, shall cause the minutes of the previous meeting to be approved;

35 2. Proceed with the order of business; and

36 3. Adjourn the council upon a motion to adjourn approved by a majority of
37 members present;

38 B. The chair shall preserve order and decorum and in the interest of efficiency may
39 impose time and subject matter limits for testimony and comment given by the public and
40 members of the council;

41 C. The chair shall promote efficient operation of the council, which shall include
42 setting the agenda and expediting parliamentary debate or, if there is no objection from any

43 other member, expediting the passage of routine motions. The chair's act of adding to,
44 removing from or taking out of order an item on a distributed and posted agenda may be
45 appealed to the full body by any two members under Rule 5.D, K.C.C. 1.24.045.D. The
46 chair shall discourage activities that are dilatory or disruptive. The chair shall endeavor to
47 facilitate the will of the majority of members present at all times;

48 D. The chair may speak to points of order, inquiry or information in preference to
49 other members. Upon a ruling of the chair on a point of order, the chair shall allow any
50 two members to immediately request that the decision be placed before the body. If a
51 majority of members present agree to the ruling of the chair, the business of the council
52 must proceed without further debate. If a majority of the members present do not support
53 the ruling of the chair, the chair shall immediately allow a procedural motion to dispense
54 with the issue in question, proceeding until a decision of the council is secured and the
55 business of the council is allowed to proceed;

56 E. The chair shall retain legislation related to collective bargaining, including
57 appropriation ordinances limited solely to costs associated with implementation of the
58 collective bargaining, in the control of the council and refer all other legislation to
59 committees unless there is an objection to a referral. If there is an objection by a member,
60 the chair's referral will stand unless a majority of the members present vote to support the
61 objection. If the objection is sustained, the chair shall refer the legislation to another
62 committee, unless there is an objection to the referral.

63 F. Any motion that proposes to censure a councilmember for violating the council's
64 antiharassment policy shall be referred to the employment and administration committee;

65 G. The chair shall introduce all legislation relating to land use appeals, road

66 vacations, plat applications, current use assessments and other similar land use decisions.

67 The chair shall introduce all legislation relating to collective bargaining, including
68 appropriation ordinances limited solely to costs associated with implementing the
69 collective bargaining agreement. If recommended by action of the employment and
70 administration committee, the chair shall introduce any motion that proposes to censure a
71 councilmember for violating the council's antiharassment policy, unless the chair is the
72 subject of the motion; and

73 H. The chair shall provide copies to all councilmembers of all official
74 communications and requests for council action addressed to the chair from the executive,
75 the sheriff, the assessor, the presiding judge of the district or superior court or the
76 prosecuting attorney.

77 SECTION 3. Ordinance 11683, Section 5, as amended, and K.C.C. 1.24.045 are
78 hereby amended to read as follows:

79 **Rule 5: Agenda.**

80 A. Council business must be disposed of in the following order, or in an order the
81 chair deems appropriate, subject to appeal as provided in Rule 5.D, K.C.C. 1.24.045.D:

- 82 1. Roll call;
- 83 2. Flag salute and Pledge of Allegiance, the leading of which must be offered by a
84 member of the council and which must rotate among all members of the council;
- 85 3. Approval of minutes;
- 86 4. Additions to the council agenda;
- 87 5. Special items;
- 88 6. General public comment when scheduled in accordance with Rule 10, K.C.C.

- 89 1.24.095;
- 90 7. Plat tracings;
- 91 8. Hearing and second reading of ordinances from standing committees and
92 regional committees, and of ordinances related to collective bargaining;
- 93 9. First reading of and action on emergency ordinances without referral to
94 committee;
- 95 10. Consent agenda on hearing examiner recommendations;
- 96 11. Motions, from standing committees and regional committees and motions
97 related to collective bargaining, for council action;
- 98 12. First reading of and action on motions without referral to committee;
- 99 13. Consent agenda on reappointments to boards and commissions;
- 100 14. Consent agenda on reports and recommended actions from the employment
101 and administration committee;
- 102 15. Other reports and recommended actions from the employment and
103 administration committee;
- 104 16. First reading and referral of ordinances;
- 105 17. First reading and referral of motions;
- 106 18. Reports from members serving on special and outside committees;
- 107 19. Extra items;
- 108 20. Messages from the county executive and other county officials, the judiciary,
109 the regional committees and other agencies;
- 110 21. Other business; and
- 111 22. Adjournment.

112 B. Legislation or other items for placement on the council meeting agenda must be
113 submitted to the clerk of the council by 10:00 a.m. Thursday of the week before the next
114 scheduled meeting, except that:

115 1. If directed by the chair, the clerk may place an item on the council agenda with
116 a note that the item is contingent on being voted out of committee before the council
117 meeting; and

118 2. Legislation or other items needing action by the full council may be added at
119 the discretion of the chair of the council at a regularly scheduled council meeting. The
120 chair shall apply the following criteria for the additions:

121 a. the legislation is particularly time-sensitive and delay in action either:

122 (1) might impair the effectiveness of the county's responses to emergencies
123 such as natural or human-made disasters, or other circumstances seriously affecting the
124 public health, safety or welfare or the support of county government and its existing public
125 institutions; or

126 (2) might impair timely performance under deadlines of a statute, ordinance,
127 contract, interlocal agreement, real property instrument or other provision requiring
128 immediate action;

129 b. legislation should be delivered to the clerk before the beginning of the council
130 meeting. The original should be provided to the clerk, together with an introduction slip
131 from the sponsor; and

132 c. the sponsor should provide a brief written description to the chair of the
133 reason for the need to expedite the legislation without regular committee review.

134 D. The chair shall notify the members present of proposed changes to the agenda.

135 If two members object to a change, a majority of the members present shall decide whether
136 to change the agenda.

137 SECTION 4. Ordinance 11683, Section 9, as amended, and K.C.C. 1.24.085 are
138 hereby amended to read as follows:

139 **Rule 9: Introduction and initial consideration of proposed legislation.**

140 A. All legislative proposals submitted to the King County council by the executive
141 shall be accompanied by a completed Legislative Review Form in the form of Attachment
142 A to Ordinance 17666, dated July 25, 2013, or as amended from time to time. In addition,
143 all legislative proposals involving the collective bargaining or appropriations ordinances
144 limited solely to the costs associated with the implementation of collective bargaining
145 shall be accompanied by a summary of the legislation that includes the current costs and
146 five-year implementation costs as well as changes to working conditions and any other
147 substantive changes compared to prior agreements.

148 B. Upon receipt of proposed legislation from the executive, the sheriff, the
149 assessor, the presiding judge, the prosecuting attorney, the director of elections or a
150 councilmember, the clerk of the council shall assign a proposed number to the legislation.
151 The clerk may make formatting and nonsubstantive revisions in form and style to proposed
152 legislation before first reading and shall indicate on the revised legislation that the
153 legislation is revised by the clerk and the date of the revision.

154 C. Upon filing with the clerk of the council of either a signature of at least one
155 member of the council or electronic sponsorship of legislation in a form prescribed by the
156 clerk of the council, or upon receipt by the council of a proposed ordinance submitted as an
157 institutional initiative under Section 230.50.10 of the King County Charter, the proposed

158 legislation is introduced and must be placed on the agenda for first reading and referral.
159 Legislation may be introduced with the title only, but the text of the legislation must be
160 filed with the clerk by first reading. In accordance with Rule 2.E., K.C.C. 1.24.015.E.,
161 ~~((F))~~the chair of the council shall refer both the title and the subsequently filed text of the
162 legislation to committee if the legislation was introduced with the title only. If the text of
163 the legislation is not timely filed, the legislation is to be removed from the agenda and is
164 not to be referred to committee.

165 D. A member may add the member's own name to sponsorship of legislation at any
166 time before passage of the legislation by informing the clerk of the council in writing. The
167 first member listed on the first introduction slip filed for legislation may not remove that
168 member's own name from sponsorship of the legislation. However, any other sponsor of
169 legislation may remove that sponsor's own name from sponsorship of the legislation by
170 informing the clerk of the council in writing.

171 E. First reading of legislation shall consist of either:

172 1. Printing the number and title of the proposed legislation on the published
173 agenda; or

174 2. Adding the proposed legislation to the agenda under Rule 5, K.C.C.
175 1.24.045.B.2. or 3. and including this information in the council's minutes.

176 F. After the first reading, proposed legislation must be referred to an appropriate
177 committee or committees by the chair of the council, except for motions confirming
178 executive reappointments to boards or commissions, which may be referred directly to a
179 council consent agenda, or legislation related to collective bargaining, including
180 appropriation ordinances limited solely to the costs associated with implementation of a

181 collective bargaining agreement. Proposed legislation referred to more than one committee
182 must be considered consecutively by the committees in the order set forth on the marked
183 published agenda or as specified by the chair during the meeting and reflected in the
184 council's minutes.

185 G. Upon being reported out of committee with a recommendation signed by a
186 majority of the committee, proposed legislation must be placed upon an agenda for
187 appropriate action, after consideration of public hearing notice requirements, one week
188 after the Wednesday after the committee meeting, unless the committee chair decides and
189 states on the record at the committee meeting that the item be placed on the next council
190 agenda. The clerk of the council may make formatting and nonsubstantive revisions in
191 form to proposed legislation after the legislation is reported out of the committee and
192 before the legislation is placed on the agenda for second reading and shall indicate on the
193 revised legislation that the legislation is revised by the clerk and the date of the revision.

194 H. Proposed legislation related to collective bargaining, including appropriation
195 ordinances limited solely to the costs associated with implementation of collective
196 bargaining agreements must be placed on the agenda for appropriate action, after
197 consideration of public hearing notice requirements, one week after its first reading.

198 SECTION 5. Ordinance 10631, Section 1 and K.C.C. 3.16.005 are hereby
199 repealed.

200 SECTION 6. Ordinance 10631, Section 2, as amended, and K.C.C. 3.16.015 are
201 hereby amended to read as follows:

202 Unless the text clearly indicates otherwise, as used in this chapter, the following
203 words shall have the meanings set forth in this section:

204 A. "Corrections officer" means any full-time, fully compensated uniformed
205 correctional officer or sergeant who works for the department of adult detention (King
206 County jail).

207 B. "Bargaining representative" means any lawful organization which has as one
208 of its primary purposes the representation of employees in their employment relations
209 with King County.

210 C. "Bargaining agent" means the designated bargaining agent as determined
211 under K.C.C. 3.16.010.

212 D. "Public employer" means King County.

213 E. "Commission" means the Public Employment Relations Commission.

214 F. "Executive director" means the executive director of the Commission.

215 G. "911 operator" means any full-time, fully compensated communications
216 specialist or communications specialist supervisor who works for the department of
217 public safety.

218 H. "Labor policy committee" or "policy committee" means the King County
219 council.

220 I. (~~"Labor implementation committee" or "implementation committee" means~~
221 ~~each King County council committee whose subject matter, as designated by the council~~
222 ~~by motion, and to which legislation is referred by the council chair under K.C.C.~~
223 ~~1.24.015.~~

224 J.)) "Labor policy" or "policy" means those general principles (~~which~~) that
225 work to implement the intent of this chapter and guide negotiations for wages, benefits,
226 working conditions and other terms of employment.

227 SECTION 7. Ordinance 11480, Section 7, as amended, and K.C.C. 3.16.025 are
228 hereby amended to read as follows:

229 A. The bargaining agent shall establish and conduct a process to prepare for
230 negotiations that performs at least the following functions:

231 1. The bargaining agent should continue to use collaborative or interest-based
232 bargaining where both parties agree, and this chapter shall not be construed to restrict or
233 inhibit such bargaining;

234 2. The bargaining agent shall cause to be developed and maintained a database
235 of information within King County government on wages, hours, employee benefits,
236 vacation and other leave, job classifications and substantial and factual information to
237 provide knowledge of working conditions necessary to conduct effective negotiations.
238 Such information shall be made available to the bargaining representatives to the extent
239 provided by RCW 41.56.030(4), Public Employees' Collective Bargaining law of the
240 state of Washington, as set forth by the collaborative process identified in King County
241 council Motion 9182; and

242 3. The labor policy committee (~~(and implementation committee)~~) shall (~~(each)~~)
243 confer with the bargaining agent to develop necessary guidelines for the implementation
244 of this section, consistent with this chapter and King County council Motion 9182.

245 B. The bargaining agent shall be the sole negotiator for King County government
246 and shall bargain in good faith as provided by law. The bargaining agent shall commence
247 and complete collective bargaining negotiations in a timely manner and in accordance
248 with the overall principles and intent of this chapter.

249 SECTION 8. Ordinance 8658, Section 1, and K.C.C. 3.16.040 are hereby

250 amended to read as follows:

251 A. Any collective bargaining agreement between King County and a recognized
252 bargaining representative as defined in RCW 41.56.030 which has been ratified by both
253 parties shall be transmitted to the King County council no later than ((45)) seven days
254 after the tentative agreement has been reached.

255 B. Failure to meet this deadline shall result in the payment of interest on the
256 retroactive amount of any negotiated salary or wage increase equal to interest earned on
257 Federal 90 day treasury bills from the first day following the deadline through the date
258 the tentative agreement is transmitted to the King County council, unless the ((45)) seven
259 days have been extended by mutual agreement by both parties in writing.

260 C. The interest accrued, if any, shall be divided among the county employees
261 represented by the collective bargaining unit, based upon each employees individual
262 retroactive wage rate increase. The computed interest shall be included in the first pay
263 check which pays out the rate of pay negotiated in the tentative collective bargaining
264 agreement.

265 SECTION 9. Ordinance 12014, Section 55, as amended, and K.C.C. 3.16.050 are
266 hereby amended to read as follows:

267 A. The labor policy committee shall meet as it deems necessary to obtain the
268 testimony of members of the public, the bargaining agent, bargaining representatives or
269 their designees, county department management and others in order to consider such
270 testimony in policy decisions before the committee. The labor policy committee shall not
271 engage in bargaining with bargaining representatives or represented employees. The
272 labor policy committee shall also meet to consider matters referred to it by the council in

273 accordance with K.C.C. chapter 1.24.

274 B. The labor policy committee shall provide an opportunity for bargaining
275 representatives or their designees to address the committee before the adoption of overall
276 policy. Overall policy, and all amendments to adopted policies, shall be established only
277 upon an affirmative vote by a majority of the members of the labor policy committee.

278 C. The bargaining agent shall recommend to the labor policy committee overall
279 changes to adopted policies that would be required to implement the changes proposed in
280 K.C.C. 3.16.055.C., and an overall estimate of the monetary value, if any, of these
281 changes, including both costs and benefits.

282 D. Following the establishment of overall policy, and before commencing
283 negotiations, the labor policy committee shall meet to hear the bargaining agent's
284 recommended strategies for implementing adopted policies. The labor policy committee
285 shall confer with the bargaining agent as it deems necessary to ensure compliance with
286 this chapter and good-faith collective bargaining. The bargaining agent's strategies shall
287 be generally consistent with the principles contained in this chapter and the overall policy
288 direction established by the labor policy committee.

289 E. The bargaining agent may seek further clarification of adopted policies from
290 the labor policy committee at any time during the negotiations.

291 ~~((E.))~~ F. By June 30 of each year, the executive shall report to the labor policy
292 committee regarding employment policies applicable to nonrepresented employees.

293 ~~((F.))~~ G. For the purpose of maintaining an effective collective bargaining
294 process, the strategies and related information presented by the bargaining agent shall be
295 maintained as confidential. In addition, proposed or adopted policies designated as

296 confidential shall be considered policy formulation documents and be maintained as
297 confidential and exempt from public disclosure as provided in RCW 42.56.280. The
298 labor policy committee shall develop guidelines to assist in accomplishing such
299 confidentiality.

300 ~~((G.))~~ H. Any councilmember may propose the adoption, amendment or repeal of
301 any labor policy by filing with the clerk of the council a memorandum that includes the
302 proposed policy. Any proposed amendment shall set for the existing policy and show
303 proposed changes as in the form required for ordinances by K.C.C. 1.24.075. The clerk
304 shall provide a copy of the proposal to the executive, each councilmember and the lead
305 staff for the labor policy committee. The proposal shall be designated by the
306 councilmember either as public or as confidential pending action by the committee on the
307 policy. Adopted policies may be designated as confidential by an affirmative vote of a
308 majority of the members of the policy committee.

309 ~~((H.))~~ I. The clerk of the council shall maintain a compilation of adopted policies.
310 The clerk shall make publicly available all public policies, and shall maintain as
311 confidential all labor policies designated as confidential policy formulation documents.

312 SECTION 10. Ordinance 14287, Section 5, as amended, and K.C.C. 3.16.055 are
313 hereby amended to read as follows:

314 A.1. A bargaining representative may at any time during negotiations forward to
315 the director of the department of human resources, or its successor, a written complaint
316 that the collective bargaining process is not being conducted in a timely manner or is not
317 being conducted in a manner consistent with good faith bargaining. The director shall,
318 within fifteen calendar days, respond in writing to the complaint and propose such

319 remedies as may address the complaint.

320 2. If the bargaining representative is not satisfied with the written response of
321 the director, or if a written response to the complaint is not received within fifteen
322 calendar days, the bargaining representative may forward the written complaint to the
323 King County executive, as the bargaining agent, who shall, within fifteen calendar days,
324 respond to it in writing and propose such remedies as may address the complaint.

325 3. If the bargaining representative is not satisfied with the written response of
326 the bargaining agent, or if a written response is not received from the bargaining agent
327 within fifteen calendar days, the bargaining representative may request that the
328 bargaining agent forward the written complaint (~~(be forwarded)~~) to the (~~(implementation~~
329 ~~committee)~~) council.

330 4. If the bargaining agent receives a written request to have the complaint
331 forwarded to the (~~(implementation committee)~~) council, including an explanation of
332 reasons for the request, the bargaining agent shall forward the request, together with the
333 bargaining agent's written response, to the (~~(implementation committee)~~) council within
334 five calendar days from the receipt of the request. These materials or any discussion
335 thereof shall remain confidential to the extent allowed by law.

336 5. The (~~(implementation committee)~~) council may request that the bargaining
337 agent meet with the (~~(implementation committee)~~) council for the purpose of reviewing
338 the status of negotiations with regard to the principles contained in this chapter and the
339 overall policy direction established by the labor policy committee, but the
340 (~~(implementation committee)~~) council shall take no action that would interfere with the
341 lawful role of the bargaining agent.

342 B. By June 30 of each year, the prosecuting attorney, in conjunction with
343 bargaining agent, shall report to the ~~((implementation committee))~~ council on all pending
344 unfair labor practice charges and all pending arbitration involving represented employees.

345 C. By June 30 of each year, or, in the case of agreements expiring other than
346 December 31, at least ninety days before the commencement of negotiations, in
347 preparation for collective bargaining the bargaining agent shall report to the
348 ~~((implementation committee))~~ council the agreements expiring that calendar year. The
349 bargaining agent shall also generally explain existing policies that, if changed, would
350 further the principles and intent established by this chapter. County department
351 management concerned with the collective bargaining process, with the advice of other
352 relevant county departments, shall assist the bargaining agent in reporting to the council.

353 D. By June 30 of each year or, for agreements expiring other than December 31,
354 at least ninety days before commencing negotiations, the council shall meet with the
355 bargaining agent to review the schedule of collective bargaining agreements expiring in
356 that calendar year and the key issues related to the collective bargaining process.
357 Methods of consultation with unions, management rights and eliminating the causes of
358 employee grievances shall also be considered.

359 ~~((E. Following the establishment of overall policy, and before commencing
360 negotiations, the implementation committee shall meet to hear the bargaining agent's
361 recommended strategies for implementing adopted policies. The implementation
362 committee shall confer with the bargaining agent as it deems necessary to ensure
363 compliance with this chapter and good faith collective bargaining. The bargaining
364 agent's strategies shall be generally consistent with the principles contained in this~~

365 ~~chapter and the overall policy direction established by the policy committee.~~

366 ~~F. The implementation committee shall meet at least quarterly to review the~~
367 ~~progress of the negotiations but shall not interfere with good faith collective bargaining.~~

368 ~~G. The implementation committee shall review all agreements negotiated~~
369 ~~between the bargaining agent and bargaining representatives to ensure compliance with~~
370 ~~the principles contained in this chapter and with the overall policy direction established~~
371 ~~by the policy committee. The implementation committee may recommend to the council~~
372 ~~adoption or rejection of agreements or it may forward agreements to the council for~~
373 ~~action without recommendation.~~

374 ~~H.))~~ F. For the purpose of maintaining an effective collective bargaining process,
375 the strategies and related information presented by the bargaining agent shall be
376 maintained as confidential. The ~~((implementation committee))~~ council shall develop
377 guidelines to assist in accomplishing such confidentiality.

378 SECTION 11. The county council finds as a fact and declares that an emergency

379 exists and that this ordinance is necessary for the immediate preservation of public peace,
380 health or safety or for the support of county government and its existing public institutions.
381

Ordinance 19013 was introduced on 11/13/2019 and hearing held/closed and passed as amended by the Metropolitan King County Council on 11/13/2019, by the following vote:

Yes: 8 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci
Excused: 1 - Mr. Dunn



KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Rod Dembowski, Chair

ATTEST:

Melani Pedroza, Clerk of the Council