

**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**July 24, 2006**

**Ordinance 15557**

**Proposed No.** 2006-0284.1

**Sponsors** Hague and Patterson

1 AN ORDINANCE related to employee retirement;  
2 providing for a voluntary employee beneficiary association  
3 for medical expense reimbursement for eligible employees;  
4 and amending Ordinance 12014, Section 21, as amended,  
5 and K.C.C. 3.12.220.

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8 BE IT ORDAINED BY THE COUNTY OF KING COUNTY:

9 SECTION 1. Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220 are  
10 hereby amended to read as follows:

11 A. Except for employees covered by K.C.C. 3.12.220\_G, employees eligible for  
12 leave benefits shall accrue sick leave benefits at the rate of 0.04616 hours for each hour  
13 in pay status exclusive of overtime up to a maximum of eight hours per month; except  
14 that sick leave shall not begin to accrue until the first of the month following the month in  
15 which the employee commenced employment. The employee is not entitled to sick leave  
16 if not previously earned.

17 B. During the first six months of service, employees eligible to accrue vacation  
18 leave may, at the appointing authority's discretion, use any accrued days of vacation leave  
19 as an extension of sick leave. If an employee does not work a full six months, any  
20 vacation leave used for sick leave must be reimbursed to the county upon termination.

21 C. For employees covered by the overtime requirements of the Fair Labor  
22 Standards Act, sick leave may be used in one-half hour increments, at the discretion of  
23 the appointing authority.

24 D. There shall be no limit to the hours of sick leave benefits accrued by an  
25 eligible employee.

26 E. Separation from or termination of county employment except by reason of  
27 retirement or layoff due to lack of work, funds, efficiency reasons or separation for non-  
28 disciplinary medical reasons, shall cancel all sick leave accrued to the employee as of the  
29 date of separation or termination. Should the employee resign in good standing, be  
30 separated for non-disciplinary medical reason or be laid off, and return to county  
31 employment within two years, accrued sick leave shall be restored, but the restoration  
32 shall not apply where the former employment was in a term-limited temporary position.

33 F.1. Except for employees covered by K.C.C. 3.12.220.G, employees eligible to  
34 accrue sick leave and who have successfully completed at least five years of county  
35 service and who retire as a result of length of service or who terminate by reason of death  
36 shall be paid, or their estates paid or as provided for by Title 11 RCW, as applicable, an  
37 amount equal to thirty-five percent of their unused, accumulated sick leave multiplied by  
38 the employee's rate of pay in effect upon the date of leaving county employment less  
39 mandatory withholdings. This provision is predicated on the requirement that, except

40 with the written approval of the executive, the position, if vacated by a non((-  
41 ))represented employee, shall not be filled until salary savings for such a position are  
42 accumulated in an amount sufficient to pay the cost of the cash-out. For the purposes of  
43 this subsection F.1, "retire as a result of length of service" means an employee is eligible,  
44 applies for and begins drawing a pension from the Law Enforcement Officers and  
45 Firefighters (LEOFF), Public Employees' Retirement System (PERS), Public Safety  
46 Employees' Retirement System (PSERS) or the city of Seattle retirement plan  
47 immediately upon terminating county employment.

48 2.a. In lieu of the remuneration for unused sick leave at retirement, the manager  
49 of the human resources division, or the manager's designee, may, with equivalent funds,  
50 provide eligible employees with a voluntary employee beneficiary association plan that  
51 provides for reimbursement of retiree and other qualifying medical expenses.

52 b. The manager shall adopt procedures for the implementation of all voluntary  
53 employee beneficiary association plans. At a minimum, the procedures shall provide  
54 that:

55 (1) each group of employees hold an election to decide whether to implement  
56 a voluntary employee beneficiary association plan for a defined group of employees. The  
57 determination of the majority of voting employees in a group shall bind the remainder.  
58 Elections for represented employees shall be conducted by the appropriate bargaining  
59 representative. Elections for non-represented employees shall be conducted in  
60 accordance with procedures established by the manager;

61 (2) the manager has discretion to determine the scope of employee groups  
62 voting on whether to adopt a voluntary employee beneficiary association plan. The

63 manager shall consult with bargaining representatives and elected officials in determining  
64 the scope of voting groups;

65 (3) any voluntary employee beneficiary association plan implemented in  
66 accordance with this subsection F.2. complies with federal tax law. Disbursements in  
67 accordance with this subsection F.2. shall be exempt from withholdings, to the extent  
68 permitted by law; and

69 (4) employees shall forfeit remuneration under subsections F.1. and 2. of this  
70 section if the employee belongs to a group that has voted to implement a voluntary  
71 employee beneficiary association plan and the employee fails to execute forms that are  
72 necessary to the proper administration of the plan within twelve months of retirement by  
73 reason of length of service, as defined in subsection F.1. of this subsection.

74 G. Uniformed employees covered under the LEOFF Retirement System-Plan I  
75 shall apply for disability retirement under RCW 41.26.120.

76 H. An employee must use all of his or her accrued sick leave and any donated  
77 sick leave before taking unpaid leave for his or her own health reasons. If the injury or  
78 illness is compensable under the county's workers compensation program, then the  
79 employee has the option to augment or not augment time loss payments with the use of  
80 accrued sick leave. For a leave for family reasons, the employee shall choose at the start  
81 of the leave whether the particular leave would be paid or unpaid; but when an employee  
82 chooses to take paid leave for family reasons he or she may set aside a reserve of up to  
83 eighty hours of accrued sick leave. An employee who has exhausted all of his or her sick  
84 leave may use accrued vacation leave before going on leave of absence without pay, if

85 approved by his or her appointing authority. Sick leave shall be used for the following  
86 reasons:

87 1. The employee's bona fide illness, but an employee who suffers an  
88 occupational illness may not simultaneously collect sick leave and worker's  
89 compensation payments in a total amount greater than the net regular pay of the  
90 employee;

91 2. The employee's incapacitating injury, but:

92 a. an employee injured on the job may not simultaneously collect sick leave  
93 and worker's compensation payments in a total amount greater than the net regular pay of  
94 the employee; though an employee who chooses not to augment his or her worker's  
95 compensation time loss pay through the use of sick leave shall be deemed on unpaid  
96 leave status;

97 b. an employee who chooses to augment workers' compensation payments  
98 with the use of accrued sick leave shall notify the safety and workers' compensation  
99 program office in writing at the beginning of the leave;

100 c. an employee may not collect sick leave and workers' compensation time loss  
101 payments for physical incapacity due to any injury or occupational illness which is  
102 directly traceable to employment other than with the county;

103 3. The employee's exposure to contagious diseases and resulting quarantine;

104 4. A female employee's temporary disability caused by or contributed to by  
105 pregnancy and childbirth;

106 5. The employee's medical or dental appointments, provided that the employee's  
107 appointing authority has approved the use of sick leave for such appointments;

108           6. To care for the employee's child as defined in this chapter if the child has an  
109 illness or health condition which requires treatment or supervision from the employee; or

110           7. To care for other family members, if:

111           a. the employee has been employed by the county for twelve months or more  
112 and has worked a minimum of nine hundred ten hours (thirty-five--hour employee) or  
113 one thousand forty hours (forty-hour employee) in the preceding twelve months;

114           b. the family member is the employee's spouse or domestic partner, the  
115 employee's child, a child of the employee's spouse or domestic partner, the parent of the  
116 employee, employee's spouse or domestic partner or an individual who stands or stood in  
117 loco parentis to the employee, the employee's spouse or domestic partner; and

118           c. the reason for the leave is one of the following:

119           (1) the birth of a son or daughter and care of the newborn child, or placement  
120 with the employee of a son or daughter for adoption or foster care, if the leave is taken  
121 within twelve months of the birth, adoption or placement;

122           (2) the care of the employee's child or child of the employee's spouse or  
123 domestic partner whose illness or health condition requires treatment or supervision by  
124 the employee; or

125           (3) care of a family member who suffers from a serious health condition.

126           I. An employee may take a total of up to eighteen work weeks unpaid leave for  
127 his or her own serious health condition, and for family reasons as provided in K.C.C.  
128 3.12.220\_H.6, and K.C.C. 3.12.220\_H.7, combined, within a twelve-month period. The  
129 leave may be continuous, which is consecutive days or weeks, or intermittent, which is

130 taken in whole or partial days as needed. Intermittent leave is subject to the following  
131 conditions:

132 1. When leave is taken after the birth or placement of a child for adoption or  
133 foster care, an employee may take leave intermittently or on a reduced leave schedule  
134 only if authorized by the employee's appointing authority;

135 2. An employee may take leave intermittently or on a reduced schedule when  
136 medically necessary due to a serious health condition of the employee or a family  
137 member of the employee; and

138 3. If an employee requests intermittent leave or leave on a reduced leave  
139 schedule under K.C.C. 3.12.220.I.2, that is foreseeable based on planned medical  
140 treatment, the appointing authority may require the employee to transfer temporarily to  
141 an available alternative position for which the employee is qualified and that has  
142 equivalent pay and benefits and that better accommodates recurring periods of leave than  
143 the regular position of the employee.

144 J. Use of donated leave shall run concurrently with the eighteen work week  
145 family medical leave entitlement.

146 K. The county shall continue its contribution toward health care benefits during  
147 any unpaid leave taken under K.C.C. 3.12.220.I.

148 L. Department management is responsible for the proper administration of the  
149 sick leave benefit. Verification from a licensed health care provider may be required to  
150 substantiate the health condition of the employee or family member for leave requests.

151 M. An employee who returns from unpaid family or medical leave within the  
152 time provided in this ordinance section is entitled, subject to bona fide layoff provisions,  
153 to:

154 1.a. the same position he or she held when the leave commenced; or

155 b. a position with equivalent status, benefits, pay and other terms and

156 conditions of employment; and

157 2. The same seniority accrued before the date on which the leave commenced.

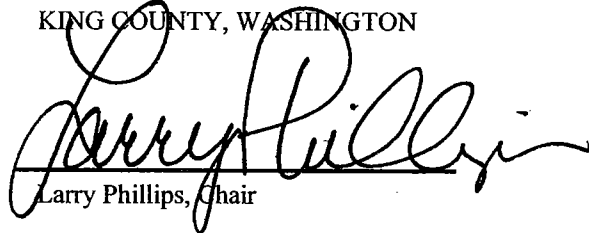


158 N. Failure to return to work by the expiration date of a leave of absence may be  
159 cause for removal and result in termination of the employee from county service.  
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Ordinance 15557 was introduced on 6/19/2006 and passed by the Metropolitan King  
County Council on 7/24/2006, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Ms. Lambert, Mr. Dunn, Mr.  
Ferguson, Mr. Gossett, Ms. Hague, Ms. Patterson and Mr. Constantine  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



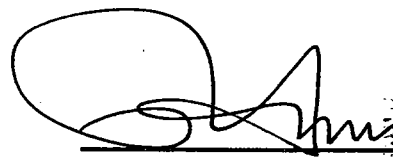
Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 2 day of August, 2006.



Ron Sims, County Executive

Attachments None

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CLERK  
KING COUNTY COUNCIL