



## King County

### Metropolitan King County Council Committee of the Whole

#### CORRECTED STAFF REPORT

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Agenda Item No.:	4	Date:	7 Nov 2011
Proposed Ordinance No.:	2011-0106	Prepared by:	Nick Wagner

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#### SUMMARY

Proposed Ordinance 2011-0106 (pp. 5-7 of these materials) is a joint legislative proposal from the Executive and the Sheriff, as requested by the Council, establishing a process of consultation and collaboration regarding collective bargaining negotiations concerning Sheriff's Office employees.

#### BACKGROUND

Last year the Council placed on the ballot, by Ordinance 16900 (pp. 19-22 of these materials), and the voters approved, a proposed charter amendment designating the Sheriff as "the county's collective bargaining agent for all department of public safety matters except for compensation and benefits, which shall be negotiated by the county executive . . . ."

Recognizing the need for the Executive and the Sheriff to consult and collaborate with one another in order for bargaining to be most effective, the Council included in Ordinance 16900 a section calling upon the Executive and the Sheriff to submit to the Council "a joint proposal for legislation establishing a process of consultation and collaboration between the executive and the sheriff in advance of collective bargaining negotiations concerning employees of the department of public safety."<sup>1</sup>

The Ordinance further provided that the process of consultation and collaboration shall:

- a. "[B]e designed to promote successful implementation of the charter amendment by identifying and resolving any disagreements between the county executive and the county sheriff concerning the division of bargaining authority, the positions to be taken on issues expected to arise during collective bargaining or other matters that have the potential to interfere with collective bargaining";
- b. "[P]rovide that the county executive and the county sheriff shall promptly submit a confidential, detailed, written report to the chair of the county council and the

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<sup>1</sup> Ordinance 16900 § 4 (pp. 21-22 of these materials).

chair of the council's labor policy committee describing any such disagreement that the executive and the sheriff are unable to resolve”; and

- c. “[P]rovide that neither the county executive nor the county sheriff shall propose or agree to the inclusion of language in any collective bargaining agreement concerning employees of the department of public safety without conferring with one another, except in regards to compensation and benefits.”

## **THE PROPOSED LEGISLATION**

In response to the Council’s direction, the Executive and the Sheriff transmitted Proposed Ordinance 2011-0106 (pp. 5-7 of these materials).

The proposed ordinance follows the direction contained in the charter amendment ordinance, with two exceptions:

- The proposed ordinance contains a requirement that there be a single collective bargaining agreement, rather than separate agreements for (1) working conditions and (2) compensation and benefits. The charter amendment ordinance did not contain such a requirement.
- The proposed ordinance would require the Executive and the Sheriff to confer and try to resolve their differences regarding the scope of their respective bargaining authority, but not about substantive positions to be taken in negotiations or about other matters that might affect bargaining. The charter amendment ordinance required them to identify and try to resolve their differences about all those matters.

## **STRIKING AMENDMENT S1**

In consultation with councilmembers, representatives of the Executive and the Sheriff, and legal counsel, council staff has drafted Striking Amendment S1, which is at pages 9-13 of these materials. According to their representatives, both the Executive and the Sheriff find the striking amendment acceptable.

The striking amendment would make the following changes in Proposed Ordinance 2011-0106:

1. Add findings to provide a context for the ordinance;
2. Delete a requirement – not contained in the directions given by the Council in the charter amendment ordinance – that the result of joint bargaining be a single collective bargaining agreement (as opposed to, for example, having one agreement on compensation and benefits and a separate agreement on working conditions);

3. Expand the scope of matters about which the Executive and the Sheriff are required to confer and try to resolve their differences, to include not only their respective areas of bargaining authority,<sup>2</sup> but also the positions to be taken on issues expected to arise during collective bargaining and other matters that have the potential to affect collective bargaining (the Council's direction in the charter amendment ordinance had included all these issues);
4. Require the Executive and the Sheriff to meet, if necessary, as part of their efforts to resolve their differences, but allow them to do so through designees;
5. Make clear that if the Executive and the Sheriff are unable to resolve their difference, they are to file a single, joint report describing their disagreements, not two separate reports;
6. Require that the joint report be provided to each councilmember, rather than only to the Council chair and the chair of the Council's labor policy committee;
7. Make clear that the duty of the Executive and the Sheriff to confer before proposing or agreement to contract terms extends not only to comprehensive collective bargaining agreements, but also to memoranda of agreement and memoranda of understanding, which are narrower in scope;
8. Amend the definition of "bargaining agent" in Section 3.16.015 of the county code to conform to the changes being made in Section 3.16.010 by Section 2 of the ordinance; and
9. Technical changes throughout the ordinance.

## **TITLE AMENDMENT T1**

Proposed Title Amendment T1 (p. 15 of these materials) would conform the title to the changes made by Striking Amendment S1 and would also make technical changes.

## **INVITED**

1. Patti Cole-Tindall, Director, King County Office of Labor Relations
2. Sue Rahr, King County Sheriff

## **ATTACHMENTS**

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<sup>2</sup> I.e., where the line should be drawn between compensation and benefits, on the one hand, and other terms of employment, on the other.

**ATTACHMENTS**

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**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**November 4, 2011**

**Ordinance**

**Proposed No.** 2011-0106.1

**Sponsors** Gossett and Ferguson

1 AN ORDINANCE establishing a process of consultation  
2 and collaboration between the executive and sheriff  
3 regarding collective bargaining negotiations concerning  
4 employees of the department of public safety

5 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

6 SECTION 1. Ordinance 197, Section 1, and K.C.C. 3.16.010 are hereby amended  
7 to read as follows:

8 There is established an ordinance for collective bargaining and, pursuant to the  
9 provisions of Section 890 and 897 of the King County Charter, the King County  
10 executive is designated bargaining agent for King County except as provided in section 2  
11 of this ordinance.

12 NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 3.16 a  
13 new section to read as follows:

14 A. The king county sheriff is designated bargaining agent of the county on all  
15 department of public safety matters except for compensation and benefits for employees  
16 of the department of public safety. The county executive is designated bargaining agent  
17 on compensation and benefits for employees of public safety.

18 B. The county shall enter into one collective bargaining agreement with each  
19 respective collective bargaining unit.

20 C. The sheriff and the executive shall consult and collaborate with one another in  
21 advance of collective bargaining negotiations concerning employees of the department of  
22 public safety. The sheriff and executive shall identify respective divisions of bargaining  
23 authority and the positions to be taken on issues expected to arise during collective  
24 bargaining or other matters that have the potential to interfere with collective bargaining.  
25 The sheriff and executive shall attempt to resolve any disagreements between them  
26 concerning their respective division of bargaining authority.

27 D. If the sheriff and the executive are unable to resolve any issue, the sheriff and  
28 the executive shall promptly submit a confidential, detailed, written report to the chair of  
29 the county council and the chair of the council's labor policy committee describing the  
30 disagreement.

31 E. Neither the executive nor the sheriff shall propose or agree to the inclusion of  
32 language in any collective bargaining agreement concerning employees of the department

33 of public safety without conferring with one another, except in regards to compensation  
34 and benefits.  
35

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Larry Gossett, Chair

ATTEST:

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Anne Noris, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** None

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Nov. 7, 2011

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Sponsor: Gossett

Proposed No.: 2011-0106

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2011-0106, VERSION**

2 **1**

3 On page 1, beginning on line 5, strike everything through page 3, line 34, and insert:

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

5 **SECTION 1. Findings:**

6 A. In November of 2010 the voters of King County approved a charter  
7 amendment, placed on the ballot by Ordinance 16900, designating the King County  
8 sheriff as the county's bargaining agent on all department of public safety matters except  
9 for compensation and benefits.

10 B. Ordinance 16900 provided that, if the charter amendment were approved by  
11 the voters, the sheriff and the county executive were to submit to the council, within  
12 ninety days after certification that the charter amendment had been approved, a joint  
13 proposal for legislation establishing a process of consultation and collaboration between  
14 the executive and the sheriff in advance of collective bargaining negotiations. Ordinance  
15 16900 also set several requirement for the process to be established by the legislation.

16 C. In accordance with Ordinance 16900, the executive and the sheriff submitted  
17 to the council a joint legislative proposal establishing a process of consultation and

18 collaboration between the executive and the sheriff in advance of collective bargaining  
19 negotiations.

20 D. Having considered the joint proposal and the issues that it addresses, and  
21 having consulted and reached agreement with the executive and the sheriff about certain  
22 changes in the joint proposal, the council hereby approves and adopts the process of  
23 consultation and collaboration between the executive and the sheriff that is set forth in  
24 this ordinance.

25 SECTION 2. Ordinance 197, Section 1, and K.C.C. 3.16.010 are hereby amended  
26 to read as follows:

27 ~~((There is established an ordinance for collective bargaining and, pursuant to the  
28 provisions of))~~ A. In accordance with Sections 890 and 898 of the King County Charter,  
29 the King County executive is the designated bargaining agent for King County, except as  
30 provided in subsection B. of this section.

31 B.1. The sheriff is the designated bargaining agent of the county on all  
32 department of public safety matters except for compensation and benefits for employees  
33 of the department of public safety. The county executive is the designated bargaining  
34 agent on compensation and benefits for employees of the department of public safety.

35 2. The sheriff and the executive shall consult and collaborate with each other in  
36 advance of collective bargaining negotiations with representatives of the employees of  
37 the department of public safety. The sheriff and the executive shall identify respective  
38 areas of bargaining authority, the positions to be taken on issues expected to arise during  
39 collective bargaining and other matters that have the potential to affect collective  
40 bargaining. The sheriff and the executive shall make a good faith effort, including

41 meeting if necessary, to resolve any disagreements between them concerning such  
42 matters.

43 3. If the sheriff and the executive are unable to resolve any such disagreements,  
44 the sheriff and the executive shall promptly submit to each councilmember a confidential,  
45 detailed, joint written report describing the disagreement.

46 4. Neither the executive nor the sheriff may propose or agree to the inclusion of  
47 language in any collective bargaining agreement, memorandum of agreement or  
48 memorandum of understanding concerning employees of the department of public safety  
49 without conferring with each other, except regarding compensation and benefits.

50 SECTION 3. Ordinance 10631, Section 2, as amended, and K.C.C. 3.16.015 are  
51 each hereby amended to read as follows:

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

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

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

60 C. "Bargaining agent" means the (~~King County executive~~) designated bargaining  
61 agent as determined under K.C.C. 3.16.010.

62 D. "Public employer" means King County.

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

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

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

68 H. "Labor policy committee" or "policy committee" means the King County  
69 council committee designated by the council by motion as the committee responsible for  
70 establishing labor policy.

71 I. "Labor implementation committee" or "implementation committee" means the  
72 King County council committee designated by the council by motion as the committee  
73 responsible for implementing labor policy.

74 J. "Labor policy" or "policy" means those general principles which work to  
75 implement the intent of this chapter and guide negotiations for wages, benefits,  
76 working conditions and other terms of employment."

77 **EFFECT: The proposed amendment would:**

- 78 **1. Add Findings as a new Section 1 to provide a context for the ordinance;**
- 79 **2. Re-number Section 1 as Section 2.A and (b) make technical changes in the**  
80 **wording;**
- 81 **3. (a) Re-number Section 2.A as Section 2.B.1 and (b) make technical changes**  
82 **in the wording;**
- 83 **4. Delete Section 2.B, which would have required one collective bargaining**  
84 **agreement;**
- 85 **5. (a) Re-number Section 2.C as Section 2.B.2; (b) change "attempt to resolve**  
86 **any disagreements concerning their respective division of bargaining**  
87 **authority" to "make a good faith effort, including meeting if necessary, to**  
88 **resolve any disagreements between them concerning such matters"; and (c)**  
89 **and make technical changes in the wording;**

- 90       **6. (a) Re-number Section 2.D as Section 2.B.3; (b) make clear that the Sheriff**  
91       **and the Executive are required to file a single, “joint” report; and (c) make**  
92       **technical changes in the wording;**
- 93       **7. Require that the joint report be provided to each councilmember,**  
94       **rather than only to the Council chair and the chair of the Council’s**  
95       **labor policy committee;**
- 96       **8. (a) Re-number Section 2.E as Section 2.B.4; (b) make clear that the section**  
97       **applies to memoranda of agreement and memoranda of understanding as**  
98       **well as more comprehensive collective bargaining agreements; and (c) make**  
99       **technical changes in the wording.**
- 100      **9. Add a new Section 3, amending the definition of “bargaining agent” in**  
101      **Section 3.16.015 of the county code to conform to the changes being made in**  
102      **Section 3.16.010 by Section 2 of the ordinance.**

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Nov. 7, 2011

**T1**

nw

Sponsor: Gossett

Proposed No.: 2011-0106

1 **TITLE AMENDMENT TO PROPOSED ORDINANCE 2011-0106, VERSION 1**

2 On page 1, beginning on line 1, strike lines 1 through 4, and insert:

3 "AN ORDINANCE establishing a process of consultation and  
4 collaboration between the executive and the sheriff regarding collective  
5 bargaining negotiations concerning employees of the department of public  
6 safety; and amending Ordinance 197, Section 1, and K.C.C. 3.16.010 and  
7 Ordinance 10631, Section 2, as amended, and K.C.C. 3.16.015."

8 **EFFECT: Conforms the title to the changes made by Striking Amendment S1 and**  
9 **makes technical changes in the title.**

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February 23, 2011

The Honorable Larry Gossett  
Chair, King County Council  
Room 1200  
C O U R T H O U S E

Re: Report to Council: Joint Proposal for Bifurcated Bargaining Process between the Executive and the King County Sheriff's Office

Dear Chairman Gossett and King County Council members:

The King County voters approved Charter Amendment No. 3 in the November 2, 2010 general election. The amendment designates the King County Sheriff as the county's bargaining agent for collective bargaining with county employees of the department of public safety on all issues except compensation and benefits. The executive will continue to bargain compensation and benefits. Ordinance 16900, which was the ordinance that submitted the vote on the charter to the citizens also provided that the sheriff and executive propose a joint proposal for legislation establishing a process of consultation and collaboration between the executive and the sheriff in advance of collective bargaining negotiations. A copy of the draft proposal is attached.

The sheriff and the executive branch staff have met and conferred several times since the amendment to the charter passed. In doing so, the executive and sheriff have identified the various sections of the respective collective bargaining agreements which would be bargained by the executive and those that would be bargained by the sheriff. A copy of those sections is attached. The sheriff and the executive recognize issues may arise that will require the sheriff and the executive to work together closely during bargaining to identify and resolve differences. Both the sheriff and the executive are committed to a successful process.

The sheriff and executive want to emphasize that although the sheriff and the executive have their respective roles during bargaining, the county will be entering into one contract with

The Honorable Larry Gossett

February 23, 2011

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each of the bargaining units: bargaining units will not have to negotiate two separate contracts, one with the sheriff and one with the executive. The sheriff and the executive will work together as a team.

The language of the proposed legislation is straightforward and mirrors the council's direction to the executive and the sheriff in Section 4 of Ordinance 16900.

We look forward to working together to implement this important change to the charter and commit ourselves to you to make it successful. If you have any questions or concerns, we will be happy to discuss them with you.

Sincerely,

Susan L. Rahr  
King County Sheriff

Dow Constantine  
King County Executive

cc: King County Council Members

ATTN: Tom Bristow, Chief of Staff  
Anne Noris, Clerk of the Council



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**July 27, 2010**

**Ordinance 16900**

**Proposed No. 2009-0396.2**

**Sponsors Lambert and Ferguson**

1 AN ORDINANCE proposing to amend Section 890 of the  
2 King County Charter and to add a new Section 897 of the  
3 King County Charter, to designate the county sheriff as the  
4 county's bargaining agent on all department of public safety  
5 issues except for compensation and benefits; submitting the  
6 same to the voters of the county for their ratification or  
7 rejection at the November 2010 general election; and  
8 requiring the executive and the sheriff to submit a joint  
9 proposal to the council for legislation to facilitate  
10 implementation of the charter amendment if it is approved  
11 by the voters.

12 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

13 **SECTION 1. Findings:**

14 A. Section 890 of the King County Charter specifies the county executive as the  
15 bargaining agent of the county. The county executive has authority over collective  
16 bargaining for department of public safety and other departments on all issues, including  
17 contract terms related to wages, hours, benefits and working conditions.

18 B. The county sheriff, a separately elected official, currently has input, but no  
19 authority to bargain contract provisions with represented employees of the department of  
20 public safety.

21 SECTION 2. There shall be submitted to the qualified voters of King County for  
22 their approval and ratification or rejection, at the next general election to be held in this  
23 county occurring more than forty-five days after the enactment of this ordinance, an  
24 amendment to Section 890 of the King County Charter and the addition of a new Section  
25 897 to the King County Charter, as set forth herein:

26 **Section 890. Employee Representation.**

27 The county council may enact an ordinance providing for collective bargaining by the  
28 county with county employees covered by the personnel system. If an ordinance providing for  
29 collective bargaining is enacted, it shall not be subject to the veto power of the county executive;  
30 and, except with respect to bargaining by the county with employees of the department of public  
31 safety pursuant to Section 897 of this charter, it shall designate the county executive as the  
32 bargaining agent of the county. Any agreement reached as a result of negotiations by the county  
33 bargaining agent with county employees shall not have the force of law unless enacted by  
34 ordinance.

35 **Section 897. Department of Public Safety Employee Collective Bargaining.**

36 The county council may enact an ordinance providing for collective bargaining by the  
37 county with employees of the department of public safety. The county executive shall not have  
38 veto power over this ordinance. If such an ordinance is enacted, it shall designate the county  
39 sheriff as the bargaining agent of the county on all department of public safety matters except for  
40 compensation and benefits, which shall be negotiated by the county executive as provided in  
41 Section 890 of this charter. Any agreement reached as a result of negotiations by the county

42 sheriff or the county executive with employees of the department of public safety shall not have  
43 the force of law unless enacted by ordinance.

44 SECTION 3. The clerk of the council shall certify the proposition to the manager  
45 of the elections division, in substantially the following form, with such additions,  
46 deletions or modifications as may be required by the prosecuting attorney:

47 Shall the King County Charter be amended to allow the King County  
48 Sheriff to serve as the county's collective bargaining agent for all  
49 department of public safety issues except for compensation and benefits,  
50 which would continue to be bargained by the county executive?

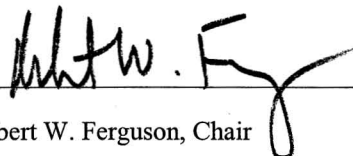
51 SECTION 4. Within ninety days after certification that the charter amendment in  
52 section 2 of this ordinance has been approved by the voters, the county executive and the  
53 county sheriff shall submit to the county council a joint proposal for legislation  
54 establishing a process of consultation and collaboration between the executive and the  
55 sheriff in advance of collective bargaining negotiations concerning employees of the  
56 department of public safety. The process shall be designed to promote successful  
57 implementation of the charter amendment by identifying and resolving any disagreements  
58 between the county executive and the county sheriff concerning the division of  
59 bargaining authority, the positions to be taken on issues expected to arise during  
60 collective bargaining or other matters that have the potential to interfere with collective  
61 bargaining. The process shall provide that the county executive and the county sheriff  
62 shall promptly submit a confidential, detailed, written report to the chair of the county  
63 council and the chair of the council's labor policy committee describing any such  
64 disagreement that the executive and the sheriff are unable to resolve. The process shall

65 further provide that neither the county executive nor the county sheriff shall propose or  
66 agree to the inclusion of language in any collective bargaining agreement concerning  
67 employees of the department of public safety without conferring with one another, except  
68 in regards to compensation and benefits.  
69

Ordinance 16900 was introduced on 6/29/2009 and passed as amended by the  
Metropolitan King County Council on 7/26/2010, by the following vote:

Yes: 6 - Mr. Phillips, Ms. Hague, Ms. Patterson, Ms. Lambert, Mr.  
Ferguson and Mr. Dunn  
No: 3 - Ms. Drago, Mr. von Reichbauer and Mr. Gossett  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
\_\_\_\_\_  
Robert W. Ferguson, Chair

ATTEST:

  
\_\_\_\_\_

Anne Noris, Clerk of the Council

**Attachments:** None

## **King County Charter**

### **Section 890 Employee Representation.**

The county council may enact an ordinance providing for collective bargaining by the county with county employees covered by the personnel system. If an ordinance providing for collective bargaining is enacted, it shall not be subject to the veto power of the county executive; and, except with respect to bargaining by the county with employees of the department of public safety pursuant to Section 898 of this charter, it shall designate the county executive as the bargaining agent of the county. Any agreement reached as a result of negotiations by the county bargaining agent with county employees shall not have the force of law unless enacted by ordinance. (Ord. 16900 § 2, 2010)

### **Section 898 Department of Public Safety Employee Collective Bargaining.**

The county council may enact an ordinance providing for collective bargaining by the county with employees of the department of public safety. The county executive shall not have veto power over this ordinance. If such an ordinance is enacted, it shall designate the county sheriff as the bargaining agent of the county on all department of public safety matters except for compensation and benefits, which shall be negotiated by the county executive as provided in Section 890 of this charter. Any agreement reached as a result of negotiations by the county sheriff or the county executive with employees of the department of public safety shall not have the force of law unless enacted by ordinance. (Ord. 16900 § 2, 2010)