



King County
Metropolitan King County Council
Committee of the Whole

STAFF REPORT

Agenda Item No.:	4	Date:	6 Feb 2012
Proposed Ordinance No.:	2011-0494	Prepared by:	Nick Wagner

SUMMARY

Proposed Ordinance 2011-0494 (pp. 3-6 of these materials) would clarify the process for adopting labor policies. This is the second time that the ordinance has been considered in the Committee of the Whole; the first time was on 12 December 2011.

BACKGROUND

The Council rules (Chapter 1.24 of the King County Code) prescribe the procedure for adoption, amendment, and repeal of ordinances and motions, but there currently is no explicit procedure for the adoption, amendment, and repeal of labor policies or for the maintenance of adopted labor policies.¹ Proposed Ordinance 2011-0494 is based on the premise that it would be helpful to adopt such a procedure.

THE PROPOSED LEGISLATION

Labor Policies in General

Proposed Ordinance 2011-0494 would provide in part:

- “Any councilmember may propose the adoption, amendment or repeal of any labor policy by filing with the clerk of the council a memorandum that includes the proposed policy. Any proposed amendment shall set forth the existing policy and show proposed changes as in the form required for ordinances by K.C.C. 1.24.075.”
- “The clerk shall provide a copy of the proposal to the executive, each councilmember and the lead staff for the labor policy committee.”

¹ Historically, there has been inconsistency in the manner of adoption, amendment, and repeal of labor policies. For example, some policies have been adopted by motion by the full Council; others have been adopted by less formal action within the labor policy committee. A recent example of the latter was the extensive revision of the county labor policies in 2010.

The ordinance implicitly leaves to the discretion of the councilmember whether to include a statement of factual findings or reasons for the labor policy.

The county code already provides that labor policies are to be adopted or amended by a vote of a majority of the members of the Council’s labor policy committee (KCC 3.16.050(B)).

Confidential Labor Policies

The proposed ordinance would require a councilmember proposing a labor policy to designate it as public or confidential; however, a policy would be deemed confidential only if that designation was supported by the affirmative vote of a majority of the members of the labor policy committee.

The ordinance would provide that “proposed or adopted policies designated as confidential shall be considered policy formulation documents and be maintained as confidential and exempt from public disclosure as provided in RCW 42.56.280.”

Maintenance of Labor Policies by the Council Clerk

The proposed ordinance would direct the Council Clerk to:

- “[M]aintain a compilation of adopted policies”;
- “[M]ake publicly available all public policies”; and
- “[M]aintain as confidential all labor policies designated as confidential policy formulation documents.”

No Effect on Designation of Labor Policy Committee

The proposed ordinance would have no effect on the designation of the full Council as the Council’s “labor policy committee” in section 3.16.015(H) of the King County Code.

No Effect on Substance of Current Labor Policies

The proposed ordinance would prescribe only the process for adoption, amendment, and repeal of labor policies, and for maintenance of the records concerning such policies. The ordinance would have no effect on the substance of current labor policies.

ATTACHMENTS

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1. Proposed Ordinance 2011-0494	3
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KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

December 8, 2011

Ordinance

Proposed No. 2011-0494.1

Sponsors Gossett

1 AN ORDINANCE relating to the adoption, amendment and
2 repeal of labor policies and the maintenance of adopted
3 labor policies; and amending Ordinance 12014, Section 55,
4 as amended, and K.C.C. 3.16.050.

5 STATEMENT OF FACTS:

- 6 1. There currently is no explicit procedure for the adoption, amendment
7 and repeal of labor policies or for the maintenance of adopted labor
8 policies.
9 2. It would be helpful to adopt such a procedure.

10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 SECTION 1. Ordinance 12014, Section 55, as amended, and K.C.C. 3.16.050 are
12 each hereby amended to read as follows:

13 A. The labor policy committee shall meet as it deems necessary to obtain the
14 testimony of members of the public, the bargaining agent, bargaining representatives or
15 their designees, county department management and others in order to consider such
16 testimony in policy decisions before the committee (~~((but))~~). The labor policy committee
17 shall not engage in bargaining with bargaining representatives or represented employees.

18 B. The labor policy committee shall provide an opportunity for bargaining
19 representatives or their designees to address the (~~((policy))~~) committee (~~((prior to))~~) before

20 the adoption of overall policy. Overall policy, and all amendments to adopted policies,
21 shall be established only upon an affirmative vote by a majority of the members of the
22 labor policy committee.

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

27 D. The bargaining agent may seek further clarification of adopted policies from
28 the labor policy committee at any time during the negotiations.

29 E. By June 30 of each year, the executive shall report to the labor policy
30 committee regarding employment policies applicable to nonrepresented employees.

31 F. By June 30 of each year, the prosecuting attorney shall, in conjunction with the
32 executive, report to the labor policy committee on all pending litigation involving
33 nonrepresented employees.

34 G. For the purpose of maintaining an effective collective bargaining process, the
35 strategies and related information presented by the bargaining agent shall be maintained
36 as confidential. In addition, proposed or adopted policies designated as confidential shall
37 be considered policy formulation documents and be maintained as confidential and
38 exempt from public disclosure as provided in RCW 42.56.280. The labor policy
39 committee shall develop guidelines to assist in accomplishing such confidentiality.

40 H. Any councilmember may propose the adoption, amendment or repeal of any
41 labor policy by filing with the clerk of the council a memorandum that includes the
42 proposed policy. Any proposed amendment shall set forth the existing policy and show

43 proposed changes as in the form required for ordinances by K.C.C. 1.24.075. The clerk
44 shall provide a copy of the proposal to the executive, each councilmember and the lead
45 staff for the labor policy committee. The proposal shall be designated by the
46 councilmember either as public or as confidential pending action by the committee on the
47 policy. Adopted policies may be designated as confidential by an affirmative vote of a
48 majority of the members of the policy committee.

49 I. The clerk of the council shall maintain a compilation of adopted policies. The

50 clerk shall make publicly available all public policies, and shall maintain as confidential
51 all labor policies designated as confidential policy formulation documents.
52

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Larry Gossett, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None