



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**March 27, 2018**

**Ordinance 18696**

**Proposed No. 2017-0373.2**

**Sponsors Upthegrove**

1 AN ORDINANCE related to establishing the voluntary  
2 separation program to incent the voluntary separation of  
3 retirement-eligible employees as a cost-saving measure and  
4 as necessary to minimize the number of employees subject  
5 to a reduction in force; and adding a new chapter to K.C.C.  
6 Title 3.

7 **STATEMENT OF FACTS:**

- 8 1. Because significant budget shortfalls in key areas were identified for  
9 2013 and forecasted for 2014, on November 16, 2012, Ordinance 17457  
10 was enacted. The ordinance authorized the executive branch to pilot a  
11 voluntary separation program in 2012 and 2013 designed to incent  
12 retirement-eligible employees to voluntarily leave county employment.  
13 The desired result was to minimize the need for reductions in force and  
14 provide for cost savings and efficiencies.
- 15 2. To allow for further assessment of the program, a second pilot was  
16 conducted during the 2014-2016 biennium, as authorized by Ordinance  
17 17833.
- 18 3. The county has completed the pilots, and the county executive has  
19 reported the following resulting benefits:

20 a. Twenty-seven proposed reductions in force were achieved in the  
21 2012-2013 pilot and thirty-four proposed reductions in force were  
22 achieved in the 2014-2016 pilot;

23 b. Agencies were able to better align resources and work programs with  
24 agency priorities, to create critically needed positions and to increase in  
25 efficiencies and flexibility; and

26 c. Significant cost savings were achieved.

27 3. Because the pilot programs to incent the voluntary separation of  
28 retirement eligible employees proved beneficial, the executive  
29 recommends that the voluntary separation program be established as an  
30 ongoing program.

31 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

32 SECTION 1. Sections 2 and 3 of this ordinance should constitute a new chapter  
33 in K.C.C. Title 3.

34 SECTION 2. A. The executive is hereby authorized to establish a program in  
35 agencies identified by the executive that incentivizes retirement-eligible employees to  
36 voluntarily leave county employment, but only if:

37 1. The voluntary separation program will enable the agency to avoid a budget  
38 shortfall that would result in program cuts or reductions in force, or the voluntary  
39 separation program will result in labor cost savings; and

40 2. The agency will not fill the separating employee's position or will fill the  
41 position at a lower wage rate that is expected to result in a net twenty percent annual  
42 salary cost savings.

43           B. The executive is further authorized to enter into or extend agreements with  
44 labor organizations to provide the same incentive program as provided for  
45 nonrepresented employees under this chapter. If such an agreement addresses no other  
46 subject or additional terms, it shall have the force of law upon execution by the parties,  
47 without enactment by ordinance.

48           C. In order to be eligible for the program, the employee must have at least five  
49 years of county service, must not be a temporary employee and must be eligible to apply  
50 for a pension from the Law Enforcement Officers and Firefighters Retirement System,  
51 Public Employees Retirement System, Public Safety Employees Retirement System or  
52 the city of Seattle Retirement Plan, before December 31 of the calendar year in which the  
53 employee applies for the program. While the employee must be retirement-eligible and  
54 must separate from the county, the employee need not actually begin drawing a pension  
55 to be considered eligible for the program. An employee who has resigned, retired or  
56 submitted written notification of the employee's intent to do so before the employee's  
57 employing agency has announced its intention to participate in the program, is ineligible  
58 to participate in the program.

59           D. Participation in the program by employees is entirely voluntary.

60           E. As a financial incentive, the county shall pay to currently employed,  
61 retirement-eligible employees who request, and are authorized by the executive, to  
62 voluntarily separate from county service, a one-time payment equal to twenty-six-weeks  
63 of the Washington state employment security department's maximum weekly  
64 unemployment benefit amount in effect as of January 1 of each calendar year. This one-  
65 time payment amount issued to the eligible participant will be in the amount effective for

66 the year the participant was approved for the program and separates from the county. For  
67 part-time employees, this one-time payment will be prorated based on the percentage that  
68 employee works as measured against a full-time employee.

69 F. The program shall require that participating employees enter into a written  
70 agreement with King County that sets forth the terms and conditions of their voluntary  
71 separation, including but not limited to:

72 1. Any employee approved to participate in the program must leave county  
73 employment by written resignation or retirement no later than December 31 of the year in  
74 which the employee applies for the program. Agencies may establish deadlines and  
75 procedures, which may vary by agency for employee participation in the program;

76 2. The employee will not seek reemployment with the county in any county  
77 position;

78 3. The employee agrees that the employee is not eligible for, and will not apply  
79 for, unemployment compensation and signs a waiver of any claim for unemployment  
80 compensation; and

81 4. The employee must sign a waiver or release of any claim under the Age  
82 Discrimination in Employment Act and the Older Worker Benefit Protection Act.

83 G. The executive's approval of any employee request to participate in the  
84 program is discretionary, and consideration will be given to the impact to service  
85 delivery, retention of a skilled employee or employees, cost of refilling a position or  
86 positions, short-term and long-term budget savings and the employee's length of service  
87 with the county.

88 H. All decisions to approve or deny the requests of individual employees to

89 participate in the program shall be in writing and shall report the savings impacts, either  
90 short-term or long-term or both, if the request is approved or denied. Decisions to  
91 approve or deny a request shall not be the subject of a grievance.

92 I. The executive shall include, as part of the program, a clear designation of who  
93 is authorized in each agency to approve or deny employee requests to participate in the  
94 program. Employees of agencies headed by elected officials, other than the executive,  
95 are ineligible to participate in the program unless their request is approved by both the  
96 executive and the head of the applicable agency.

97 SECTION 3. Severability. If any provision of this ordinance or its application to

98 any person or circumstance is held invalid, the remainder of the ordinance or  
99 the application of the provision to other persons or circumstances is not affected.  
100

Ordinance 18696 was introduced on 9/25/2017 and passed by the Metropolitan King County Council on 3/26/2018, by the following vote:

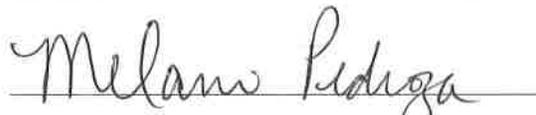
Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,  
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles  
and Ms. Balducci  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



J. Joseph McDermott, Chair

ATTEST:



Melani Pedroza, Clerk of the Council

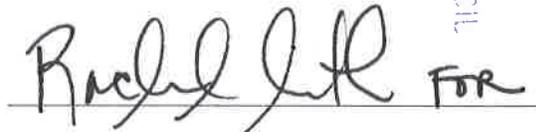


KING COUNTY COUNCIL  
CLERK

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APPROVED this 4<sup>th</sup> day of APRIL, 2018.



Dow Constantine, County Executive

Attachments: None