



## Legislation Details (With Text)

**File #:** 2015-0496      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 11/12/2015      **In control:** Transportation, Economy, and Environment Committee

**On agenda:**      **Final action:** 12/7/2015

**Enactment date:** 12/16/2015      **Enactment #:** 18191

**Title:** AN ORDINANCE relating to employee sick leave and family and medical leave; making King County family and medical leave run concurrently with federal and state family and medical leave; making other changes in King County family and medical leave and sick leave; making technical corrections; amending Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010 and Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220 and adding a new section to K.C.C chapter 3.12.

**Sponsors:** Rod Dembowski

**Indexes:** Human Resources Management Division

**Code sections:** 3.12 -, 3.12.010 -, 3.12.220 - .

**Attachments:** 1. Ordinance 18191.pdf, 2. 2015-0496 legislative review form.pdf, 3. 2015-0496 transmittal letter.doc, 4. 2015-0496 fiscal note.xlsx, 5. 2015-0496 Cost Analysis of Implementing FMLA-KCFML Recommendation.doc, 6. Jessica Knaster Wasse comment on paid leave.docx, 7. 2015-0496\_SR\_Briefing\_on\_PPL\_and\_KCFML\_Concurrency.docx, 8. 2015-0496\_SR\_KCFML\_Concurrency\_-\_2015-12-07 w attachments.docx.pdf, 9. 18191 amendment package 12-7-15.pdf

Date	Ver.	Action By	Action	Result
12/7/2015	1	Metropolitan King County Council	Hearing Held	
12/7/2015	1	Metropolitan King County Council	Passed as Amended	Pass
11/17/2015	1	Transportation, Economy, and Environment Committee	Recommended Do Pass	Pass
11/16/2015	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to employee sick leave and family and medical leave; making King County family and medical leave run concurrently with federal and state family and medical leave; making other changes in King County family and medical leave and sick leave; making technical corrections; amending Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010 and Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220 and adding a new section to K.C.C chapter 3.12.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings:**

A. King County employees are covered under a number of federal, state and local laws regarding family and medical leave. Family and medical leave is intended to allow employees the time they need to focus on serious health conditions that they or their family members are facing.

The laws affecting family and medical leave include: 29 U.S.C. Secs. 2601 et. seq., commonly known as the federal Family and Medical Leave Act ("FMLA"); 42 U.S.C. Secs.12101 et seq., commonly known as the Americans with Disabilities Act Amendments Act of 2008; 38 U.S.C Sec. 4301 et seq., commonly known as the Uniformed Services Employment and Reemployment Rights Act; chapter 49.78 RCW, commonly known as the Washington Family Leave Act ("WFLA"); RCW 49.12.265 through 49.12.295, commonly known as the Washington Family Care Act; WAC 162-30-020, which is a Washington state regulation relating to pregnancy, childbirth and pregnancy-related conditions; chapter 49.76 RCW, commonly known as Washington Domestic Violence Leave; chapter 49.77 RCW, commonly known as the Washington Military Family Leave Act; and K.C.C 3.12.220, which addresses sick leave and time off for medical and family reasons. King County family and medical leave ("KCFML") provides eligible county employees with leave benefits in addition to those provided under federal and state law.

B. FMLA and WFLA provide an eligible employee with twelve weeks of family and medical leave for qualifying reasons; that leave is job-protected, and the employee is entitled to continued health insurance during the period of leave. The twelve weeks of leave provided under FMLA and WFLA run concurrently. If an eligible employee has accrued paid leave, the employee can use that paid leave at the beginning of the leave under FMLA and WFLA. Once an eligible employee has exhausted paid leave, the employee may go into a leave without pay status for the remainder of the employee's leave entitlement.

C. King County provides an eligible employee with eighteen weeks of KCFML, which is unpaid and includes domestic partners as covered family members. Currently, KCFML does not begin until the employee has exhausted their accrued paid leave or is in a leave without pay status.

D. In order to provide consistency for employees in the duration of their family and medical leave, independent of the amount of paid leave they have accrued, and to provide for the efficient administration of all types of family and medical leave, the eighteen weeks of KCFML should run concurrently with leave under FMLA and WFLA. This would provide all eligible county employees with up to eighteen weeks of family and medical leave, which would be paid or unpaid depending upon the employee's paid leave accruals.

E. A 2014 memorandum of agreement between King County and the King County Coalition of Unions, which the Council approved by Ordinance 17916 in November 2014, provided, among other things, that for county employees represented by the Coalition benefits under KCFML would run concurrently with those provided under FMLA, instead of consecutively, but only if: the same changes were adopted and implemented by ordinance for non-represented employees; and the changes were not implemented for represented employees before July 1, 2015. The parties agreed to "work together to identify the King County Code language changes necessary to implement this change." This ordinance makes those code changes.

SECTION 2. Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010, as amended, are each hereby amended to read as follows:

For the purposes of this chapter, all words shall have their ordinary and usual meanings except those defined in this section which shall have, in addition, the following meanings. In the event of conflict, the specific definitions set forth in this section shall presumptively, but not conclusively, prevail.

A.1. "Administrative interns" means employees who are:

- a. enrolled full-time during the regular school year in a program of education, internship or apprenticeship; or
- b. veterans temporarily working to gain practical workforce experience.

2. All administrative internships in executive departments shall be approved by the manager.

Administrative interns are exempt from the career service under Section 550 of the charter.

B. "Appointing authority" means the county council, the executive, chief officers of executive

departments and administrative offices, or division managers having authority to appoint or to remove persons from positions in the county service.

C. "Basis of merit" means the value, excellence or superior quality of an individual's work performance, as determined by a structured process comparing the employee's performance against defined standards and, where possible, the performance of other employees of the same or similar class.

D. "Board" means the county personnel board established by Section 540 of the charter.

E. "Budgetary furlough" means a circumstance in which projected county revenues are determined to be insufficient to fully fund county agency operations and, in order either to achieve budget savings or to meet unallocated budget reductions, which are commonly known as contras, or both, cost savings may be achieved through reduction in days or hours of service, resulting in placing an employee for one or more days in a temporary furlough status without duties and without pay.

F. "Career service employee" means a county employee appointed to a career service position as a result of the selection procedure provided for in this chapter, and who has completed the probationary period.

G. "Career service position" means all positions in the county service except for those that are designated by Section 550 of the charter as follows: all elected officers; the county auditor, the clerk and all other employees of the county council; the county administrative officer; the chief officer of each executive department and administrative office; the members of all boards and commissions; the chief economist and other employees of the office economic and financial analysis; administrative assistants for the executive and one administrative assistant each for the county administrative officer, the county auditor, the county assessor, the chief officer of each executive department and administrative office and for each board and commission; a chief deputy for the county assessor; one confidential secretary each for the executive, the chief officer of each executive department and administrative office, and for each administrative assistant specified in this section; all employees of those officers who are exempted from the provisions of this chapter by the state constitution; persons employed in a professional or scientific capacity to conduct a special inquiry, investigation or

examination; part-time and temporary employees; administrative interns; election precinct officials; all persons serving the county without compensation; physicians; surgeons; dentists; medical interns; and student nurses and inmates employed by county hospitals, tuberculosis sanitariums and health departments of the county.

Divisions in executive departments and administrative offices as determined by the county council shall be considered to be executive departments for the purpose of determining the applicability of Section 550 of the charter.

All part-time employees shall be exempted from career service membership except, all part-time employees employed at least half time or more, as defined by ordinance, shall be members of the career service.

H. "Charter" means the King County Charter, as amended.

I. "Child" means a biological, adopted or foster child, a stepchild, a legal ward or a child of an employee standing in loco parentis to the child, who is:

1. Under eighteen years of age; or
2. Eighteen years of age or older and incapable of self care because of a mental or physical disability.

J. "Class" or "classification" means a position or group of positions, established under authority of this chapter, sufficiently similar in respect to the duties, responsibilities and authority thereof, that the same descriptive title may be used to designate each position allocated to the class.

K. "Classification plan" means the arrangement of positions into classifications together with specifications describing each classification.

L. "Compensatory time" means time off granted with pay in lieu of pay for work performed either on an authorized overtime basis or work performed on a holiday that is normally scheduled as a day off. Such compensatory time shall be granted on the basis of time and one-half.

M. "Competitive employment" means a position established in the county budget and that requires at least twenty-six weeks of service per year as the work schedule established for the position.

N. "Council" means the County Council as established by Article 2 of the charter.

O. "County" means King County and any other organization that is legally governed by the county with respect to personnel matters.

P. "Developmental disability" means a developmental disability, as defined in RCW 71A.10.020(2), as amended, attributable to mental retardation, cerebral palsy, epilepsy, autism or other neurological or other condition of an individual found by the secretary of the Washington state Department of Social and Health Services, or the secretary's designee, to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, that has continued or can be expected to continue indefinitely and that constitutes a substantial handicap for the individual.

Q. "Direct cost" means the cost aggregate of the actual weighted average cost of insured benefits, less any administrative cost therefore. Any payments to part-time and temporary employees under this chapter shall not include any administrative overhead charges applicable to administrative offices and executive departments.

R. "Director" means the manager of the human resources management division.

S. "Division" means the human resources management division or its successor agency.

T. "Domestic partners" are two people in a domestic partnership, one of whom is a county employee.

U. "Domestic partnership" is a relationship whereby two people:

1. Have a close personal relationship;
2. Are each other's sole domestic partner and are responsible for each other's common welfare;
3. Share the same regular and permanent residence;
4. Are jointly responsible for basic living expenses which means the cost of basic food, shelter and

any other expenses of a domestic partner that are paid at least in part by a program or benefit for which the partner qualified because of the domestic partnership. The individuals need not contribute equally or jointly to the cost of these expenses as long as they agree that both are responsible for the cost;

5. Are not married to anyone;
6. Are each eighteen years of age or older;
7. Are not related by blood closer than would bar marriage in the state of Washington;
8. Were mentally competent to consent to contract when the domestic partnership began.

V. "Employed at least half time or more" means employed in a regular position that has an established work schedule of not less than one-half the number of hours of the full-time positions in the work unit in which the employee is assigned, or when viewed on a calendar year basis, nine hundred ten hours or more in a work unit in which a work week of more than thirty-five but less than forty hours is standard or one thousand forty hours or more in a work unit in which a forty hour work week is standard. If the standard work week hours within a work unit varies (employees working both thirty five and forty hours) the manager, in consultation with the department, is responsible for determining what hour threshold applies.

W. "Employee" means any person who is employed in a career service position or exempt position.

X. "Executive" means the county executive, as established by Article 3 of the charter.

Y. "Exempt employee" means an employee employed in a position that is not a career service position under Section 550 of the charter. Exempt employees serve at the pleasure of the appointing authority.

Z. "Exempt position" means any position excluded as a career service position by Section 550 of the charter. Exempt positions are positions to which appointments may be made directly without a competitive hiring process.

AA. "Full-time regular employee" means an employee employed in a full-time regular position and, for full-time career service positions, is not serving a probationary period.

BB. "Full-time regular position" means a regular position that has an established work schedule of not less than thirty-five hours per week in those work units in which a thirty-five hour week is standard, or of not less than forty hours per week in those work units in which a forty-hour week is standard.

CC. "Furlough day" means a day for which an employee shall perform no work and shall receive no

pay due to an emergency budget crisis necessitating emergency budget furloughs.

DD. "Furloughed employee" means an employee who is placed in a temporary status without duties and without pay due to a financial emergency necessitating budget reductions.

EE. "Grievance" means an issue raised by an employee relating to the interpretation of rights, benefits, or condition of employment as contained in the administrative rules, collective bargaining agreement or procedures, or all three, for the career service.

FF. "Immediate family," as used in K.C.C. 3.12.210, means spouse, child, parent, son-in-law, daughter-in-law, grandparent, grandchild, sibling, domestic partner and the child, parent, sibling, grandparent or grandchild of the spouse or domestic partner.

GG. "Incentive increase" means an increase to an employee's base salary within the assigned pay range, based on demonstrated performance.

HH. "Integrated work setting" means a work setting with no more than eight persons with developmental disabilities or with the presence of a sensory, mental or physical handicap as specified in K.C.C. 3.12.180. This definition refers to all county offices, field locations and other work sites at which supported employees work alongside employees who are not persons with development disabilities employed in permanent county positions.

II. "King County family and medical leave" means a leave of absence taken under section 4 of this ordinance.

JJ. "Life-giving and life-saving procedures" means a medically-supervised procedure involving the testing, sampling, or donation of blood, organs, fluids, tissues and other human body components for the purposes of donation without compensation to a person for a medically necessary treatment.

~~((JJ.))~~ KK. "Manager" means the manager of the human resources division\* or its successor agency.

~~((KK.))~~ LL. "Marital status" means the presence or absence of a marital relationship and includes the status of married, separated, divorced, engaged, widowed, single or cohabiting.



~~((LL))~~ MM. "Part-time employee" means an employee employed in a part-time position. Under Section 550 of the charter, part-time employees are not members of the career service.

~~((MM))~~ NN. "Part-time position" means an other than a regular position in which the part-time employee is employed less than half time, that is less than nine hundred ten hours in a calendar year in a work unit in which a thirty-five hour work week is standard or less than one thousand forty hours in a calendar year in a work unit in which a forty-hour work week is standard, except as provided elsewhere in this chapter. Where the standard work week falls between thirty-five and forty hours, the manager, in consultation with the department, is responsible for determining what hour threshold will apply. Part-time position excludes administrative intern.

~~((NN))~~ OO. "Part-time regular employee" means an employee employed in a part-time regular position and, for part-time career service positions, is not serving a probationary period. Under Section 550 of the charter, such part-time regular employees are members of the career service.

~~((OO))~~ PP. "Part-time regular position" means a regular position in which the part-time regular employee is employed for at least nine hundred ten hours but less than a full-time basis in a calendar year in a work unit in which a thirty-five hour work week is standard or for at least one thousand forty hours but less than a full-time basis in a calendar year in a work unit in which a forty-hour work week is standard. Where the standard work week falls between thirty-five and forty hours, the manager, in consultation with the department, is responsible for determining what hour threshold will apply.

~~((PP))~~ QQ. "Pay plan" means a systematic schedule of numbered pay ranges with minimum, maximum and intermediate steps for each pay range, a schedule of assignment of each classification to a numbered pay range and rules for administration.

~~((QQ))~~ RR. "Pay range" means one or more pay rates representing the minimum, maximum and intermediate steps assigned to a classification.

~~((RR))~~ SS. "Pay range adjustment" means the adjustment of the numbered pay range of a classification

to another numbered pay range in the schedule based on a classification change, competitive pay data or other significant factors.

~~((SS.))~~ TT. "Personnel guidelines" means only those operational procedures promulgated by the manager necessary to implement personnel policies or requirements previously stipulated by ordinance or the charter. Such personnel guidelines shall be applicable only to employees assigned to executive departments and administrative agencies.

~~((TT.))~~ UU. "Position" means a group of current duties and responsibilities assigned by competent authority requiring the employment of one person.

~~((UU.))~~ VV. "Probationary employee" means an employee serving a probationary period in a regular career service position. Probationary employees are temporary employees and excluded from career service under Section 550 of the charter.

~~((VV.))~~ WW. "Probationary period" means a period of time, as determined by the director, for assessing whether an individual is qualified for a career service position to which the employee has been newly appointed or has moved from another position, whether through promotion, demotion or transfer, except as provided in K.C.C. 3.12.100.

~~((WW.))~~ XX. "Probationary period salary increase" means a within-range salary increase from one step to the next highest step upon satisfactory completion of the probationary period.

~~((XX.))~~ YY. "Promotion" means the movement of an employee to a position in a classification having a higher maximum salary.

~~((YY.))~~ ZZ. "Provisional appointment" means an appointment made in the absence of a list of candidates certified as qualified by the manager. Only the manager may authorize a provisional appointment. An appointment to this status is limited to six months.

~~((ZZ.))~~ AAA. "Provisional employee" means an employee serving by provisional appointment in a regular career service position. Provisional employees are temporary employees and excluded from career

service under Section 550 of the charter.

~~((AAA.))~~ BBB. "Recruiting step" means the first step of the salary range allocated to a class unless otherwise authorized by the executive.

~~((BBB.))~~ CCC. "Regular position" means a position established in the county budget and identified within a budgetary unit's authorized full time equivalent (FTE) level as set out in the budget detail report.

~~((CCC.))~~ DDD. "Salary or pay rate" means an individual dollar amount that is one of the steps in a pay range paid to an employee based on the classification of the position occupied.

~~((DDD.))~~ EEE. "Section" means an agency's budget unit comprised of a particular project program or line of business as described in the budget detail plan for the previous fiscal period as attached to the adopted appropriation ordinance or as modified by the most recent supplemental appropriations ordinance. This definition is not intended to create an organization structure for any agency.

~~((EEE.))~~ FFF. "Serious health condition" means an illness or injury, impairment or physical or mental condition that involves one or more of the following:

1. An acute episode that requires more than three consecutive calendar days of incapacity and either multiple treatments by a licensed health care provider or at least one treatment plus follow-up care such as a course of prescription medication; and any subsequent treatment or period of incapacity relating to the same condition;
2. A chronic ailment continuing over an extended period of time that requires periodic visits for treatment by a health care provider and that has the ability to cause either continuous or intermittent episodes of incapacity;
3. In-patient care in a hospital, hospice or residential medical care facility or related out-patient follow-up care;
4. An ailment requiring multiple medical interventions or treatments by a health care provider that, if not provided, would likely result in a period of incapacity for more than three consecutive calendar days;

5. A permanent or long-term ailment for which treatment might not be effective but that requires medical supervision by a health care provider; or

6. Any period of incapacity due to pregnancy or prenatal care.

~~((FFF.))~~ GGG. "Temporary employee" means an employee employed in a temporary position and in addition, includes an employee serving a probationary period or is under provisional appointment. Under Section 550 of the charter, temporary employees shall not be members of the career service.

~~((GGG.))~~ HHH. "Temporary position" means a position that is not a regular position as defined in this chapter and excludes administrative intern. Temporary positions include both term-limited temporary positions as defined in this chapter and short-term (normally less than six months) temporary positions in which a temporary employee works less than nine hundred ten hours in a calendar year in a work unit in which a thirty-five hour work week is standard or less than one thousand forty hours in a calendar year in a work unit in which a forty hour work week is standard, except as provided elsewhere in this chapter. Where the standard work week falls between thirty-five and forty hours, the manager, in consultation with the department, is responsible for determining what hour threshold will apply.

~~((HHH.))~~ III. "Term-limited temporary employee" means a temporary employee who is employed in a term-limited temporary position. Term-limited temporary employees are not members of the career service. Term-limited temporary employees may not be employed in term-limited temporary positions longer than three years beyond the date of hire, except that for grant-funded projects capital improvement projects and information systems technology projects the maximum period may be extended up to five years upon approval of the manager. The manager shall maintain a current list of all term-limited temporary employees by department.

~~((HH.))~~ JJJ. "Term-limited temporary position" means a temporary position with work related to a specific grant, capital improvement project, information systems technology project or other nonroutine, substantial body of work, for a period greater than six months. In determining whether a body of work is

appropriate for a term-limited temporary position, the appointing authority will consider the following:

1. Grant-funded projects: These positions will involve projects or activities that are funded by special grants for a specific time or activity. These grants are not regularly available to or their receipt predictable by the county;
2. Information systems technology projects: These positions will be needed to plan and implement new information systems projects for the county. Term-limited temporary positions may not be used for ongoing maintenance of systems that have been implemented;
3. Capital improvement projects: These positions will involve the management of major capital improvement projects. Term-limited temporary positions may not be used for ongoing management of buildings or facilities once they have been built;
4. Miscellaneous projects: Other significant and substantial bodies of work may be appropriate for term-limited temporary positions. These bodies of work must be either nonroutine projects for the department or related to the initiation or cessation of a county function, project or department;
5. Seasonal positions: These are positions with work for more than six consecutive months, half-time or more, with total hours of at least nine hundred ten in a calendar year in a work unit in which a thirty-five hour work week is standard or at least one thousand forty hours in a calendar year in a work unit in which a forty hour work week is standard, that due to the nature of the work have predictable periods of inactivity exceeding one month. Where the standard work week falls between thirty-five and forty hours, the manager, in consultation with the department, is responsible for determining what hour threshold will apply; and
6. Temporary placement in regular positions: These are positions used to back fill regular positions for six months or more due to a career service employee's absence such as extended leave or assignment on any of the foregoing time-limited projects.

All appointments to term-limited temporary positions will be made by the appointing authority in consultation with the manager before the appointment of term-limited temporary employees.

~~((JJJ.))~~ KKK. "Volunteer for the county" means an individual who performs service for the county for civic, charitable or humanitarian reasons, without promise, expectation or receipt of compensation from the county for services rendered and who is accepted as a volunteer by the county, except emergency service worker volunteers as described by chapter 38.52 RCW. A "volunteer for the county" may receive reasonable reimbursement of expenses or an allowance for expenses actually incurred without losing his or her status as a volunteer. "Volunteer for the county" includes, but is not limited to, a volunteer serving as a board member, officer, commission member, volunteer intern or direct service volunteer.

~~((KKK.))~~ LLL. "Volunteer intern" means volunteers who are also enrolled full-time during the regular school year in a program of education, internship or apprenticeship who are receiving scholastic credit or scholastic recognition for participating in the internship.

~~((LLL.))~~ MMM. "Work study student" means a student enrolled or accepted for enrollment at a post-secondary institution who, according to a system of need analysis approved by the higher education coordinating board, demonstrates a financial inability, either parental, familial or personal, to bear the total cost of education for any semester or quarter.

SECTION 3. Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220, as amended, are each hereby amended to read as follows:

A. Except for employees covered by subsection G. of this section, employees eligible for leave benefits shall accrue sick leave benefits at the rate of 0.04616 hours for each hour in pay status exclusive of overtime up to a maximum of eight hours per month~~((;))~~, except that sick leave shall not begin to accrue until the first of the month following the month in which the employee commenced employment. No adjustment to reduce sick leave accruals for furloughed employee shall be made as a result of a budgetary furlough. The employee is not entitled to use sick leave if not previously earned.

B. During the first six months of service, employees eligible to accrue vacation leave may, at the appointing authority's discretion, use any accrued days of vacation leave as an extension of sick leave. If an

employee does not work a full six months, any vacation leave used for sick leave must be reimbursed to the county upon termination.

C. For employees covered by the overtime requirements of the Fair Labor Standards Act, sick leave may be used in as small as ~~((one-half hour))~~ fifteen-minute increments or as specified in the collective bargaining agreement~~((, at the discretion of the appointing authority))~~.

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

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

F.1. Except for employees covered by subsection G. of this section, employees eligible to accrue sick leave and who have successfully completed at least five years of county service and who retire as a result of length of service or who terminate by reason of death shall be paid, or their estates paid or as provided for by Title 11 RCW, as applicable, an amount equal to thirty-five percent of their unused, accumulated sick leave multiplied by the employee's rate of pay in effect upon the date of leaving county employment less mandatory withholdings. This provision is predicated on the requirement that, except with the written approval of the executive, the position, if vacated by a nonrepresented employee, shall not be filled until salary savings for the position are accumulated in an amount sufficient to pay the cost of the cash out. For the purposes of this subsection F.1., "retire as a result of length of service" means an employee is eligible, applies for and begins drawing a pension from the Law Enforcement Officers and Firefighters (LEOFF), Public Employees' Retirement System (PERS), Public Safety Employees' Retirement System (PSERS) or the city of Seattle Retirement Plan immediately upon terminating county employment.

2.a. In lieu of the remuneration for unused sick leave at retirement, the manager of the human resources division, or the manager's designee, may, with equivalent funds, provide eligible employees with a voluntary employee beneficiary association plan that provides for reimbursement of retiree and other qualifying medical expenses. Under K.C.C. 3.12.190.H., in lieu of the remuneration for fifty percent of unused vacation leave at retirement, the manager may also fund the voluntary employee beneficiary association plan.

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

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

(2) the manager has discretion to determine the scope of employee groups voting on whether to adopt a voluntary employee beneficiary association plan. The manager shall consult with bargaining representatives and elected officials in determining the scope of voting groups;

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

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

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



H.1. An employee must use all of his or her accrued sick leave and any donated sick leave before taking unpaid leave for his or her own health reasons. If the injury or illness is compensable under the county's workers' compensation program, then the employee has the option to augment or not augment (~~((time loss))~~) wage replacement pay (~~((payments))~~) with the use of accrued sick leave. A furloughed employee shall not be eligible to take or be paid for sick leave in lieu of taking a budgetary furlough day.

2. For a leave for family reasons, the employee shall choose at the start of the leave whether the particular leave would be paid or unpaid; but when an employee chooses to take paid leave for family reasons he or she may set aside a reserve of up to eighty hours of accrued sick leave. A furloughed employee who is on county family and medical leave as provided for in this section shall retain county benefits during furlough days.

3. An employee who has exhausted all of his or her sick leave may use accrued vacation leave before going on leave of absence without pay, if approved by his or her appointing authority. A furloughed employee shall not be eligible to take or be paid for vacation leave in lieu of sick leave in lieu of taking a furlough day.

I. Sick leave (~~((shall))~~) may be used only for the following reasons:

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

~~((b-))~~ 2. ~~((t))~~ The employee's incapacitating injury, but:

~~((H))~~ a. an employee injured on the job may not simultaneously collect sick leave and worker's compensation payments in a total amount greater than the net regular pay of the employee, though an employee who chooses not to augment his or her worker(~~((s))~~)'s compensation (~~((time loss))~~) wage replacement pay through the use of sick leave shall be deemed on unpaid leave status;

~~((Z))~~ b. an employee who chooses to augment workers' compensation payments with the use of accrued sick leave shall notify the safety and workers' compensation program office in writing at the beginning

of the leave; and

~~((3))~~ c. an employee may not collect sick leave and workers' compensation ~~((time loss payments))~~ wage replacement pay for physical incapacity due to any injury or occupational illness that is directly traceable to employment other than with the county;

~~((e-))~~ 3. ~~((t))~~ The employee's exposure to contagious diseases and resulting quarantine;

~~((d.-a))~~ 4. A female employee's temporary disability caused by or contributed to by pregnancy and childbirth;

~~((e-))~~ 5. ~~((t))~~ The employee's medical or dental appointments but only if the employee's appointing authority has approved the use of sick leave for those appointments;

~~((f-))~~ 6. ~~((t))~~ To care for the employee's child as defined in this chapter if the child has an illness or health condition which requires treatment or supervision from the employee; or

~~((g- to care for other family members, if:~~

~~(1) the employee has been employed by the county for twelve months or more and has worked a minimum of nine hundred ten hours for a thirty-five-hour employee or one thousand forty hours for a forty-hour employee in the preceding twelve months;~~

~~(2.) the family member is the employee's spouse or domestic partner, the employee's child, a child of the employee's spouse or domestic partner, the parent of the employee, employee's spouse or domestic partner or an individual who stands or stood in loco parentis to the employee, the employee's spouse or domestic partner; and~~

~~(3.) the reason for the leave is one of the following:~~

~~ii. the care of the employee's child or child of the employee's spouse or domestic partner whose illness or health condition requires treatment or supervision by the employee;~~

~~iii. care of a family member with a serious health condition.~~

~~I. An employee may take a total of up to eighteen work weeks unpaid leave for his or her own serious~~

~~health condition, and for family reasons as provided in subsection H.3.f. and g. of this section, combined, within a twelve-month period. The leave may be continuous, which is consecutive days or weeks, or intermittent, which is taken in whole or partial days as needed. Intermittent leave is subject to the following conditions:~~

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

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

~~3. If an employee requests intermittent leave or leave on a reduced leave schedule under subsection I.2. of this section that is foreseeable based on planned medical treatment, the appointing authority may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and that better accommodates recurring periods of leave than the regular position of the employee.~~

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

~~K. The county shall continue its contribution toward health care benefits during any unpaid leave taken under subsection I. of this section.~~

~~L.)) 7. For family and medical leave available under federal law, state law or King County ordinance.~~

~~J. Department management is responsible for the proper administration of the sick leave benefit. Verification from a ((licensed)) health care provider may be required to substantiate the health condition of the employee or family member for leave requests.~~

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

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

~~b. a position with equivalent status, benefits, pay and other terms and conditions of employment; and~~

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

N:)) J. Failure to return to work by the expiration date of a leave of absence may be cause for removal and result in termination of the employee from county service.

NEW SECTION. SECTION 4. There is hereby added to K.K.C. chapter 3.12 a new section to read as follows:

A. An employee may take a total of up to eighteen weeks of King County family and medical leave within a twelve-month period for either the employee's own serious health condition or to care for a family member with a serious health condition, if the employee has been employed by the county for twelve months or more and has worked a minimum of nine hundred ten hours for a thirty-five-hour employee and one thousand forty hours for a forty- hour employee, and:

1. The family member is the employee's spouse or domestic partner, the employee's child, a child of the employee's spouse or domestic partner, the parent of the employee or the employee's spouse or domestic partner, or an individual who stood in loco parentis to the employee or the employee's spouse or domestic partner; and

2. The reason for the leave is one of the following:

a. the birth of a son or daughter and care of the newborn child, or placement with the employee of a son or daughter for adoption or foster care, if the leave is taken within twelve months of the birth, adoption or placement;

b. the care of the employee's child or child of the employee's spouse or domestic partner whose illness or health condition requires treatment or supervision by the employee;

c. the care of a family member with a serious health condition; or

d. any qualifying reason under federal family and medical leave law, 29 U.S.C. Sec. 2601 et seq., or

state family and medical leave law, chapter 49.78 RCW.

B. King County family and medical leave may be taken intermittently to the same extent permitted under federal and state family and medical leave laws.

C.1. King County family and medical leave shall run concurrently with leave under 29 U.S.C. Sec. 2601 et seq., and chapter 49.78 RCW, and any other leaves that are available under federal or state law.

2. When leave is taken for the serious health condition of the employee in conjunction with an occupational injury or illness for which the employee is receiving workers' compensation wage replacement payments, the leave shall run concurrently with leave under the federal and state family and medical leave and King County family and medical leave.

D. The department is responsible for the proper administration of the King County family and medical leave benefit. Verification from a health care provider may be required to certify the health condition of the employee or family member for leave requests.

E. The county shall continue its contribution toward health care benefits when an employee is on King County family and medical leave, regardless of whether the employee is in a paid or unpaid status during the leave.

F. An employee who returns from King County family and medical leave within the time provided in this section is entitled to the same job protection as an employee returning from leave under 29 U.S.C. Sec. 2601 et seq., subject to reductions-in-force provisions as specified in K.C.C. 3.12.300.

F. Failure of an employee to return to work by the expiration date of a leave of absence may be cause for termination of the employee from county service.

SECTION 5. The county executive shall develop procedures and guidelines to carry out this ordinance.

SECTION 6. This ordinance takes effect August 1, 2016.

SECTION 7. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to

other persons or circumstances is not affected.