



Legislation Details (With Text)

File #: 2019-0467 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 11/13/2019 **In control:** Metropolitan King County Council

On agenda: **Final action:** 11/13/2019

Enactment date: 11/13/2019 **Enactment #:** 19013

Title: AN ORDINANCE relating to council involvement with collective bargaining agreements; amending Ordinance 11683, Section 2, as amended, and K.C.C. 1.24.015, Ordinance 11683, Section 5, as amended, and K.C.C. 1.24.045, Ordinance 11683, Section 9, as amended, and K.C.C. 1.24.085, Ordinance 10631, Section 2, as amended, and K.C.C. 3.16.015, Ordinance 11480, Section 7, as amended, and K.C.C. 3.16.025, Ordinance 8658, Section 1, and K.C.C. 3.16.040, Ordinance 12014, Section 55, as amended, and K.C.C. 3.16.050, Ordinance 14287, Section 5, as amended, and K.C.C. 3.16.055 and repealing Ordinance 10631, Section 1, and K.C.C. 3.16.005; and declaring an emergency.

Sponsors: Rod Dembowski

Indexes: Agreement, Collective Bargaining, Council

Code sections: 1.24.015 -, 1.24.045 -, 1.24.085 -, 3.16.012 - , 3.16.015 -, 3.16.020 -, 3.16.025 -, 3.16.040 - , 3.16.050 -, 3.16.055 - .

Attachments: 1. Ordinance 19013

| Date | Ver. | Action By | Action | Result |
|------------|------|----------------------------------|---|--------|
| 11/13/2019 | 1 | Metropolitan King County Council | Hearing held/closed and passed as amended | Pass |

AN ORDINANCE relating to council involvement with collective bargaining agreements; amending Ordinance 11683, Section 2, as amended, and K.C.C. 1.24.015, Ordinance 11683, Section 5, as amended, and K.C.C. 1.24.045, Ordinance 11683, Section 9, as amended, and K.C.C. 1.24.085, Ordinance 10631, Section 2, as amended, and K.C.C. 3.16.015, Ordinance 11480, Section 7, as amended, and K.C.C. 3.16.025, Ordinance 8658, Section 1, and K.C.C. 3.16.040, Ordinance 12014, Section 55, as amended, and K.C.C. 3.16.050, Ordinance 14287, Section 5, as amended, and K.C.C. 3.16.055 and repealing Ordinance 10631, Section 1, and K.C.C. 3.16.005; and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. King County's most-valuable asset is its employees.

B. One of the major responsibilities of management is to negotiate timely collective bargaining agreements with the county's employees.\

C. Over the years, the approval process by all parties to the agreements has become lengthened.

D. The ratification and approval process now stands as a hindrance to timeline implementation of collective bargaining agreements.

E. Because the council is modifying its rules and procedures to handle collective bargaining agreements more expeditiously and making changes to its organizational motion, effective today, this ordinance needs to take immediate affect as to allow efficient administration of the council's work in the support of county government and its existing public institutions.

SECTION 2. Ordinance 11683, Section 2, as amended, and K.C.C. 1.24.015 are hereby amended to read as follows:

Rule 2: Powers and duties of the chair. The chair of the council has the following powers and duties:

A. The chair shall:

1. Call the council to order at the hour appointed for meeting and, if a quorum is present, shall cause the minutes of the previous meeting to be approved;

2. Proceed with the order of business; and

3. Adjourn the council upon a motion to adjourn approved by a majority of members present;

B. The chair shall preserve order and decorum and in the interest of efficiency may impose time and subject matter limits for testimony and comment given by the public and members of the council;

C. The chair shall promote efficient operation of the council, which shall include setting the agenda and expediting parliamentary debate or, if there is no objection from any other member, expediting the passage of routine motions. The chair's act of adding to, removing from or taking out of order an item on a distributed and posted agenda may be appealed to the full body by any two members under Rule 5.D, K.C.C. 1.24.045.D.

The chair shall discourage activities that are dilatory or disruptive. The chair shall endeavor to facilitate the will of the majority of members present at all times;

D. The chair may speak to points of order, inquiry or information in preference to other members.

Upon a ruling of the chair on a point of order, the chair shall allow any two members to immediately request that the decision be placed before the body. If a majority of members present agree to the ruling of the chair, the business of the council must proceed without further debate. If a majority of the members present do not support the ruling of the chair, the chair shall immediately allow a procedural motion to dispense with the issue in question, proceeding until a decision of the council is secured and the business of the council is allowed to proceed;

E. The chair shall retain legislation related to collective bargaining, including appropriation ordinances limited solely to costs associated with implementation of the collective bargaining, in the control of the council and refer all other legislation to committees unless there is an objection to a referral. If there is an objection by a member, the chair's referral will stand unless a majority of the members present vote to support the objection. If the objection is sustained, the chair shall refer the legislation to another committee, unless there is an objection to the referral.

F. Any motion that proposes to censure a councilmember for violating the council's antiharassment policy shall be referred to the employment and administration committee;

G. The chair shall introduce all legislation relating to land use appeals, road vacations, plat applications, current use assessments and other similar land use decisions. The chair shall introduce all legislation relating to collective bargaining, including appropriation ordinances limited solely to costs associated with implementing the collective bargaining agreement. If recommended by action of the employment and administration committee, the chair shall introduce any motion that proposes to censure a councilmember for violating the council's antiharassment policy, unless the chair is the subject of the motion; and

H. The chair shall provide copies to all councilmembers of all official communications and requests for council action addressed to the chair from the executive, the sheriff, the assessor, the presiding judge of the district or superior court or the prosecuting attorney.

SECTION 3. Ordinance 11683, Section 5, as amended, and K.C.C. 1.24.045 are hereby amended to read as follows:

Rule 5: Agenda.

A. Council business must be disposed of in the following order, or in an order the chair deems appropriate, subject to appeal as provided in Rule 5.D, K.C.C. 1.24.045.D:

1. Roll call;
2. Flag salute and Pledge of Allegiance, the leading of which must be offered by a member of the council and which must rotate among all members of the council;
3. Approval of minutes;
4. Additions to the council agenda;
5. Special items;
6. General public comment when scheduled in accordance with Rule 10, K.C.C. 1.24.095;
7. Plat tracings;
8. Hearing and second reading of ordinances from standing committees and regional committees, and of ordinances related to collective bargaining;
9. First reading of and action on emergency ordinances without referral to committee;
10. Consent agenda on hearing examiner recommendations;
11. Motions, from standing committees and regional committees and motions related to collective bargaining, for council action;
12. First reading of and action on motions without referral to committee;
13. Consent agenda on reappointments to boards and commissions;

14. Consent agenda on reports and recommended actions from the employment and administration committee;
15. Other reports and recommended actions from the employment and administration committee;
16. First reading and referral of ordinances;
17. First reading and referral of motions;
18. Reports from members serving on special and outside committees;
19. Extra items;
20. Messages from the county executive and other county officials, the judiciary, the regional committees and other agencies;
21. Other business; and
22. Adjournment.

B. Legislation or other items for placement on the council meeting agenda must be submitted to the clerk of the council by 10:00 a.m. Thursday of the week before the next scheduled meeting, except that:

1. If directed by the chair, the clerk may place an item on the council agenda with a note that the item is contingent on being voted out of committee before the council meeting; and
2. Legislation or other items needing action by the full council may be added at the discretion of the chair of the council at a regularly scheduled council meeting. The chair shall apply the following criteria for the additions:
 - a. the legislation is particularly time-sensitive and delay in action either:
 - (1) might impair the effectiveness of the county's responses to emergencies such as natural or human-made disasters, or other circumstances seriously affecting the public health, safety or welfare or the support of county government and its existing public institutions; or
 - (2) might impair timely performance under deadlines of a statute, ordinance, contract, interlocal agreement, real property instrument or other provision requiring immediate action;

b. legislation should be delivered to the clerk before the beginning of the council meeting. The original should be provided to the clerk, together with an introduction slip from the sponsor; and

c. the sponsor should provide a brief written description to the chair of the reason for the need to expedite the legislation without regular committee review.

D. The chair shall notify the members present of proposed changes to the agenda. If two members object to a change, a majority of the members present shall decide whether to change the agenda.

SECTION 4. Ordinance 11683, Section 9, as amended, and K.C.C. 1.24.085 are hereby amended to read as follows:

Rule 9: Introduction and initial consideration of proposed legislation.

A. All legislative proposals submitted to the King County council by the executive shall be accompanied by a completed Legislative Review Form in the form of Attachment A to Ordinance 17666, dated July 25, 2013, or as amended from time to time. In addition, all legislative proposals involving the collective bargaining or appropriations ordinances limited solely to the costs associated with the implementation of collective bargaining shall be accompanied by a summary of the legislation that includes the current costs and five-year implementation costs as well as changes to working conditions and any other substantive changes compared to prior agreements.

B. Upon receipt of proposed legislation from the executive, the sheriff, the assessor, the presiding judge, the prosecuting attorney, the director of elections or a councilmember, the clerk of the council shall assign a proposed number to the legislation. The clerk may make formatting and nonsubstantive revisions in form and style to proposed legislation before first reading and shall indicate on the revised legislation that the legislation is revised by the clerk and the date of the revision.

C. Upon filing with the clerk of the council of either a signature of at least one member of the council or electronic sponsorship of legislation in a form prescribed by the clerk of the council, or upon receipt by the council of a proposed ordinance submitted as an institutional initiative under Section 230.50.10 of the King

County Charter, the proposed legislation is introduced and must be placed on the agenda for first reading and referral. Legislation may be introduced with the title only, but the text of the legislation must be filed with the clerk by first reading. In accordance with Rule 2.E., K.C.C. 1.24.015.E., ((F))the chair of the council shall refer both the title and the subsequently filed text of the legislation to committee if the legislation was introduced with the title only. If the text of the legislation is not timely filed, the legislation is to be removed from the agenda and is not to be referred to committee.

D. A member may add the member's own name to sponsorship of legislation at any time before passage of the legislation by informing the clerk of the council in writing. The first member listed on the first introduction slip filed for legislation may not remove that member's own name from sponsorship of the legislation. However, any other sponsor of legislation may remove that sponsor's own name from sponsorship of the legislation by informing the clerk of the council in writing.

E. First reading of legislation shall consist of either:

1. Printing the number and title of the proposed legislation on the published agenda; or
2. Adding the proposed legislation to the agenda under Rule 5, K.C.C. 1.24.045.B.2. or 3. and

including this information in the council's minutes.

F. After the first reading, proposed legislation must be referred to an appropriate committee or committees by the chair of the council, except for motions confirming executive reappointments to boards or commissions, which may be referred directly to a council consent agenda, or legislation related to collective bargaining, including appropriation ordinances limited solely to the costs associated with implementation of a collective bargaining agreement. Proposed legislation referred to more than one committee must be considered consecutively by the committees in the order set forth on the marked published agenda or as specified by the chair during the meeting and reflected in the council's minutes.

G. Upon being reported out of committee with a recommendation signed by a majority of the committee, proposed legislation must be placed upon an agenda for appropriate action, after consideration of

public hearing notice requirements, one week after the Wednesday after the committee meeting, unless the committee chair decides and states on the record at the committee meeting that the item be placed on the next council agenda. The clerk of the council may make formatting and nonsubstantive revisions in form to proposed legislation after the legislation is reported out of the committee and before the legislation is placed on the agenda for second reading and shall indicate on the revised legislation that the legislation is revised by the clerk and the date of the revision.

H. Proposed legislation related to collective bargaining, including appropriation ordinances limited solely to the costs associated with implementation of collective bargaining agreements must be placed on the agenda for appropriate action, after consideration of public hearing notice requirements, one week after its first reading.

SECTION 5. Ordinance 10631, Section 1 and K.C.C. 3.16.005 are hereby repealed.

SECTION 6. Ordinance 10631, Section 2, as amended, and K.C.C. 3.16.015 are hereby amended to read as follows:

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

- A. "Corrections officer" means any full-time, fully compensated uniformed correctional officer or sergeant who works for the department of adult detention (King County jail).
- B. "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with King County.
- C. "Bargaining agent" means the designated bargaining agent as determined under K.C.C. 3.16.010.
- D. "Public employer" means King County.
- E. "Commission" means the Public Employment Relations Commission.
- F. "Executive director" means the executive director of the Commission.
- G. "911 operator" means any full-time, fully compensated communications specialist or

communications specialist supervisor who works for the department of public safety.

H. "Labor policy committee" or "policy committee" means the King County council.

I. (~~"Labor implementation committee" or "implementation committee" means each King County council committee whose subject matter, as designated by the council by motion, and to which legislation is referred by the council chair under K.C.C. 1.24.015.~~

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

SECTION 7. Ordinance 11480, Section 7, as amended, and K.C.C. 3.16.025 are hereby amended to read as follows:

A. The bargaining agent shall establish and conduct a process to prepare for negotiations that performs at least the following functions:

1. The bargaining agent should continue to use collaborative or interest-based bargaining where both parties agree, and this chapter shall not be construed to restrict or inhibit such bargaining;

2. The bargaining agent shall cause to be developed and maintained a database of information within King County government on wages, hours, employee benefits, vacation and other leave, job classifications and substantial and factual information to provide knowledge of working conditions necessary to conduct effective negotiations. Such information shall be made available to the bargaining representatives to the extent provided by RCW 41.56.030(4), Public Employees' Collective Bargaining law of the state of Washington, as set forth by the collaborative process identified in King County council Motion 9182; and

3. The labor policy committee (~~(and implementation committee)~~) shall (~~(each)~~) confer with the bargaining agent to develop necessary guidelines for the implementation of this section, consistent with this chapter and King County council Motion 9182.

B. The bargaining agent shall be the sole negotiator for King County government and shall bargain in

good faith as provided by law. The bargaining agent shall commence and complete collective bargaining negotiations in a timely manner and in accordance with the overall principles and intent of this chapter.

SECTION 8. Ordinance 8658, Section 1, and K.C.C. 3.16.040 are hereby amended to read as follows:

A. Any collective bargaining agreement between King County and a recognized bargaining representative as defined in RCW 41.56.030 which has been ratified by both parties shall be transmitted to the King County council no later than ~~((45))~~ seven days after the tentative agreement has been reached.

B. Failure to meet this deadline shall result in the payment of interest on the retroactive amount of any negotiated salary or wage increase equal to interest earned on Federal 90 day treasury bills from the first day following the deadline through the date the tentative agreement is transmitted to the King County council, unless the ~~((45))~~ seven days have been extended by mutual agreement by both parties in writing.

C. The interest accrued, if any, shall be divided among the county employees represented by the collective bargaining unit, based upon each employees individual retroactive wage rate increase. The computed interest shall be included in the first pay check which pays out the rate of pay negotiated in the tentative collective bargaining agreement.

SECTION 9. Ordinance 12014, Section 55, as amended, and K.C.C. 3.16.050 are hereby amended to read as follows:

A. The labor policy committee shall meet as it deems necessary to obtain the testimony of members of the public, the bargaining agent, bargaining representatives or their designees, county department management and others in order to consider such testimony in policy decisions before the committee. The labor policy committee shall not engage in bargaining with bargaining representatives or represented employees. The labor policy committee shall also meet to consider matters referred to it by the council in accordance with K.C.C. chapter 1.24.

B. The labor policy committee shall provide an opportunity for bargaining representatives or their designees to address the committee before the adoption of overall policy. Overall policy, and all amendments

to adopted policies, shall be established only upon an affirmative vote by a majority of the members of the labor policy committee.

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

D. Following the establishment of overall policy, and before commencing negotiations, the labor policy committee shall meet to hear the bargaining agent's recommended strategies for implementing adopted policies. The labor policy committee shall confer with the bargaining agent as it deems necessary to ensure compliance with this chapter and good-faith collective bargaining. The bargaining agent's strategies shall be generally consistent with the principles contained in this chapter and the overall policy direction established by the labor policy committee.

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

~~((E-))~~ F. By June 30 of each year, the executive shall report to the labor policy committee regarding employment policies applicable to nonrepresented employees.

~~((F-))~~ G. For the purpose of maintaining an effective collective bargaining process, the strategies and related information presented by the bargaining agent shall be maintained as confidential. In addition, 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. The labor policy committee shall develop guidelines to assist in accomplishing such confidentiality.

~~((G-))~~ H. 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 for 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. The proposal shall be designated by the councilmember either as public or as confidential pending action by the committee on the policy. Adopted policies may be designated as confidential by an affirmative vote of a majority of the members of the policy committee.

~~((H.))~~ I. The clerk of the council shall maintain a compilation of adopted policies. The clerk shall make publicly available all public policies, and shall maintain as confidential all labor policies designated as confidential policy formulation documents.

SECTION 10. Ordinance 14287, Section 5, as amended, and K.C.C. 3.16.055 are hereby amended to read as follows:

A.1. A bargaining representative may at any time during negotiations forward to the director of the department of human resources, or its successor, a written complaint that the collective bargaining process is not being conducted in a timely manner or is not being conducted in a manner consistent with good faith bargaining. The director shall, within fifteen calendar days, respond in writing to the complaint and propose such remedies as may address the complaint.

2. If the bargaining representative is not satisfied with the written response of the director, or if a written response to the complaint is not received within fifteen calendar days, the bargaining representative may forward the written complaint to the King County executive, as the bargaining agent, who shall, within fifteen calendar days, respond to it in writing and propose such remedies as may address the complaint.

3. If the bargaining representative is not satisfied with the written response of the bargaining agent, or if a written response is not received from the bargaining agent within fifteen calendar days, the bargaining representative may request that the bargaining agent forward the written complaint (~~((be forwarded))~~) to the (~~((implementation committee))~~) council.

4. If the bargaining agent receives a written request to have the complaint forwarded to the (~~((implementation committee))~~) council, including an explanation of reasons for the request, the bargaining agent shall forward the request, together with the bargaining agent's written response, to the (~~((implementation~~

~~committee~~) council within five calendar days from the receipt of the request. These materials or any discussion thereof shall remain confidential to the extent allowed by law.

5. The ~~((implementation committee))~~ council may request that the bargaining agent meet with the ~~((implementation committee))~~ council for the purpose of reviewing the status of negotiations with regard to the principles contained in this chapter and the overall policy direction established by the labor policy committee, but the ~~((implementation committee))~~ council shall take no action that would interfere with the lawful role of the bargaining agent.

B. By June 30 of each year, the prosecuting attorney, in conjunction with bargaining agent, shall report to the ~~((implementation committee))~~ council on all pending unfair labor practice charges and all pending arbitration involving represented employees.

C. By June 30 of each year, or, in the case of agreements expiring other than December 31, at least ninety days before the commencement of negotiations, in preparation for collective bargaining the bargaining agent shall report to the ~~((implementation committee))~~ council the agreements expiring that calendar year. The bargaining agent shall also generally explain existing policies that, if changed, would further the principles and intent established by this chapter. County department management concerned with the collective bargaining process, with the advice of other relevant county departments, shall assist the bargaining agent in reporting to the council.

D. By June 30 of each year or, for agreements expiring other than December 31, at least ninety days before commencing negotiations, the council shall meet with the bargaining agent to review the schedule of collective bargaining agreements expiring in that calendar year and the key issues related to the collective bargaining process. Methods of consultation with unions, management rights and eliminating the causes of employee grievances shall also be considered.

~~((E. Following the establishment of overall policy, and before commencing negotiations, the implementation committee shall meet to hear the bargaining agent's recommended strategies for implementing~~

~~adopted policies. The implementation committee shall confer with the bargaining agent as it deems necessary to ensure compliance with this chapter and good faith collective bargaining. The bargaining agent's strategies shall be generally consistent with the principles contained in this chapter and the overall policy direction established by the policy committee.~~

~~F. The implementation committee shall meet at least quarterly to review the progress of the negotiations but shall not interfere with good faith collective bargaining.~~

~~G. The implementation committee shall review all agreements negotiated between the bargaining agent and bargaining representatives to ensure compliance with the principles contained in this chapter and with the overall policy direction established by the policy committee. The implementation committee may recommend to the council adoption or rejection of agreements or it may forward agreements to the council for action without recommendation.~~

~~H.))~~ F. For the purpose of maintaining an effective collective bargaining process, the strategies and related information presented by the bargaining agent shall be maintained as confidential. The ((~~implementation committee~~)) council shall develop guidelines to assist in accomplishing such confidentiality.

SECTION 11. The county council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions.