



Legislation Details (With Text)

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Enactment date: 5/16/2018 **Enactment #:** 18727

Title: AN ORDINANCE relating to standardizing benefits that were bargained in the Master Labor Agreement; amending Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010, Ordinance 12014, Section 7, as amended, and K.C.C. 3.12.040, Ordinance 12014, Section 14, and K.C.C. 3.12.110, Ordinance 12014, Section 19, as amended, and K.C.C. 3.12.190, Ordinance 4324, Section 27, as amended, and K.C.C. 3.12.210, Ordinance 18408, Section 2, as amended, and K.C.C. 3.12.219, Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220, Ordinance 15558, Section 2, as amended, and K.C.C. 3.12.222, Ordinance 12014, Section 22, as amended, and K.C.C. 3.12.223, Ordinance 13743, Section 1, as amended, and K.C.C. 3.12.224, Ordinance 7956, Section 6, as amended, and K.C.C. 3.12.225, Ordinance 12014, Section 23, as amended, and K.C.C. 3.12.230, Ordinance 12077, Section 5, as amended, and K.C.C. 3.12.240, Ordinance 12014, Section 25, as amended, and K.C.C. 3.12.250, Ordinance 12498, Sections 1 and 4 through 7, as amended, and K.C.C. 3.12.335, Ordinance 12014, Section 50, as amended, and K.C.C. 3.15.020, Ordinance 12014, Section 52, as amended, and K.C.C. 3.15.030, Ordinance 14233, Section 6, as amended, and K.C.C. 3.15.130 and Ordinance 14233, Section 7, as amended, and K.C.C. 3.15.140, adding a new section to K.C.C. chapter 3.15 and repealing Ordinance 13743, Section 2, as amended, and K.C.C. 3.12.2245.

Sponsors: Claudia Balducci

Indexes: Agreement

Code sections: 3.12.010 -, 3.12.040 - *, 3.12.110 - ., 3.12.190 - ., 3.12.210 -, 3.12.219 - ., 3.12.220 - ., 3.12.222 - ., 3.12.223 -, 3.12.224 -, 3.12.2245 -, 3.12.225 -, 3.12.230 -, 3.12.240 -, 3.12.250 - ., 3.12.335 - ., 3.15 -, 3.15.020 -, 3.15.030 -, 3.15.130 -, 3.15.140 -

Attachments: 1. 2018-0138 legislative review form, 2. Ordinance 18727.pdf, 3. 2018-0138 transmittal letter, 4. 2018-0138 fiscal note, 5. 2018-0178 & 2018-0138_SR_dated_041818_MLA_&_KCC_MLA_Standardization.docx, 6. 2018-0138_ATT2_ProposedOrdinance.pdf, 7. 2018-0138_ATT4_TransmittalLetter.pdf, 8. 2018-0138_ATT6_FiscalNote.pdf, 9. 2018-0178 & 2018-0138_SR_dated_050218_MLA_&_KCC_MLA_Standardization.docx, 10. 2018-0138_ATT2_ProposedOrdinance.pdf, 11. 2018-0138_ATT4_AMDS1_Striking_Amendment.pdf, 12. 2018-0138-ATT6-TransmittalLetter.pdf, 13. 2018-0178 & 2018-0138_REVISIED_SR_dated_050718_MLA_&_KCC_MLA_Standardization.docx, 14. Labor Policy MLA comport final.docx

Date	Ver.	Action By	Action	Result
5/7/2018	2	Metropolitan King County Council	Hearing Held	
5/7/2018	2	Metropolitan King County Council	Passed	Pass
5/2/2018	1	Committee of the Whole	Recommended Do Pass Substitute	Pass
4/18/2018	1	Committee of the Whole	Deferred	
2/26/2018	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to standardizing benefits that were bargained in the

Master Labor Agreement; amending Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010, Ordinance 12014, Section 7, as amended, and K.C.C. 3.12.040, Ordinance 12014, Section 14, and K.C.C. 3.12.110, Ordinance 12014, Section 19, as amended, and K.C.C. 3.12.190, Ordinance 4324, Section 27, as amended, and K.C.C. 3.12.210, Ordinance 18408, Section 2, as amended, and K.C.C. 3.12.219, Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220, Ordinance 15558, Section 2, as amended, and K.C.C. 3.12.222, Ordinance 12014, Section 22, as amended, and K.C.C. 3.12.223, Ordinance 13743, Section 1, as amended, and K.C.C. 3.12.224, Ordinance 7956, Section 6, as amended, and K.C.C. 3.12.225, Ordinance 12014, Section 23, as amended, and K.C.C. 3.12.230, Ordinance 12077, Section 5, as amended, and K.C.C. 3.12.240, Ordinance 12014, Section 25, as amended, and K.C.C. 3.12.250, Ordinance 12498, Sections 1 and 4 through 7, as amended, and K.C.C. 3.12.335, Ordinance 12014, Section 50, as amended, and K.C.C. 3.15.020, Ordinance 12014, Section 52, as amended, and K.C.C. 3.15.030, Ordinance 14233, Section 6, as amended, and K.C.C. 3.15.130 and Ordinance 14233, Section 7, as amended, and K.C.C. 3.15.140, adding a new section to K.C.C. chapter 3.15 and repealing Ordinance 13743, Section 2, as amended, and K.C.C. 3.12.2245.

STATEMENT OF FACTS:

1. In October 2017, a tentative agreement for the county's first Master Labor Agreement ("MLA") was reached. The MLA achieves unprecedented efficiencies by bringing together twenty-one unions, which represent six thousand employees covered by sixty-one labor agreements, into one master collective bargaining agreement that governs many of the terms and conditions of county employment.

2. The MLA will ease the burden on county personnel of administering sixty-one different collective bargaining agreements, and will bring greater equity to county employees by standardizing many common benefits and practices.
3. Standardization between the MLA and the King County Code furthers these achievements and supports King County's Strategic Plan goal of ensuring that county government operates efficiently and effectively.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010 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 during the regular school year in a program of education, internship or apprenticeship;
- b. legal interns who have graduated from law school but have not yet been admitted to the Washington State Bar Association; or
- c. 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. "AmeriCorps" means those who apply for and are selected to serve in positions at King County government through either AmeriCorps or Washington Service Corps programs, or

both.

C. "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.

D. "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.

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

F. "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.

G. "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.

H. "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; the chief economist and other employees of the office of 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.

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

J. "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.

K. "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.

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

M. "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.

N. "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.

O. "Comprehensive leave benefits" means those leave benefits described in and subject to this chapter, including leaves for vacations, promotional or qualifying examinations, bereavement, life-giving or life-saving procedures, sickness, ~~((volunteering at schools))~~ volunteer service, parental leave, donated leave and leaves of absence without pay.

P. "Council" means the county council as established by Article 2 of the charter.

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

R. "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.

S. "Direct cost" means the cost aggregate of the actual weighted average cost of insured benefits, less any administrative cost therefor. 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.

T. "Director" means the manager of the human resources management division or its successor agency.

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

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

W. "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.

X. "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.

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

Z. "Employees eligible for comprehensive leave benefits" means full-time regular, part-time regular, provisional, probationary and term-limited temporary employees.

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

BB. "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.

CC. "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.

DD. "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.

EE. "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.

FF. "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.

GG. "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.

HH. "Grievance" means an issue raised by an employee relating to the interpretation of rights, benefits, or condition of employment as contained in either the administrative rules or procedures, or both, for the career service.

II. "Immediate family" 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.

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

KK. "Insured benefits" means those insurance benefits described in and subject to this chapter, including medical, dental, life, disability and vision benefits.

LL. "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))~~ in which the majority

of people employed are individuals without disabilities and wages are paid at minimum wage or better.

MM. "King County family and medical leave" means a leave of absence taken under K.C.C. 3.12.221.

NN. "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.

OO. "Manager" means the manager of the human resources management division or its successor agency.

PP. "Marital status" means the presence or absence of a marital relationship and includes the status of married, separated, divorced, engaged, widowed, single or cohabiting.

QQ. "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.

RR. "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.

SS. "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.

TT. "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.

UU. "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.

VV. "Pay range" means one or more pay rates representing the minimum, maximum and intermediate steps assigned to a classification.

WW. "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.

XX. "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.

YY. "Position" means a group of current duties and responsibilities assigned by competent authority requiring the employment of one person.

ZZ. "Probationary employee" means an employee serving a probationary period in a regular career service. Probationary employees are temporary employees and excluded from career service under Section 550 of the charter.

AAA. "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.

BBB. "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.

CCC. "Promotion" means the movement of an employee to a position in a classification having a higher maximum salary.

DDD. "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.

EEE. "Provisional employee" means an employee serving by provisional appointment in a regular career service. Provisional employees are temporary employees and excluded from career service under Section 550 of the charter.

FFF. "Qualifying event" means the birth of the employee's child, the employee's adoption of a child or the foster-to-adopt placement of a child with the employee.

GGG. "Recruiting step" means the first step of the salary range allocated to a class unless otherwise authorized by the executive.

HHH. "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.

III. "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.

JJJ. "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.

KKK. "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.

LLL. "Short-term temporary employee" means a temporary employee who is employed in a short-term temporary position.

MMM. "Short-term temporary position" means a type of position 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. 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.

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

OOO. "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 and short-term temporary positions.

PPP. "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.

QQQ. "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.

RRR. "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 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.

SSS. "Volunteer intern" means volunteers who are either:

1. Enrolled during the regular school year in a program of education, internship or apprenticeship and receiving scholastic credit or scholastic recognition for participating in the internship; or
2. Legal interns who have graduated from law school but have not yet been admitted to the Washington State Bar Association.

TTT. "Washington state registered domestic partner" means persons who have met the requirements for a valid state-registered domestic partnership as established by RCW 26.60.030 and who have been issued a certificate of state-registered domestic partnership by the Secretary of State's office.

UUU. "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 2. Ordinance 12014, Section 7, as amended, and K.C.C. 3.12.040 are each hereby amended to read as follows:

A. Full-time regular, part-time regular, provisional, probationary and term-limited temporary employees shall receive the comprehensive leave benefits provided in this chapter. Short-term temporary employees and administrative interns do not receive comprehensive leave benefits and are only eligible for the sick leave benefits outlined in K.C.C. 3.12.220.

B. Full-time regular, part-time regular, provisional, probationary, term-limited temporary employees and those employees who meet the definition of full time employee under the Patient Protection and Affordable Care Act of 2010, as amended, and including applicable regulations promulgated under the Patient Protection and Affordable Care ((a))Act of 2010, as amended, and their spouses or Washington state registered domestic partners, each of their dependent children and each of the dependent children of their spouses or Washington State registered domestic partners shall be eligible for medical, dental, life, disability and vision benefits, except in those instances where contrary provisions have been agreed to in the collective bargaining process and to the extent such benefits are available through insurers selected by the county. The director shall establish specific provisions governing eligibility for these benefits as part of the personnel guidelines and consistent with budget requirements. The provisions may include waiting periods for employees newly-hired to the county.

C. Part-time and temporary employees, other than probationary, provisional and term-limited temporary employees, who exceed the calendar year working hours threshold defined in this chapter shall receive compensation in lieu of leave benefits at the rate of fifteen percent of gross pay for all hours worked less the value of any sick leave benefits provided under K.C.C. 3.12.220.A.2, paid retroactive to the first hour of employment and for each hour worked thereafter. If an employee has not previously received insured benefits provided under K.C.C.

3.12.040.B, the employee shall also receive a one-time only payment in an amount equal to the direct cost of three months of insured benefits, as determined by the director, and, in lieu of insured benefits, in an amount equal to the direct cost to the county for each employee for whom insured benefits are provided, prorated to reflect the affected employee's normal work week, for each hour worked thereafter. The additional compensation shall continue until termination of employment or hire into a full-time regular, part-time regular or term-limited position. Further, employees receiving pay in lieu of insured benefits may elect to receive the medical component of the insured benefit plan, with the cost to be deducted from their gross pay, but an employee who so elects shall remain in the selected plan until: termination of employment; hire into a full-time regular, part-time regular or term-limited position; or service of an appropriate notice of change or cancellation during the employee benefits annual open enrollment.

Part-time and temporary employees, other than probationary, provisional and term-limited temporary employees, who exceed the applicable threshold are also eligible for cash in lieu of the bus pass benefit provided to regular employees. The value shall be determined based on the average annual cost per employee as determined in the adopted budget, prorated to an hourly equivalent based on the employee's normal work week, and shall be paid retroactive to the first hour worked and for each hour worked thereafter until termination of employment or hire into a full-time regular, part-time regular or term limited position.

SECTION 3. Ordinance 12014, Section 14, and K.C.C. 3.12.110 are each hereby amended to read as follows:

A. It shall be the policy of the county to provide, within budgeted appropriations, training opportunities for employees. The objective of the training policy shall be guided by, but not limited to, the overall objectives of encouraging and motivating employees to improve their personal capabilities in performance of their assigned job duties.

B. The director shall be responsible for planning and executing an adequate training program for employees.

C. The county shall pay for any training, certification or license, except for a driver's license, that is required by the county for the employee's position. This includes necessary release time for training that is preapproved by the employee's supervisor.

D. The county shall not reimburse employees for unauthorized training.

((D.)) E. Employees wishing to complete educational programs may request a leave of absence without pay for this purpose.

SECTION 4. Ordinance 12014, Section 19, as amended, and K.C.C. 3.12.190 are each hereby amended to read as follows:

A. ~~((Beginning January 1, 1996, e))~~ Employees eligible for comprehensive leave benefits shall accrue vacation leave benefits as described in and further qualified by this section.

((Full Years of Service	Annual Leave in Days
Upon hire through end of Year 5	12
Upon beginning of Year 6	15
Upon beginning of Year 9	16
Upon beginning of Year 11	20
Upon beginning of Year 17	21
Upon beginning of Year 18	22
Upon beginning of Year 19	23
Upon beginning of Year 20	24
Upon beginning of Year 21	25
Upon beginning of Year 22	26
Upon beginning of Year 23	27
Upon beginning of Year 24	28
Upon beginning of Year 25	29
Upon beginning of Year 26 and beyond	30))

<u>Months of Service</u>	<u>Hourly Accrual Rate</u>	<u>Approximate Days/Year</u>
<u>0</u>	<u>0.04620</u>	<u>12.01200</u>
<u>60</u>	<u>0.05770</u>	<u>15.00200</u>

<u>96</u>	<u>0.06160</u>	<u>16.01600</u>
<u>120</u>	<u>0.07700</u>	<u>20.02000</u>
<u>192</u>	<u>0.08080</u>	<u>21.00800</u>
<u>204</u>	<u>0.08470</u>	<u>22.02200</u>
<u>216</u>	<u>0.08850</u>	<u>23.01000</u>
<u>228</u>	<u>0.09240</u>	<u>24.02400</u>
<u>240</u>	<u>0.09620</u>	<u>25.01200</u>
<u>252</u>	<u>0.10010</u>	<u>26.02600</u>
<u>264</u>	<u>0.10390</u>	<u>27.01400</u>
<u>276</u>	<u>0.10780</u>	<u>28.02800</u>
<u>288</u>	<u>0.11160</u>	<u>29.01600</u>
<u>300</u>	<u>0.11540</u>	<u>30.00400</u>

~~B. ((Notwithstanding the vacation leave schedule in subsection A. of this section, employees eligible for comprehensive leave benefits, excluding employees in the former department of metropolitan services, shall accrue vacation leave as follows:~~

~~1. Those employees who were employed on or before December 31, 1995, and by that date had completed at least three but less than five full years of service shall begin to accrue fifteen days of vacation leave per year effective January 1, 1996;~~

~~2. Those employees who were employed on or before December 31, 1995, and subsequent to that date complete three full years of service shall begin to accrue fifteen days of vacation leave per year effective on the first day of their fourth full year of service.~~

~~Beginning on the first day of their sixth full year of service, all such employees shall accrue vacation leave as set forth in subsection A. of this section.~~

~~C.)) Vacation accrual rates for an employee who works other than the full time schedule standard to the employee's work unit shall be prorated to reflect the employee's normally scheduled work week. No adjustment to vacation accrual rates for a furloughed employee shall be made as a result of a budgetary furlough.~~

D. Employees eligible for vacation leave shall accrue vacation leave from their date of hire into a benefit eligible position.

E.1. Employees hired before December 31, 2017, who are eligible for vacation leave may accrue up to ((sixty days)) four hundred eighty hours of vacation leave, prorated to reflect their normally scheduled work ((day)) schedule.

2. Employees hired January 1, 2018, or thereafter, who are eligible for vacation leave may accrue up to three hundred twenty hours of vacation leave, prorated to reflect their normally scheduled work schedule.

~~((Those))~~ 3. All employees shall use vacation leave beyond the employee's maximum accrual amount before December 31 of each year. Failure to use vacation leave beyond the employee's maximum accrual amount ((will)) shall result in forfeiture of the vacation leave beyond the employee's maximum accrual amount unless the appointing authority has approved a carryover of the vacation leave because of cyclical workloads, work assignments or other reasons as may be in the best interests of the county.

~~((F. Exempt employees in regular positions, other than provisional or probationary employees, may take and upon leaving county employment be paid for accrued vacation leave as approved by their appointing authorities.~~

~~G. Career service employees, provisional, probationary and term-limited temporary e))~~

~~D. Employees((, shall not be eligible to take or be paid for vacation leave until they have successfully completed their first six months of county service, and if they leave county employment before successfully completing their first six months of county service, shall forfeit and not be paid for accrued vacation leave)) eligible for comprehensive leave benefits may use vacation leave hours in the pay period after they are accrued. Employees who leave county employment before successfully completing their first six months of county service shall forfeit their vacation leave hours and are excluded from the payout provisions in this section.~~

~~((H.))~~ E. A furloughed employee shall not be eligible to take or be paid for vacation in

lieu of taking a budgetary furlough day.

F. In lieu of the remuneration for fifty percent of unused accrued vacation leave at retirement, the ~~((manager of the human resources division or designee))~~ director may, with equivalent funds and in accordance with the procedures in K.C.C. 3.12.220.~~((F.))~~G.2.b, provide eligible employees with a voluntary employee beneficiary association plan that provides for reimbursement of retiree and other qualifying medical expenses.

~~((F.))~~ G. An employee who is eligible for comprehensive leave benefits shall be paid for accrued vacation leave to the employee's date of separation up to the employee's maximum accrual amount if the employee has successfully completed the employee's first six months of county service and is in good standing. 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. Payment shall be the accrued vacation leave multiplied by the employee's rate of pay in effect upon the date of leaving county employment less mandatory withholdings.

~~((J. Employees shall not use or be paid for vacation leave until it has accrued and the use or payment is consistent with the provisions of this section.~~

~~K.))~~ H. Employees shall not work for compensation for the county in any capacity during the time that the employees are on vacation leave.

~~((L.))~~ I. For employees covered by the overtime requirements of the Fair Labor Standards Act, vacation leave may be used in ~~((one-half hour))~~ fifteen-minute increments, at the discretion of the appointing authority.

~~((M.))~~ J. In cases of separation from county employment by death of an employee with accrued vacation leave and who has successfully completed the employee's first six months of county service, payment of unused vacation leave up to the employee's maximum accrual

amount shall be made to the employee's estate, or, in applicable cases, as provided for by state law, Title 11 RCW. 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.

~~((N.))~~ K. If an employee resigns from a full-time regular or part-time regular position with the county in good standing or is laid off and subsequently returns to county employment within two years from the resignation or layoff, as applicable, the employee's prior county service shall be counted in determining the vacation leave accrual rate under subsection A. of this section.

SECTION 5. Ordinance 4324, Section 27, as amended, and K.C.C. 3.12.210 are each hereby amended to read as follows:

A. Employees eligible for comprehensive leave benefits shall be entitled to ~~((three))~~ up to five working days, with a maximum of forty hours, of bereavement leave ~~((a year due to))~~ for each death of ((members of their immediate)) the following family members: the employee's spouse or domestic partner; the parent, grandparent, child, son or daughter-in-law, grandchild or sibling of the employee, the employee's spouse or the employee's domestic partner; or the employee's legal guardian, ward or any person over whom the employee has legal custody. Part-time employees' bereavement leave benefits shall be prorated to reflect their work week. ~~((A furloughed employee shall not be eligible to take or be paid for bereavement leave in lieu of taking a budgetary furlough day.~~

~~B. Employees eligible for comprehensive leave benefits who have exhausted their bereavement leave shall be entitled to use sick leave in the amount of three days for each instance of death when death occurs to a member of the employee's immediate family.))~~

B. A furloughed employee shall not be eligible to take or be paid for bereavement ~~((sick~~

)) leave in lieu of taking a budgetary furlough day.

C. ~~((In cases of family death where no sick leave benefit is authorized or exists, an e))~~E employees who are not eligible for comprehensive leave benefits may be granted leave without pay or be allowed to use compensatory time, if available, for bereavement leave.

D. In the application of any of subsections A., B. and C. of this section, holidays or regular days off falling within the prescribed period of absence shall not be charged.

E. Any additional paid leave, including sick leave, may be approved by mutual agreement between the county and the employee.

SECTION 6. Ordinance 18408, Section 2, as amended, and K.C.C. 3.12.219 are each hereby amended to read as follows:

~~A. ((The executive shall create a program that provides nonrepresented employees, on the terms in Ordinance 18408, paid parental leave following a qualifying event.~~

~~B. The executive is authorized to enter into memoranda of agreement with the labor organizations that represent King County employees to provide those employees paid parental leave consistent with the terms of this section.~~

~~C. The program for paid parental leave shall be subject to the following:~~

~~1. The program is intended to provide employees eligible for comprehensive leave benefits with twelve weeks of paid parental leave during the twelve months following a qualifying event;~~

~~2. Participation in the program shall be limited to e))~~Employees eligible for comprehensive leave benefits who have been employed with the county for at least six months of continuous service at the time of ~~((the qualifying event))~~ a birth, adoption or foster-to-adopt placement of a child, and are either nonrepresented or represented by a union that has signed a paid parental leave memorandum of agreement ~~((in subsection B. of this section;))~~ with the

county, are eligible for up to twelve weeks of paid parental leave.

B. If both parents work for King County, then each employee is entitled to up to twelve weeks of paid parental leave.

~~((3-))~~ C. An employee's supplemental paid parental leave benefit shall be calculated based on the employee's accrued paid leave balances at the time of the qualifying event. The employee shall receive the equivalent of the employee's full salary for up to a total of twelve weeks, when combined with the employee's accrued leaves, except for one week of sick leave and one week of vacation leave, or the equivalent for benefit time off. ~~((4. An employee electing to participate in the program must reserve one week of accrued vacation and one week of accrued sick leave, or whatever smaller amount of each the employee has accrued. An employee with twelve weeks or more of unreserved, accrued paid leave at the time of the qualifying event may use up to twelve weeks of accrued paid leave as paid parental leave during the twelve months after the qualifying event. An employee who has less than twelve weeks of unreserved, accrued paid leave at the time of the qualifying event shall be granted supplemental paid leave in an amount sufficient, when combined with the employee's unreserved accrued paid leave, to equal a total of twelve weeks of paid parental leave.))~~ For example, if an employee has two weeks of accrued vacation and three weeks of accrued sick leave at the time of the qualifying event, the employee shall be granted nine weeks of supplemental paid leave, bringing the total available paid parental leave to twelve weeks.

~~((5-))~~ D. An employee may use supplemental paid leave and accrued paid leave in any order and is not required to use any of the accrued paid leave as paid parental leave.

~~((6-))~~ E. An employee on paid parental leave ~~((in the program))~~ shall be compensated at the employee's base pay rate.

~~((7-))~~ F. An employee should provide notice to the designated representative of the

employee's department that the employee intends to participate in the program. The notice should meet the notice requirements for taking family and medical leave under federal law.

~~((8-))~~ G. Paid parental leave ~~((under the program))~~ must begin and end within twelve months after the qualifying event.

~~((9-))~~ H. The employee and the employee's supervisor shall agree upon a schedule for taking paid parental leave that is consistent with the county's operational needs. An employee may use the paid parental leave on a part-time or intermittent basis as long as ~~((that))~~ it is consistent with the county's operational needs and is approved in writing by the supervisor before the leave begins.

~~((10-))~~ I. Paid parental leave ~~((under Ordinance 18408))~~ shall run concurrently with King County family and medical leave, as well as federal and state family and medical leave, to the extent permitted by law.

~~((11-))~~ J. During the time that an employee is on leave in the program, the employee's job shall be protected to the same extent that an employee's job is protected while the employee is on family or medical leave under federal or state law. No retaliatory action may be taken against an employee for participating or planning to participate in the program or for exercising the employee's rights under this ordinance. In particular, permission to use accrued paid leave shall not be denied or delayed on the basis that the employee intends to participate in the program. This is a general statement of county policy that cannot form the basis of a private right of action.

~~((12-))~~ K. Taking leave under the paid parental leave program shall not affect an employee's health benefits or an employee's accrual of paid leave, which shall continue during the period of paid parental leave.

~~((13-))~~ L. Employees shall not be compensated in any manner for not using the

supplemental paid parental leave (~~(that is available under Ordinance 18408)~~).

~~((14.))~~ M. An employee who does not return to work for at least six months of continuous service following the paid parental leave, (~~(will)~~) shall be required to reimburse King County for the supplemental paid parental leave funds received.

SECTION 7. Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220 are each hereby amended to read as follows:

A.1. Except for employees covered by subsection A.3. of this section, employees eligible for comprehensive leave 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 if an hourly employee works in excess of seventy-four hours in one week, the employee shall accrue sick leave at the rate of 0.025 hours for each hour worked in excess of seventy-four. No adjustment to reduce sick leave accruals for furloughed employee shall be made as a result of a budgetary furlough.

2. Short-term temporary employees and administrative interns shall accrue sick leave at the rate of 0.025 hours for each hour in pay status.

3. Employees who are members of the Law Enforcement Officers and Firefighters (LEOFF) 1 retirement system and short-term temporary employees who are employed in social service programs designed to help youth gain basic work training skills, such as Work Experience (WEX) participants and Division of Youth Services (DYS) youth employment workers, shall not accrue sick leave.

B. Employees are entitled to use sick leave after it is accrued.

C. For employees covered by the overtime requirements of the Fair Labor Standards Act, sick leave may be used in fifteen-minute increments.

D. There shall be no limit to the number of sick leave hours accrued and carried over to

the following year by employees eligible for comprehensive leave benefits. Short-term temporary employees and administrative interns may carry over forty hours of unused sick leave to the following year, all other unused accrued sick leave shall be forfeited.

~~((C.))~~ E. For employees covered by the overtime requirements of the Fair Labor Standards Act, sick leave may be used in fifteen-minute increments.

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

~~((E.))~~ F.1. 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 medical reasons, shall cancel all sick leave accrued to employees eligible for comprehensive leave benefits as of the date of separation or termination.

2. Separation from, retirement from or termination of county employment shall cancel all sick leave accrued to short-term temporary employees and administrative interns as of the date of the separation, retirement or termination.

3. Should an employee return to county employment within two years, accrued sick leave shall be restored. If a retiree is rehired, that employee is not entitled to have any sick leave restored.

~~((F.))~~ G.1. Except for short-term temporary employees, administrative interns, and employees covered by the Law Enforcement Officers and Firefighters (LEOFF) 1 retirement system, employees eligible to accrue sick leave 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.))~~G.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 designee))~~ director 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.))~~ F., in lieu of the remuneration for fifty percent of unused vacation leave at retirement, the ~~((manager))~~ director may also fund the voluntary employee beneficiary association plan.

b. The ~~((manager))~~ director 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))~~ director;

(2) the ~~((manager))~~ director has discretion to determine the scope of employee

groups voting on whether to adopt a voluntary employee beneficiary association plan. The ((~~manager~~)) director 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.~~)) G.2. complies with federal tax law. Disbursements in accordance with this subsection ((~~F.~~)) G.2. shall be exempt from withholdings, to the extent permitted by law; and

(4) employees shall forfeit remuneration under subsection((~~s F.~~)) G.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.~~))G.1. of this section.

((~~G.~~)) H.1. An employee must use all of the employee's accrued sick leave and any donated sick leave before taking unpaid leave for the employee's own health reasons. If the employee has an injury or illness that is compensable under the county's workers compensation program, then the employee has the option to augment or not augment wage replacement pay 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 the employee may set aside a reserve of up to eighty hours of accrued sick leave. A furloughed employee who is on county family medical leave as provided for in this section shall retain county benefits during furlough days.

3. An employee who has exhausted all of the employee's accrued sick leave may use

accrued vacation leave before going on leave of absence without pay, if approved by the employee's 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.

((H.)) I. Sick leave may be used for the following reasons:

1. An absence:
 - a. resulting from the employee's mental or physical illness, injury, or health condition;
 - b. to accommodate the employee's need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or
 - c. for the employee's need for preventive medical care;
2. To allow the employee to provide care:
 - a. for a family member with a mental or physical illness, injury or health condition;
 - b. for a family member who needs medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or
 - c. for a family member who needs preventive medical care;
3. When a King County facility is closed by order of public official for any health-related reason, or when an employee's child's school or place of care is closed by order of a public official for a health-related reason;
4. For absences that qualify for leave under the domestic violence leave act, chapter 49.76 RCW;
5. For absences to increase the safety of the employee or a family member when the employee or a family member has been a victim of trafficking under RCW 9A.40.100; and
6. For family and medical leave available under federal law, state law or King County ordinance.

((H.)) J. For purposes of sick leave, "family member" means any of the following:

1. A child, including a biological, adopted or foster child, a stepchild or a child to whom the employee stands in loco parentis, is a legal guardian or is a de facto parent, regardless of age or dependency status, or the child of the employee's domestic partner;

2. The parent of an employee, employee's spouse or employee's domestic partner.

Parent includes:

a. a biological parent;

b. an adoptive parent;

c. a de facto parent;

d. a foster parent;

e. a stepparent;

f. a legal guardian; or

g. a person who stood or stands in loco parentis to the employee, employee's spouse or employee's domestic partner.

3. A spouse;

4. A domestic partner;

5. A grandparent;

6. A grandchild; or

7. A sibling.

~~(J.)~~ K.1. An employee injured on the job may not simultaneously collect sick leave and workers' compensation payments in a total amount greater than the net regular pay of the employee, though an employee who chooses not to augment the employee's workers' compensation wage replacement pay through the use of sick leave shall be deemed on unpaid leave status.

2. 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.

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

~~((K-))~~ L. Management of the employee's department is responsible for the proper administration of sick leave benefits. Management of the employee's department may require an employee to provide reasonable notice of an absence from work, so long as the notice does not interfere with an employee's lawful use of sick leave.

~~((L-))~~ M. Verification that an employee's use of sick leave is for an authorized purpose may be required for absences exceeding three days. Verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law.

SECTION 8. Ordinance 15558, Section 2, as amended, and K.C.C. 3.12.222 are each hereby amended to read as follows:

~~((The executive may implement a process providing the opportunity for benefit-eligible employees to convert accrued vacation or accumulated compensatory hours, or both, into a cash donation. This process must conform to the following:))~~

A. Annually, from the first business day in October through the last business day in November, an employee eligible for comprehensive leave benefits may sign a written authorization subject to approval by the employee's department director~~((, or the employee's department director's designee,))~~ to convert accrued vacation or accumulated compensatory hours, or both, into cash to benefit up to three nonprofit organizations participating in the King County employee annual drive in accordance with K.C.C. chapter 3.36, of the employee's

choice.

B. Notwithstanding K.C.C. 3.12.190, an employee eligible for comprehensive leave benefits may convert accrued vacation or accumulated compensatory hours, or both, into cash to benefit natural disaster relief efforts. Upon the occurrence of a natural disaster and with the exception of the employee (~~(charitable campaign)~~) annual drive-related period designated under subsection A. of this section the executive may authorize a forty-five-day opportunity for (~~(benefit-eligible)~~) employees eligible for comprehensive leave benefits to sign a written authorization to convert accrued vacation or accumulated compensatory hours, or both, into cash to benefit up to three nonprofit organizations designated by the executive. The employee's written authorization is subject to approval by the employee's department director (~~(or the employee's department director's designee)~~). The designated nonprofit organization must be a King County employee annual drive participant in accordance with K.C.C. chapter 3.36. This section shall be administered in accordance with K.C.C. chapter 3.36.

C. The hours converted under subsection A. or B. of this section must be in full-hour increments. The employee's donation must be a minimum of four hours and no more than forty hours per calendar year with the exception of the conditions described in subsection D. of this section.

D. An employee eligible for comprehensive leave benefits who earned excess vacation leave or compensatory hours, or both, beyond the amount that may be carried over into the next fiscal year may donate greater than forty hours under subsection A. or B. of this section with approval from the employee's department director(~~(, or the employee's department director's designee)~~).

E. All King County (~~(benefit-eligible)~~) employees eligible for comprehensive leave benefits may donate in accordance with this section voluntarily.

F. The finance and business operations division shall value the hours donated under this section based on the regular hourly rate of the employee in effect at the time the approved conversion authorization is processed. The finance and business operations division shall process leave donations authorized under subsection A. of this section within the first two full weeks in December. The finance and business operations division shall process leave donations authorized under subsection B. of this section within the first two full weeks after the forty-five-day period designated in accordance with subsection B. of this section.

G. The net cash value of the accrued vacation or compensatory hours, or both, after all mandatory withholdings, including, but not limited to, withholding in accordance with retirement plans, federal income tax and the Federal Insurance Contributions Act, have been deducted must be distributed by the finance and business operations division to the designated nonprofit organization or organizations.

~~((H. Employees governed by a collective bargaining agreement may convert to cash accrued vacation or accumulated compensatory hours, or both, if the existing agreement allows for, or the agreement is amended to allow for, conversions as authorized in this section. The executive may enter into such agreements or modifications to existing collective bargaining agreements as are necessary to implement this section.))~~

SECTION 9. Ordinance 12014, Section 22, as amended, and K.C.C. 3.12.223 are each hereby amended to read as follows:

A.1. Any employee eligible for comprehensive leave benefits may donate a portion of the employee's accrued vacation leave to another employee eligible for comprehensive leave benefits. Such a donation ~~((will))~~ may only occur upon written request to and approval of the donating and receiving employees' department director or directors~~((, except that requests for vacation donation made for the purposes of supplementing the sick leave benefits of the~~

~~receiving employee shall not be denied unless approval would result in a departmental hardship for the receiving department)).~~

2. The number of hours donated shall not exceed the donor's accrued vacation ~~((credit))~~ leave as of the date of the request. No donation of vacation hours shall be permitted where it would cause the employee receiving the transfer to exceed that employee's maximum vacation accrual.

3. A furloughed employee shall not be eligible to take or be paid for donated vacation in lieu of taking a furlough day, except as provided in K.C.C. 3.12F.040.

4. Donated vacation leave hours remain with the recipient. ~~((must be used within ninety calendar days following the date of donation. Donated hours not used within ninety days or due to the death of the receiving employee shall revert to the donor.))~~ Donated vacation leave hours shall be excluded from vacation leave payoff provisions in this chapter. ~~((For purposes of this section, the first hours used by an employee shall be accrued vacation leave hours.))~~

B.1. Any employee eligible for comprehensive leave benefits may donate a portion of the employee's accrued sick leave to another employee eligible for comprehensive leave benefits upon written ~~((notice to))~~ request to and approval of the donating and receiving employees' department director or directors.

2. No donation of sick leave hours shall be permitted unless the donating employee's sick leave accrual balance immediately subsequent to the donation is one hundred hours or more. No employee may donate more than twenty-five hours of the employee's accrued sick leave in a calendar year.

3. Donated sick leave hours remain with the recipient. ~~((must be used within ninety calendar days. Donated hours not used within ninety days or due to the death of the receiving employee shall revert to the donor.))~~ Donated sick leave hours shall be excluded from the sick leave payoff provisions contained in this chapter, and sick leave restoration provisions contained

in this chapter. ~~((For purposes of this section, the first hours used by an employee shall be accrued sick leave hours.))~~

C. All donations of vacation and sick leave made under this chapter are strictly voluntary. Employees are prohibited from soliciting, offering or receiving monetary or any other compensation or benefits in exchange for donating vacation or sick leave hours.

D. All vacation and sick leave hours donated shall be converted to a dollar value based on the donor's straight time hourly rate at the time of donation. Such dollar value ~~((will))~~ shall then be divided by the receiving employee's hourly rate to determine the actual number of hours received. Vacation leave donated to a furloughed employee, who is designated by a department director and confirmed by the chief administrative officer as eligible to use donated leave on a furlough day, is donated on an hour-for-hour basis, without an hourly rate conversion. ~~((Unused donated vacation and sick leave shall be reconverted based on the donor's straight time hourly rate at the time of reconversion. Vacation leave donated to a furloughed employee who is designated by the department director and confirmed by the chief administrative officer as eligible to use donated leave on a furlough day shall not revert back to the donor.))~~

SECTION 10. Ordinance 13743, Section 1, as amended, and K.C.C. 3.12.224 are each hereby amended to read as follows:

Notwithstanding K.C.C. 3.12.190, if an employee dies while engaged within the scope of the employee's employment, the executive may implement a process providing a one-time opportunity to allow employees eligible for comprehensive leave benefits to convert either accrued vacation or accumulated compensatory time hours, or both, to cash to benefit any children of the deceased employee who are under twenty-three years old at the time of the employee's death. This process must conform to the following requirements:

A. The executive shall establish a forty-five-day period during which time employees

may sign a written request, subject to approval by the executive, to convert either accrued vacation or accumulated compensatory time hours, or both, to cash and to authorize a payroll deduction of the cash to benefit the children of the deceased employee who are under twenty-three years old at the time of the employee's death. The hours must be in full-hour increments, with a minimum of four;

B. The executive shall determine the maximum hours that any employee can convert to cash, but the maximum may not be greater than a total of forty by each employee;

C. The value of the hours must be determined based on the regular hourly rate of the employee in effect at the time the approved conversion request is received by the county's payroll office;

D. If employees elect to convert either accrued vacation or accumulated compensatory time hours, or both, to cash as set forth in this section, the executive shall identify one or more support accounts or programs to which the cash may be paid for the benefit of the children. Unless the executive determines that another support account or program is more suitable given the circumstances of the children, the executive shall first insure the establishment of a Washington state college tuition prepaid program-guaranteed education tuition (GET) account with the state of Washington treasury to benefit the children of the deceased employee. In addition to or in lieu of the GET program, the executive may direct that some or all of the cash collected under this section be paid to other support accounts or programs that the executive has determined:

1. Are established in the names of the children or their legal guardian for the benefit of the children;
2. Are held by a governmental agency, nonprofit organization, bank, trust or lawful entity other than an individual;

3. Contain adequate safeguards against theft, diversion, loss or wasting of the funds paid under this section; and

4. Restrict the permissible use of funds paid under this section to paying for minimal, if any, administrative expenses and providing for the children's reasonable food, shelter and educational expenses; and

E. The cash resulting from converted accrued vacation or compensatory time hours, or both, net of all mandatory deductions, including, but not limited to, deductions for retirement plans and federal income tax and the Federal Insurance Contributions Act, must be transmitted to the Washington state college tuition prepaid program-guaranteed education tuition (GET) account established by the executive, or such other accounts or programs as may be determined by the executive, under subsection D. of this section((; and

~~F. Employees governed by a collective bargaining agreement may convert to cash either accrued vacation or accumulated compensatory time hours, or both, only if the existing agreement allows for or the collective bargaining agreement is amended to allow for conversions as authorized in this section)).~~

SECTION 11. Ordinance 13743, Section 2, as amended, and K.C.C. 3.12.2245 are each hereby repealed.

SECTION 12. Ordinance 7956, Section 6, as amended, and K.C.C. 3.12.225, are each hereby amended to read as follows:

~~((The appointing authority))~~ A. Division managers shall allow the division's employees who are eligible for comprehensive leave benefits the use of up to three days of sick leave each calendar year ((to allow employees)) to perform volunteer services at ((the)) a local school ((attended by the employee's child)) or at a nonprofit organization on the approved list for the employee giving program. During a calendar year, an employee may use sick leave for

volunteer service for both school and nonprofit organization participation. The aggregate number of sick leave days used for those purposes shall not exceed three days in a calendar year.

B. A furloughed employee shall not be eligible to take or be paid for ~~((school))~~ volunteer sick leave in lieu of taking a furlough day.

C. Employees requesting to use sick leave for this purpose shall submit such a request in writing specifying the name of the school or organization and the nature of the volunteer services to be performed. The employee's supervisor may request in advance that the employee obtain written proof of the service from the school or organization.

SECTION 13. Ordinance 12014, Section 23, as amended, and K.C.C. 3.12.230, are each hereby amended to read as follows:

A. ~~((The following days are hereby designated as official county holidays))~~ All employees eligible for comprehensive leave benefits shall be granted the following designated holidays with pay:

1. January 1, New Year's Day;
2. Third Monday in January, Martin Luther King, Jr. ~~((Birthday))~~ Day;
3. Third Monday in February, President's Day;
4. Last Monday in May, Memorial Day;
5. July 4, Independence Day;
6. First Monday in September, Labor Day;
7. November 11, Veteran's Day;
8. Fourth Thursday in November, Thanksgiving Day ~~((and the day immediately following));~~
9. Friday after Thanksgiving, Day after Thanksgiving;
10. December 25, Christmas Day; and

~~((10. Special or limited holidays as declared by the president or governor, and as approved by the council;~~

~~-11. Such other days in lieu of holidays as the council may determine;~~

~~-12.)) 11. For ((A))an employee who is eligible for comprehensive leave benefits ((shall be granted)), two personal holidays ((to)), which shall be ((administered through the vacation plan, though the hours granted to an employee working less than a full-time schedule shall be prorated to reflect that employee's normally scheduled work day. One day shall be credited to the employee's leave balance on the first of October and one day on the first of November)) added to the employee's vacation bank in the second full pay period of the calendar year or upon hire.~~

B. For holidays falling on a Saturday, the Friday before shall be a paid holiday. For holidays falling on a Sunday, the Monday following shall be a paid holiday.

C. An employee must be eligible for comprehensive leave benefits and in a pay status on the day before and the day following a holiday to be eligible for holiday pay. However, an employee who has successfully completed at least five years of county service and who retires at the end of a month in which the last regularly scheduled working day is observed as a holiday, shall be eligible for holiday pay if the employee is in a pay status the day before the day observed as a holiday. An employee otherwise eligible for holiday pay shall not be ineligible as a result of not being in a pay status on the day before or after the holiday due to budgetary furlough.

D. When a holiday falls on the scheduled day off of a full-time employee entitled to comprehensive leave benefits who works other than a five-day, eight-hour schedule, the employee shall be given a deferred holiday. The employee and the employee's supervisor shall jointly select another day, preferably within the same pay period, for the employee to take as the

holiday. Deferred holidays for a part-time employee eligible for comprehensive leave benefits shall be prorated to the employee's schedule.

SECTION 14. Ordinance 12077, Section 5, as amended, and K.C.C. 3.12.240, are each hereby amended to read as follows:

~~((Any))~~ A. An employee eligible for comprehensive leave benefits who is ordered on a jury shall be entitled to the employee's regular county pay but only if any fees received for jury duty are deposited, exclusive of mileage, with the ~~((department of))~~ finance and business operations division of the department of executive services.

B. An employee who is not eligible for comprehensive leave benefits shall be released, unpaid, from work duties for the duration of the employee's jury duty, and may retain any fees paid for jury service.

C. A furloughed employee shall not be eligible to take or be paid for jury duty leave in lieu of taking a furlough day.

D. Employees shall report to their work supervisor when dismissed from jury service.

SECTION 15. Ordinance 12014, Section 25, as amended, and K.C.C. 3.12.250, are each hereby amended to read as follows:

A. An employee eligible for comprehensive leave benefits may take a leave of absence without pay for thirty calendar days or less if authorized in writing by the employee's ~~((appointing authority))~~ division manager.

B. An employee eligible for comprehensive leave benefits may take a leave of absence without pay for more than thirty calendar days for nonmedical reasons if authorized in writing by the employee's ~~((appointing authority and the director))~~ division manager.

C. An employee eligible for comprehensive leave benefits may take a leave of absence without pay for more than thirty days for medical reasons if authorized in writing by the director.

D. Leaves of absence without pay shall be for periods not to exceed one year except that the director may, in special circumstances, grant an extension beyond one year.

~~((D.))~~ E. Other employee benefits as provided in this chapter shall not be provided to or accrue to the employee while on leave of absence without pay, except as provided in K.C.C. 3.12.220 or K.C.C. 3.12.040.

~~((E.))~~ F. If a leave of absence without pay was granted for purposes of recovering health, the employee shall be required ~~((by the director))~~ to submit a physician's statement concerning the employee's ability to resume duties prior to return to work.

~~((F.))~~ G. An employee on leave of absence without pay may return from the leave before its expiration date if the employee provides the ~~((appointing authority))~~ division manager with a written request to that effect at least fifteen days prior to resuming duties.

~~((G.))~~ H. Failure to return to work by the expiration date of a leave of absence without pay shall be cause for removal and shall result in automatic termination of the employee from county service.

~~((H.))~~ I. A leave of absence without pay may be revoked by the employee's division manager or the director upon evidence submitted to the director by the ~~((appointing authority))~~ division manager of the employee indicating that such leave was requested and granted under false pretenses, or that the need for such leave has ceased to exist.

SECTION 16. Ordinance 12498, Sections 1 and 4 through 7, as amended, and K.C.C. 3.12.335, are each hereby amended to read as follows:

A. It is the policy of King County to provide opportunities for paid, competitive employment for individuals with developmental disabilities, as defined in this chapter, in integrated work settings. The executive shall seek the cooperation, assistance and participation of all county departments in the successful implementation of this policy.

B. Persons with developmental disabilities as defined in RCW 71A.10.020(~~((2))~~)(5), as amended, shall be eligible for supported employment pursuant to this section.

C. The (~~(department of community and)~~) human (~~(services)~~) resources management division, or its successor agency, is designated as the lead agency responsible for the management of the supported employment (~~(initiative)~~) program, with technical support provided by the developmental disabilities division, or its successor agency.

D. The executive is authorized to adopt administrative rules to implement this section pursuant to K.C.C. 3.12.350.

SECTION 17. Ordinance 12014, Section 50, as amended, and K.C.C. 3.15.020, are each hereby amended to read as follows:

This section applies to all positions in the executive branch, noncommissioned positions in the office of the sheriff and the department of assessments allocated to a classification approved by the council.

A.1. Except as otherwise provided by ordinance, the schedule of pay ranges shall consist of ninety-nine pay ranges, each containing ten steps as approved by ordinance annually.

2. On a continuing three-year cycle, the executive shall assess market conditions and determine whether to make adjustments, if any, to pay ranges assigned to existing classifications.

B.1. The director may reassign pay ranges to existing classifications.

2. When the director adjusts the pay range of a classification, the incumbent employee shall be placed at the same step in the new pay range as the employee was in the previous pay range.

3. Implementation of any pay range adjustment shall be prospective and shall take effect at the start of the pay period following the approval by the director or, if required by K.C.C. 3.15.040, by the appropriate council committee.

C. Consistent with K.C.C. 3.12.350, the ~~((manager of the human resources management division))~~ director shall establish guidelines for pay increases in accordance with the following:

1. Employees may receive within-range increases from one step to the next higher step upon satisfactory completion of the probationary period. All probationary-period pay increases must be supported by documented performance appraisal. Probationary-period pay increases exceeding Step 5 must have prior written approvals by the department director and the ~~((manager of the human resources management division))~~ director. ~~((In the event of the completion of the probationary period by))~~ When a division of human resources employee completes the employee's probationary period, the county administrative officer must provide prior written approval for probationary-period pay increases exceeding Step 5;

2. Employees may be eligible to receive increases annually in accordance with the following principles:

a. An incentive increase must be supported by an annual documented performance appraisal approved by the department director ~~((or designee))~~ and the documented performance appraisal must be maintained in the employee's personnel file. Incentive increases shall be prospective only and shall be effective on January 1 following the year on which the appraisal was based;

b. For employees currently in Steps 1 through 4 in the pay range, the appointing authority may grant an increase of a single step for standard performance and may grant an increase exceeding a single step for above-standard or outstanding performance, as defined by the ~~((manager of the human resources management division))~~ director;

c. For employees currently in Steps 5 through 7 in the pay range, the appointing authority may grant an increase of one or more steps for above-standard performance; and

d. For employees currently in Steps 8 through 9 in the pay range, the appointing

authority may grant an increase of one step, not to exceed the top of the pay range, for outstanding performance;

3. An appointing authority may grant an employee incentive pay up to five percent above the top step of the range for a period of twelve months, if all of the following conditions are met:

- a. the employee is not a department director;
- b. the employee has been at the top step of the prior or current range for two years before the award of the increase; and
- c. the employee has demonstrated continuous outstanding performance;

4. All incentive increases are subject to the availability of funds. Within-range incentive increases are not automatic but shall be given only upon the written direction of the appointing authority, as defined in K.C.C. 3.12.010.B., within the guidelines established by the ~~((manager of the human resources management division;))~~ director.

~~((5.a. When the manager of the human resources management division reclassifies a position to a higher classification, the pay rate of the incumbent employee shall be increased to the first step of the pay range of the new classification or the nearest step that constitutes an increase of no more than five percent above the former rate of pay, whichever is greater.~~

~~—b. A pay increase as a result of reclassification may not exceed the top step of the new range, unless the employee's former pay includes an above-Step-10 amount as a result of an incentive increase. If the employee's former pay includes an above-Step-10 amount as a result of an incentive increase, the employee's new pay is calculated upon the above-Step-10 amount. If the increase from reclassification results in pay that is above the top step of the new range, the pay shall be reduced to the top step of the new range at the end of the incentive period unless the employee requalifies for an above-Step-10 incentive award.~~

~~—c. Implementation of a reclassification and any related pay change shall be prospective and is effective when the classification is approved by the manager of the human resources management division. The pay increase as a result of reclassification may not exceed five percent above the top step in any case; and~~

~~—6. When the manager of the human resources management division adjusts the pay range of a classification, the incumbent employee shall be placed at the same step in the new pay range as the employee was in the previous range. Implementation of any pay range adjustment shall be prospective and is effective when approved by the manager of the human resources management division or, if required by K.C.C. 3.15.040, by the labor, operations and technology committee or its successor committee.))~~

SECTION 18. Ordinance 12014, Section 52, as amended, and K.C.C. 3.15.030, are each hereby amended to read as follows:

A. The ~~((manager of the human resources management division))~~ director may reclassify any position to an existing or new classification ~~((and reassign pay ranges to existing classifications))~~.

B. An employee or a group of employees may request that a position or group of positions be reclassified for the following reasons:

1. The employee's position is not assigned to the appropriate classification;
2. A significant or gradual change has occurred in the employee's on-going duties or responsibilities over a period of at least one-year; or
3. A departmental reorganization or council action has caused the duties of the position to change.

C. Group reclassifications may be submitted if all of the employees' positions are in the same classification in the same section of a division. The director shall evaluate each position

individually, reserving the right to place individual positions into different classifications.

D. An employee is not eligible to submit a reclassification request if:

1. It has been less than twelve months since the date of a previous classification determination for the position;

2. The employee is on probation;

3. The employee is on a performance improvement plan; or

4. The employee is asking for the reclassification of a special duty position.

E. When the director reclassifies a position to a higher classification, the pay rate of the incumbent employee shall be increased to the first step of the pay range of the new classification or the step that is at least five percent above the former rate of pay, whichever is greater.

F. When the director reclassifies a position to a lateral classification, the pay rate of the incumbent employee shall remain at the same step of the pay range.

G. When the director reclassifies a position to a lower classification, the pay rate of the incumbent employee shall be the highest step in the new pay range that does not exceed the employee's current pay rate.

H. A pay increase as a result of a reclassification may not exceed the top step of the new range, unless the employee's former pay includes above-Step-10 incentive pay. If the employee's former pay includes an above-Step-10 incentive pay, the employee's new pay is calculated upon the above-Step-10 amount. If the increase from reclassification results in pay that is above the top step of the new range, the pay shall be reduced to the ((s))top step of the new range at the end of the incentive period, unless the employee requalifies for an above-Step-10 incentive award.

I. Implementation of a reclassification and any related pay change shall be effective at the start of the pay period following receipt of the completed reclassification request form at the

human resources management division or its successor agency; except a reclassification to a lower pay grade shall be effective at the start of the pay period at least thirty calendar days after notification of the classification determination from the human resources management division or its successor agency.

J. A reclassified employee shall not serve a probationary period in the new classification.

K. 1. When an employee's position is reclassified retroactively into a classification with a different FLSA status, the change in FLSA status shall be prospective only.

2. When an employee's position is reclassified from a FLSA-exempt classification to an FLSA non-exempt classification, the employee will be paid overtime pay from the date of the reclassification decision.

3. When an employee's position is reclassified from a FLSA non-exempt classification to a FLSA-exempt classification, the employee shall receive a cash out of all accrued compensatory time.

SECTION 19. Ordinance 14233, Section 6, as amended, and K.C.C. 3.15.130, are each hereby amended to read as follows:

A.~~((1-))~~ If a promotion results from something other than a reclassification, the pay rate of the incumbent employee shall be increased to the first step of the pay range of the new classification or the step that is at least five percent above the former rate of pay, whichever is greater. The promoted employee may be placed at a higher step in the pay range if the employee's department director determines the action is warranted, if the criteria and procedures in K.C.C. 3.15.120 are met and if funds are available in the agency.

B. A pay increase as a result of ~~((reclassification))~~ a promotion may not exceed the top step of the new range, unless the employee's former pay includes an above-Step-10 amount as a result of an incentive increase. If the employee's former pay includes ~~((an))~~ above-Step-10 ((

~~amount as a result of an~~) incentive ~~((increase))~~ pay, the employee's new pay is calculated upon the above-Step-10 amount. If the increase from ~~((reclassification))~~ a promotion results in pay that is above the top step of the new range, the pay shall be reduced to the top step of the new range at the end of the incentive period unless the employee requalifies for an above-Step-10 incentive award.

~~((2.))~~ C. Implementation of a ~~((reclassification))~~ promotion and any related pay change shall be prospective and is effective when the ~~((classification))~~ promotion is approved by the ~~((manager of the human resources management division. The pay increase as a result of reclassification may not exceed five percent above the top step in any case.~~

~~B. If a promotion results from something other than a reclassification, the promoted employee may be placed at a higher step in the pay range when the department director determines this action is warranted, if the criteria and procedures in K.C.C. 3.15.120 are met and if funds are available in the agency))~~ director.

SECTION 20. Ordinance 14233, Section 7, as amended, and K.C.C. 3.15.140, are each hereby amended to read as follows:

A.1. A~~((n appointing authority, with the prior written approval of the))~~ department director and, when required, ~~((the manager of the human resources management division and the county administrative officer))~~ the director of the human resources management division or its successor agency may assign an employee in a regular position to an existing higher-level classification for a limited term when the higher-level duties and responsibilities comprise the majority of the work performed for a minimum of thirty calendar days.

2. Temporary employees, including term-limited temporary employees, are not eligible for special duty assignments.

B. Depending upon the type of special duty assignments needed for business operations,

special duty assignments may be made for ~~((up to twelve months, up to three year, and))~~ up to a maximum of five years~~((, respectively))~~.

1. ~~((In cases where a special duty assignment is made to provide for additional staffing at a higher level, the a))~~ Assignments may be approved for up to a term of twelve months ~~((but only))~~ if ~~((: a. the assignment is))~~ authorized in advance ~~((in writing))~~ by the department director to backfill for a vacant regular position, or to provide additional staffing needed~~((; and))~~;

~~((b.))~~ a. ~~((the assignment is needed for))~~ due to work that exceeds either the volume or complexity, or both, than what is routinely expected, but the work is of a limited duration~~((and is not ongoing))~~;

b. ~~((the assignment is needed for))~~ due to work ~~((which))~~ that is unanticipated due to unique circumstances ~~((which))~~ that are not expected to reoccur; or

c. ~~((the assignment is needed))~~ to either develop or implement, or both, a new function, system~~((;))~~ or proposal ~~((within a division))~~.

2. Assignments may be approved for up to a term of up to three years if authorized in advance by the director to perform a significant or substantial body of work, such as a non-routine project or work related to the initiation or cessation of a county function, project or department.

3. Assignments may be approved for up to a term of five years if authorized in advance in writing by the director:

a. ~~((In cases where a special duty assignment is made))~~ to backfill a regular position, ~~((the assignment may be approved for up to a term of three years, but only if:~~

a. ~~the backfill assignment is authorized in advance in writing by the department director and the county administrative officer based upon a specific determination that a special duty assignment continues to meet the requirements in this chapter and that a position~~

~~reclassification is not appropriate;~~

~~b. the assignment is made to backfill))~~ when:

~~(1) an ((incumbent)) employee ((who)) is absent because of an extended leave of absence for a medical reason((, as required under applicable county, state or federal law));~~

~~(2) an ((incumbent)) employee ((who)) is absent because of military ((f)) service (({))); or~~

~~(3) an ((incumbent)) employee ((who)) is absent because of ((assignment to)) a special duty or another assignment; and~~

b. to staff or backfill staff on a clearly defined grant-funded, capital improvement, or information systems technology project.

~~((3-))~~ 4. ~~((in no cases, may the))~~ A special duty backfill assignment may not exceed the term of the incumbent employee's absence.

~~((4. In cases where a special duty assignment is made for the performance of a project necessitating a higher level of work, the assignment may be approved for up to a term of three years, but only if:~~

~~—a. the project assignment is authorized in advance in writing by the department director, the manager of the human resources management division and the county administrative officer based upon a specific determination that a special duty assignment continues to meet the requirements in this chapter and that a position reclassification is not appropriate; and~~

~~—(1) the project is clearly defined, a project plan has been developed or the employee will develop a project plan;~~

~~—(2) the project has a beginning and end date of three years or less;~~

~~—(3) the employee will perform duties that are primarily related to a single specifically~~

~~defined project; and~~

~~—(4) the employee is performing non-routine work for a project outside of the regular scope of the normal division functions.~~

~~—5. In cases where a special duty assignment is made to staff or to backfill staff on a grant-funded, capital improvement, or information systems technology project necessitating a higher level of work, the assignment may be approved for up to a term of three years and, upon justification, extended an additional two years up to a term of five total years, but only if:~~

~~—a. the project assignment is authorized in advance in writing by the department director, the manager of the human resources management division and the county administrative officer based upon a specific determination that a special duty assignment continues to meet the requirements in this chapter and that a position reclassification is not appropriate; and~~

~~—b. the assignment is made to a clearly defined project with a limited term and a definite termination date; or the assignment is made to backfill staff on the project.))~~

5. Special duty assignments to salaried classifications shall be made in full-week increments, from Saturday through Friday.

6. An employee's special duty assignment shall end when management becomes aware that the employee's absence will exceed thirty calendar days or at the conclusion of a thirty-day absence, whichever occurs first.

C. A special duty assignment must be made in writing to the employee before the beginning of the assignment. The written notice must provide the classification title and description and must list the specific duties that the employee is to perform and the duration of the assignment. The written notice must also include a statement that the assignment ~~((will))~~ does not confer on the employee any new privilege, right of appeal, right of position, transfer,

demotion, promotion or reinstatement. A special duty assignment may be revoked at any time at the discretion of the appointing authority. Special duty pay may not be assigned retroactively.

D. The special duty increase shall be to the first step of the pay range of the ~~((existing))~~ higher-level job classification or ~~((to a pay step in the existing higher classification that provides an increase of approximately))~~ a flat five percent above the ~~((former))~~ base rate of pay, whichever is greater.

E. ~~((Special duty compensation may not exceed the top step of the new range i))~~ If the employee was receiving above-Step-10 incentive pay, the pay for the special duty assignment is calculated using the incentive pay and may result in incentive pay while in the special duty assignment. ~~((In those instances, the pay may exceed the maximum of the new pay range by no more than five percent and shall continue only as long as the incentive pay would have remained in effect.))~~

F. While on special duty assignment, the employee shall continue to be eligible for step increases in the employee's regular position. If the employee is at Step-10 in the employee's regular position, the employee shall be eligible for step increases in the special duty classification.

G. Any accrued compensatory time shall be cashed out before an hourly employee begins a salaried special duty assignment, and before an employee in an hourly special duty assignment returns to a salaried regular position.

~~((F.))~~ H. When the special duty assignment is completed, the employee's pay shall revert to the pay rate the employee would have received if the employee had not been assigned to special duty.

~~((G.))~~ I. Special duty pay shall not be considered part of an employee's base pay rate for purposes of placement within a salary range as a result of promotion or reclassification, for

purposes of cashing out vacation or sick leave or when making vacation or sick leave donations.

J. When the special duty assignment is hourly, the employee's special duty pay will be used for the computation of overtime and compensatory time.

((H.)) K. If the special duty position is converted to a regular position and the employee who served in the special duty position is hired into the regular position, the time served in the special duty position will count toward any required probationary period. If the time served in the special duty position was longer than the required probationary period, the employee's probationary period shall be considered served.

L. The executive shall notify the council each year in writing of the total number of county employees on special duty assignment by department. The executive shall file a paper original and electronic copy of each memorandum with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers and the lead staff for the government accountability and oversight committee or its successor.

NEW SECTION. SECTION 21. There is hereby added to K.C.C. chapter 3.15 a new section to read as follows:

A. For the purposes of this section, "working out of classification" means an employee in a regular position is assigned in writing some or all of the duties of a higher-paid classification for a period of less than thirty calendar days.

B. Working-out-of-classification assignments must occur in full day or full shift increments.

C. While working out of classification, the employee shall receive a flat five percent pay premium. Any overtime the employee earns while working out of classification shall include the five percent premium. Paid leaves taken while an employee is working out of classification shall not include the pay premium.

D. If a working-out-of-classification assignment exceeds twenty-nine consecutive calendar days, the assignment shall be prospectively converted to a special duty assignment.