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Title: AN ORDINANCE establishing a paid parental leave program for employees eligible for leave benefits, including annual reports; amending Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010 and adding a new section to K.C.C. chapter 3.12.

Sponsors: Rod Dembowski, Jeanne Kohl-Welles

Indexes: Employee Benefits

Code sections: 3.12 -, 3.12.010 -

Attachments: 1. 18408.pdf, 2. 2016-0463 legislative review form.pdf, 3. 2016-0463 fiscal note.xls, 4. 2016-0463 transmittal letter.docx, 5. 2016-0463_SR_Paid_Parental_Leave.pdf, 6. 2016-0463_ATT2_AMD1_Amendment_1.pdf, 7. 2016-0463_ATT3_AMDT1_Title_Amendment_T1.pdf, 8. 2016-0463_SR_dated_11012016_Paid_Parental_Leave.docx, 9. 2016-0463_ATT2_AMD2_Amendment_2.docx, 10. 2016-0463_ATT3_AMDT2_Title_Amendment_T2.docx, 11. 2016-0463_Revised_SR_Paid_Parental_Leave.docx, 12. 18408 Amendment package 11-14-16.pdf

Date	Ver.	Action By	Action	Result
11/14/2016	2	Metropolitan King County Council	Hearing Held	
11/14/2016	2	Metropolitan King County Council	Passed as Amended	Pass
11/7/2016	2	Metropolitan King County Council	Hearing Held	
11/1/2016	1	Budget and Fiscal Management Committee	Recommended Do Pass Substitute	Pass
10/26/2016	1	Budget and Fiscal Management Committee	Deferred	
10/25/2016	1	Budget and Fiscal Management Committee	Deferred	
9/26/2016	1	Metropolitan King County Council	Introduced and Referred	

Clerk 11/15/2016

AN ORDINANCE establishing a paid parental leave program for employees eligible for leave benefits, including annual reports; amending Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010 and adding a new section to K.C.C. chapter 3.12.

STATEMENT OF FACTS:

1. Under federal and state law, eligible employees are entitled to take up to twelve weeks of leave for the birth, adoption or foster placement of a child. During that period, employees' jobs are protected, and they continue to receive employer paid health benefits; however, there is no requirement that employees be paid during the leave.
2. The United States is the only industrialized nation in the world that does not mandate paid parental leave.
3. Paid maternity leave can increase breastfeeding rates and duration, reduce the risk of infant mortality and increase the likelihood of infants receiving well-baby care and vaccinations.
4. Fathers who take time off from work around childbirth are likely to spend more time with their children in the months following their children's birth, which could reduce stress on the family and contribute to father-infant bonding.
5. A 2012 U.S. Department of Labor survey found that the number of employees who reported needing leave, but not using it, had doubled since 2000. The most-common reasons for not using leave were inability to afford an unpaid leave and fear of losing one's job. Those who did not take needed leave were disproportionately women, nonwhite, unmarried, and earning less than \$35,000 per year.
6. The King County women's advisory board has issued a report, Improving Wage Equity and Promoting Family Friendly Workplace Policies throughout King County, that recommends that King County offer paid parental leave to its employees.
7. Providing paid parental leave may help attract and retain employees and may reduce employee turnover, which has been estimated to cost twenty-one percent of an employee's annual salary.
8. Providing paid parental leave supports King County's commitment to equity and social justice, in that it makes parental leave more affordable for lower-paid employees.

9. Paid parental leave is associated with improved health outcomes for infants and children, which may result in avoided healthcare costs for King County, which is self-insured.

10. In the absence of a paid parental leave program, childbirth and adoption can take a significant financial and emotional toll on working parents and thereby can impair their ability to serve the public.

11. According to executive reporting, through the 2016 paid parental leave pilot program, one hundred twenty employees received paid parental leave hours in the first half of 2016. Of the one hundred twenty employees, seventy-three were male and forty-seven were female, which is consistent with the gender breakdown of King County's workforce. The costs of the program through June 30, 2016, were consistent with the estimated costs for 2016.

12. Based on the success of King County's pilot program, establishing an ongoing paid parental leave program is in the best interest of King County employees, their families and the public that the employees serve.

13. For employees who experienced a qualifying event in 2016 but were adversely affected by being ineligible to participate in the 2016 paid parental leave pilot program, the executive is encouraged to seek and implement mitigation options as this ongoing paid parental leave program is implemented.

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. "Accrued paid leave" includes accrued vacation leave, sick leave, executive leave and other similar

leaves, but excludes compensatory time.

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

- a. enrolled full-time during the regular school year in a program of education, internship or apprenticeship; or
 - b. veterans temporarily working to gain practical workforce experience.
2. All administrative internships in executive departments shall be approved by the manager.

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

~~((B.))~~ C. "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.))~~ D. "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.))~~ E. "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.))~~ F. "Board" means the county personnel board established by Section 540 of the charter.

~~((F.))~~ G. "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.))~~ H. "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.))~~ I. "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.

~~((F))~~ J. "Charter" means the King County Charter, as amended.

~~((J))~~ K. "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-))~~ L. "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-))~~ M. "Classification plan" means the arrangement of positions into classifications together with specifications describing each classification.

~~((M-))~~ N. "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-))~~ O. "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-))~~ P. "Council" means the county council as established by Article 2 of the charter.

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

~~((Q-))~~ 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.

~~((R-))~~ 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.

~~((S-))~~ T. "Director" means the manager of the human resources management division.

~~((F-))~~ U. "Division" means the human resources management division or its successor agency.

~~((U-))~~ V. "Domestic partners" are two people in a domestic partnership, one of whom is a county employee.

~~((V-))~~ 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.

~~((W-))~~ 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.

~~((X-))~~ Y. "Employee" means any person who is employed in a career service position or exempt position.

~~((Y-))~~ Z. "Executive" means the county executive, as established by Article 3 of the charter.

~~((Z-))~~ AA. "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.

~~((AA-))~~ BB. "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.

~~((BB-))~~ CC. "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.

~~((CC-))~~ DD. "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.

~~((DD-))~~ EE. "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.

~~((EE-))~~ FF. "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.

~~((FF-))~~ GG. "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.

~~((GG-))~~ HH. "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.

~~((HH-))~~ II. "Incentive increase" means an increase to an employee's base salary within the assigned pay

range, based on demonstrated performance.

~~((H.))~~ JJ. "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.

~~((H.))~~ KK. "King County family and medical leave" means a leave of absence taken under K.C.C. 3.12.221.

~~((K.))~~ LL. "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.

~~((L.))~~ MM. "Manager" means the manager of the human resources division or its successor agency.

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

~~((N.))~~ OO. "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.

~~((O.))~~ PP. "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.

~~((P.))~~ QQ. "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.

~~((QQ.))~~ RR. "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.

~~((RR.))~~ SS. "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.

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

~~((TT.))~~ UU. "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.

~~((UU.))~~ VV. "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.

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

~~((WW.))~~ XX. "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.

~~((XX.))~~ YY. "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.

~~((YY.))~~ ZZ. "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.

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

~~((AAA.))~~ BBB. "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.

~~((BBB.))~~ CCC. "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.

~~((CCC.))~~ DDD. "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.

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

~~((DDD.))~~ FFF. "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.

~~((EEE.))~~ GGG. "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.

~~((FFF.))~~ HHH. "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.

~~((GGG.))~~ III. "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.

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

~~((HH.))~~ KKK. "Temporary position" means a position that is not a regular position as defined in this chapter and excludes administrative intern. Temporary positions include both term-limited temporary positions

as defined in this chapter and short-term (normally less than six months) temporary positions in which a temporary employee works less than nine hundred ten hours in a calendar year in a work unit in which a thirty-five hour work week is standard or less than one thousand forty hours in a calendar year in a work unit in which a forty hour work week is standard, except as provided elsewhere in this chapter. Where the standard work week falls between thirty-five and forty hours, the manager, in consultation with the department, is responsible for determining what hour threshold will apply.

~~((JJJ-))~~ LLL. "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.

~~((KKK-))~~ MMM. "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.

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

~~((NNN.))~~ OOO. "Volunteer intern" means volunteers who are also enrolled full-time during the regular

school year in a program of education, internship or apprenticeship who are receiving scholastic credit or scholastic recognition for participating in the internship.

~~((NNN:))~~ PPP. "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.

NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 3.12 a new section to read as follows:

A. The executive shall create a program that provides nonrepresented employees, on the terms in this ordinance, 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 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 employees eligible for leave benefits who have been employed with the county for at least six months of continuous service at the time of the qualifying event 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;

3. An employee's supplemental paid leave benefit shall be calculated based on the employee's accrued paid leave balances at the time of the qualifying event.

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. 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. An employee on paid leave in the program shall be compensated at the employee's base pay rate.
7. 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. Paid parental leave under the program must begin and end within twelve months after the qualifying event.
9. 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 basis as long as that is consistent with the county's operational needs and is approved in writing by the supervisor before the leave begins.
10. Paid parental leave under this ordinance 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. 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. Taking leave under the 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. Employees shall not be compensated in any manner for not using the supplemental paid leave that is available under this ordinance.

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

SECTION 3. The executive shall monitor the usage and costs associated with the program established by this ordinance and shall report to the council by April 1, 2018, on 2017 usage and costs and by April 1, 2019, on 2018 usage and costs. The reports shall include: the number, gender, compensation rate, and tenure at King County of the employees who have used the program; their distribution among the county's departments and divisions; the amount of supplemental paid leave that each employee was granted under the program; the type of qualifying event; whether the positions of the employees taking leave were backfilled and the costs of backfilling, to the extent that it can be determined; and any other costs associated with the program. The executive shall file the reports in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the transportation, economy and environment committee, or its successor.

SECTION 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to

other persons or circumstances is not affected.