



Legislation Text

File #: 2008-0662, **Version:** 2

Clerk 12/16/2008

A MOTION relating to the organization of the council, electing the chair and vice-chairs of the council and membership requirements of the employment and administration committee, amending Motion 10651, Section II, as amended, and OR 1-010, Motion 10651, Section IV, as amended, and OR 1-030, Motion 11105 (part), as amended, and OR 1-040 and Motion 10651, Section V, as amended, and OR 2-030.

WHEREAS, the King County Charter provides that the county council "shall elect one of its members as chairman, shall be responsible for its own organization," and

WHEREAS, the council desires to elect a chair and vice-chairs of the council and its committees and create new committees, and

WHEREAS, the council seeks to clarify the membership requirements of the employment and administration committee to reflect voter approval of Initiative 26 making the offices of King County executive, King County assessor and King County council nonpartisan, and to establish the nonpartisan selection of districting committee members;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

I. Motion 10651, Section II, as amended, and OR 1-010 are each hereby amended to read as follows:

Election of the chair and vice-chairs.

A. The council shall elect a chair and vice-chairs, who shall serve at the pleasure of the council for a term of one year, unless decided otherwise by the council and until successors are elected.

B. There shall be two vice-chairs: the vice-chair of policy (~~((and administration))~~) and the vice-chair of (~~((council relations))~~) administration and finance. For the purposes of implementing the provisions of K.C.C. chapter 1.24, "vice-chair" means the vice-chair of policy (~~((and administration))~~). In the absence of the vice-chair of policy (~~((and administration))~~), "vice-chair" means the vice-chair of (~~((council relations))~~) administration and finance.

C. In the event the chair is unable to serve the remainder of a term, the vice-chair shall become chair, consistent with the order set forth in subsection 1.B. of this section. In the event a vice-chair is unable to serve the remainder of a term, a new vice-chair shall be elected.

II. Motion 10651, Section IV, as amended, and OR 1-030 are each hereby amended to read as follows:

Powers and duties of the vice-chairs.

A. The vice-chairs shall exercise the duties, powers and prerogatives of the council chair in the event of the chair's absence, consistent with the order set forth in OR 1-010.B.

B. The vice-chair of policy (~~((and administration))~~) shall serve as the chair of the committee of the whole.

C. The vice-chair of (~~((policy and))~~) administration and finance shall (~~((also))~~) serve as (~~((a member))~~) the chair of the employment and administration committee. The chair of the employment and administration committee shall issue, upon recommendation of the employment and administration committee and with the approval of a majority of the council, all employment decisions for legislative branch employees except interns and the councilmembers' personal staff, other than employment decisions that are made by the chair of the employment and administration committee as provided in OR 2-030.

III. Motion 11105 (part), as amended, and OR 1-040 are each hereby amended to read as follows:

Chair and vice-chair elected. For the year 2009, and until a successor is elected, the council elects Councilmember (~~((Julia Patterson))~~) Dow Constantine as council chair, Councilmember (~~((Dow Constantine))~~) Bob Ferguson as council vice-chair of policy (~~((and administration))~~) and Councilmember (~~((Reagan Dunn))~~) Jane

Hague as council vice-chair for (~~(council relations)~~) administration and finance.

IV. Motion 11122 (part), as amended, and OR 2-030 are each hereby amended to read as follows:

A. Membership requirements - duties. The employment and administration committee shall consist of four members (~~(, with two members from the majority party and two members from the minority party)~~).

B. Duties and process.

1. Administrative committee. The employment and administration committee is an administrative committee of the council.

2. Personnel decisions. The employment and administration committee shall make recommendations to the council concerning decisions for legislative branch employees, except for interns and councilmembers' personal staff, and except for minor personnel decisions, which may be made by the chair of the employment and administration committee in accordance with subsection B.5. of this section. Personnel decisions include decisions to hire, to fill vacancies, to make staffing adjustments, to assign or reassign staff, to adjust staff pay, to analyze future hiring needs and to make other necessary employment decisions. Personnel decisions do not include termination or disciplinary decisions, which follow the process stated in subsection B.3. of this section, or minor personnel decisions, which follow the process stated in subsection B.5. of this section. Employment and administration committee recommendations on personnel decisions shall be developed in consultation with appropriate committee chairs and, where applicable, the policy staff director and the chief of staff.

3. Personnel decisions shall be contained in a written recommendation report and may be voted out of committee upon: a. the receipt of the signature of three committee members during a meeting of the committee; or b. subject to signature by a quorum of the committee members in accordance with K.C.C. 1.24.055.C (Rule 6.C). Once the necessary signatures are obtained, recommendation reports from the committee shall be forwarded to the council for consideration on an employment and administration committee consent agenda. The chair of the employment and administration committee shall issue, upon recommendation of the employment and administration committee and with the approval of a majority of the council, all

employment decisions for legislative branch employees except interns and the councilmembers' personal staffs.

4. Terminations and disciplinary decisions. The employment and administration committee makes decisions on discipline and termination, including layoffs. If three committee members vote for a termination or disciplinary action the decision is final, except when an employee exercises the right of an appeal to the full council. An employee who has been either suspended without pay of two weeks or more or terminated may appeal the decision of the employment and administration committee to the council. The appeal must be filed within ten calendar days of written notice of the suspension or termination being sent to the employee. An appeal is accomplished by delivering a notice of appeal to the clerk of the council. Nondisciplinary terminations are subject to appeal in the same manner as disciplinary terminations.

5. Minor personnel decisions.

a. The chair of the employment and administration committee shall make all minor personnel decisions as set forth in this subsection B.5. Minor personnel actions are:

- (1) authorizing recruiting for a vacated or newly created position;
- (2) increasing or reducing the hours assigned to a current position up to the total budgeted hours for the position, as reflected in the Staff and Salary Detail Report maintained by the council administrator;
- (3) reassigning an employee employed within a legislative branch agency of the county auditor, board of appeals/equalization, hearing examiner, ombudsman/tax advisor or civic television to another position in the same agency and pay range;
- (4) hiring a temporary or a term-limited temporary employee to perform clerical or technical functions, up to a total of the maximum period allowed by ordinance or two years, whichever is less;
- (5) extending the employment period of a temporary or a term-limited temporary employee hired to perform clerical or technical functions, up to a total of the maximum period allowed by ordinance or two years, whichever is less; and
- (6) approving a carryover of excess vacation leave under K.C.C. 3.12.190 because of cyclical

workloads, work assignments or other reasons as may be in the best interests of the county.

b. Requests for minor personnel decisions shall be made in writing to the employment and administration committee chair via the council administrator. Requests may be made only by councilmembers, legislative branch agency managers, the council administrator or a staff member who is supervised directly by the chair of the council. The council administrator shall promptly provide the employment and administration committee chair with a copy of the request and the administrator's recommendation for approval, disapproval or modification of the request.

c. Action on a requested minor personnel decision shall be in writing, signed by the chair of the employment and administration committee. The council administrator shall file the original of the decision action with the clerk of the council, and shall provide copies of the decision action to the agency manager or supervisor, affected employee and members of the employment and administration committee.

6. Nothing in this process is to be construed to alter the at-will status of legislative branch employees. This process is designed to facilitate the will of the majority of the council. If there are specific provisions of a collective bargaining agreement that are contrary to this process, the collective bargaining agreement controls.

C. Recommendations to the council chair. The employment and administration committee may consider and make recommendations to the council chair regarding management organization structure and legislative branch customer service. The committee may monitor and make recommendations on the legislative branch budget.

D. Removal of recommendations from consent agenda. Upon the request of any member present before the council, any specific recommendation from the employment and administration committee shall be removed from the consent agenda and considered separately by the council prior to adoption of the employment and administration committee consent agenda. The council may then by a majority vote make whatever orderly disposition of the matter it deems appropriate.

E. Motions for censure. The employment and administration committee shall consider and make

recommendations on motions for censure related to alleged violations of any antiharassment policy by a councilmember.

F. Personnel records as confidential. To the extent permitted by law, personnel records which would be exempt from public disclosure shall continue to be treated as confidential and records or portions thereof which are exempt shall be conspicuously

identified as such and separated from nonexempt records.

V. This motion takes effect January 1, 2009.