



Legislation Text

File #: 2009-0605, **Version:** 2

Clerk 12/15/2009

AN ORDINANCE relating to code revisions and additions necessary to reduce the necessity for additional reductions in force, by either reducing services or hours of operation, or both, resulting in unpaid furloughs for certain designated county employees; and amending Ordinance 16639, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23, as amended; Ordinance 376, Section 1, and K.C.C. 2.08.010, Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010, Ordinance 12014, Section 13, and K.C.C. 3.12.100, Ordinance 12014, Section 15, and K.C.C. 3.12.120, Ordinance 12077, Section 3, as amended, and K.C.C. 3.12.125, Ordinance 12014, Section 19, as amended, and K.C.C. 3.12.190, Ordinance 12052, Section 1, as amended, and K.C.C. 3.12.210, Ordinance 12014, Section 20, and K.C.C. 3.12.215, Ordinance 14591, Section 2, and K.C.C. 3.12.218, Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220, Ordinance 12014, Section 22, as amended, and K.C.C. 3.12.223, Ordinance 7956, Section 6, 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.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. The county is experiencing a budget crisis resulting in a significant shortfall in the amount of

funding needed to sustain the current level of general operations through 2010. In order to address the shortfall, program cuts and reductions in force are being implemented.

B. In order to preserve certain services and reduce the necessity for additional reductions in force, the county in 2010 may need to shut down all but certain designated services and place eligible employees on an unpaid furlough, also known as a budgetary furlough. In order to provide for the furlough, certain code revisions are necessary. Areas affected include office hours, workweeks and personnel provisions.

C. Some departments have expressed a desire to reduce service hours in 2010 to achieve the budget savings necessitated by the council's anticipated 2010 unallocated budget reductions, which are commonly known as contras, either by closing operations fully for a day or by reducing operations within a day. One result of these reductions in service hours is that certain designated departmental employees will have unpaid time off, either through staggered unpaid days off or all employees in an office will receive unpaid days off.

D. With reduced revenues, King County departments are working hard to find innovative ways to gain efficiencies in all county functions in order to minimize service reductions to the public while at the same time responding to decreased revenue.

E. In recognition of the county's need to manage economic challenges by utilization of versatile and original strategies in future fiscal years, additional flexibility in staffing management is necessary.

F. The council expresses its gratitude and appreciation to county employees who are taking unpaid furlough days in order to close the budget shortfall while minimizing additional layoffs.

SECTION 2. Ordinance 376, Section 1, as amended, and K.C.C. 2.08.010 are each hereby amended to read as follows:

A. All county offices shall remain open for the transaction of public business as follows:

1. Open on Monday through Friday of each week from eight-thirty a.m. to four-thirty p.m., except where accommodations can be made, as determined necessary by the county (~~executive~~) chief administrative

officer, to provide services to the public (~~((during the hours of eight a.m. to five p.m. through the use of staggered work shifts agreeable to employees))~~) on a reduced or alternative basis and not in conflict with union contracts;

2. Closed on Saturdays, Sundays and all legal holidays, and
3. Closed on designated furlough days in the case of an emergency budget crisis.

B. If an emergency budget crisis is proclaimed and ratified or declared under K.C.C. 3.12F.020 and a budget furlough has been ordered, the executive shall notify the public that county offices are closed by posting the information on the county buildings or offices that are closed, by posting a notice on the Internet, by advertising in the official county newspaper and by issuing press releases.

SECTION 3. 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, ((A))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. "Administrative interns" are employees who are also enrolled full-time during the regular school year in a program of education, internship or apprenticeship. All administrative internships in executive departments shall be approved by the manager. Administrative interns are exempt from the career service under Section 550 of the charter.

B. "Appointing authority" means the county council, the executive, chief officers of executive departments and administrative offices, or division managers having authority to appoint or to remove persons from positions in the county service.

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

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

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

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

~~((F-))~~ G. "Career service position" means all positions in the county service except for those that are designated by Section 550 of the charter as follows: all elected officers; the county auditor, the clerk and all other employees of the county council; the county administrative officer; the chief officer of each executive department and administrative office; the members of all boards and commissions; the chief economist and other employees of the office 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.

~~((G.))~~ H. "Charter" means the King County Charter, as amended.

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

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

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

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

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

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

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

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

~~((O.))~~ P. "Developmental disability" means a developmental disability, as defined in RCW 71A.10.020 (2), as amended, attributable to mental retardation, cerebral palsy, epilepsy, autism or other neurological or

other condition of an individual found by the secretary of the Washington state Department of Social and Health Services, or the secretary's designee, to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, that has continued or can be expected to continue indefinitely and that constitutes a substantial handicap for the individual.

~~((P-))~~ Q. "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.

~~((Q-))~~ R. "Director" means the manager of the human resources division.

~~((R-))~~ S. "Division" means the human resources division or its successor agency.

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

~~((T-))~~ U. "Domestic partnership" is a relationship whereby two people:

1. Have a close personal relationship;
2. Are each other's sole domestic partner and are responsible for each other's common welfare;
3. Share the same regular and permanent residence;
4. Are jointly responsible for basic living expenses which means the cost of basic food, shelter and any other expenses of a domestic partner that are paid at least in part by a program or benefit for which the partner qualified because of the domestic partnership. The individuals need not contribute equally or jointly to the cost of these expenses as long as they agree that both are responsible for the cost;
5. Are not married to anyone;
6. Are each eighteen years of age or older;

7. Are not related by blood closer than would bar marriage in the state of Washington;

8. Were mentally competent to consent to contract when the domestic partnership began.

~~((U. "Emergency budget furlough," also referred to as "mandated leave," means placing an employee for one or more furlough days in a temporary status without duties and without pay due to an emergency budget crisis proclaimed under K.C.C. 3.12F.020.))~~

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

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

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

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

BB. "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. "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. "Furlough day" means a day for which an employee shall perform no work and shall receive no pay due to a ~~((n emergency budget crisis necessitating emergency budget))~~ budgetary furlough((s)).

EE. "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))~~ a budgetary furlough, but whose employment status with the county is retained.

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

II. "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.

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

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

LL. "Marital status" means the presence or absence of a marital relationship and includes the status of

married, separated, divorced, engaged, widowed, single or cohabiting.

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

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

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

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

QQ. "Pay plan" means a systematic schedule of numbered pay ranges with a 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.

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

SS. "Pay range adjustment" means the adjustment of the numbered pay range of a classification to

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

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

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

VV. "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.

WW. "Probationary period" means a period of time, as determined by the manager, constituting the final step in the competitive screening process for career service or for promotion from one career service position to another. An appointment to the career service, whether following successful completion of an initial probationary period of county employment or a promotional probationary period, shall not be final unless the employee successfully completes this probationary period.

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

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

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

AAA. "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.

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

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

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

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

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

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

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

HHH. "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.

III. "Term-limited temporary position" means a temporary position with work related to a specific grant, capital improvement project, information systems technology project or other nonroutine, substantial body of work, for a period greater than six months. In determining whether a body of work is appropriate for a term-limited temporary position, the appointing authority will consider the following:

1. Grant-funded projects: These positions will involve projects or activities that are funded by special grants for a specific time or activity. These grants are not regularly available to or their receipt predictable by the county;

2. Information systems technology projects: These positions will be needed to plan and implement new information systems projects for the county. Term-limited temporary positions may not be used for ongoing maintenance of systems that have been implemented;

3. Capital improvement projects: These positions will involve the management of major capital improvement projects. Term-limited temporary positions may not be used for ongoing management of buildings or facilities once they have been built;

4. Miscellaneous projects: Other significant and substantial bodies of work may be appropriate for term-limited temporary positions. These bodies of work must be either nonroutine projects for the department or related to the initiation or cessation of a county function, project or department;

5. Seasonal positions: These are positions with work for more than six consecutive months, half-time or more, with total hours of at least nine hundred ten in a calendar year in a work unit in which a thirty-five hour work week is standard or at least one thousand forty hours in a calendar year in a work unit in which a forty hour work week is standard, that due to the nature of the work have predictable periods of inactivity exceeding one month. Where the standard work week falls between thirty-five and forty hours, the manager, in consultation with the department, is responsible for determining what hour threshold will apply; and

6. Temporary placement in regular positions: These are positions used to back fill regular positions for six months or more due to a career service employee's absence such as extended leave or assignment on any of the foregoing time-limited projects. All appointments to term-limited temporary positions will be made by the appointing authority in consultation with the manager before the appointment of term-limited temporary employees.

JJJ. "Volunteer for the county" means an individual who performs service for the county for civic, charitable or humanitarian reasons, without promise, expectation or receipt of compensation from the county for services rendered and who is accepted as a volunteer by the county, except emergency service worker volunteers as described by chapter 38.52 RCW. A "volunteer for the county" may receive reasonable

reimbursement of expenses or an allowance for expenses actually incurred without losing his or her status as a volunteer. "Volunteer for the county" includes, but is not limited to, a volunteer serving as a board member, officer, commission member, volunteer intern or direct service volunteer.

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

LLL. "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 4. Ordinance 12014, Section 13, as amended, and K.C.C. 3.12.100 are each hereby amended to read as follows:

A. There shall be a probationary period during which time a probationary employee shall be evaluated by the appointing authority to determine qualification for entry into the career service. The probationary period shall be determined by the director, but shall be not less than six months or more than one year of actual service, and shall be served by those employees who have been newly((-) hired, ((~~re-employed~~)) reemployed, transferred to a different position, or promoted or demoted. A furloughed employee's probationary period shall not be extended as a result of ((~~emergency budget~~)) a budgetary furlough ((~~days~~)).

B. A probationary employee may be separated from county service at any time during the probationary period without right of appeal to the personnel board. Notwithstanding any other provisions of this section, an employee who does not successfully complete the probationary period in a position to which he or she had been promoted or transferred may be restored to his or her former position. Such restoration is not mandatory, but is optional at the discretion of the former appointing authority within the limits of available authorized positions. Such restoration shall include restoration of the employee's former salary and all other benefits to which he or

she would have been entitled if the promotion or transfer had not occurred.

SECTION 5. Ordinance 12014, Section 15, as amended, and K.C.C. 3.12.120 are each hereby amended to read as follows:

A. Nothing contained in this chapter shall prevent, relieve(~~(;)~~) or otherwise excuse any county officer or employee from the performance of any duty imposed upon him or her by any other law of this county, or from the rendering of service at such times and places as are necessary in order to properly perform the functions of his or her office or employment.

B. Except as otherwise provided by ordinance, the official workday shall consist of eight hours of work for all full-time regular and full-time probationary employees. The lunch hour shall not be considered as part of the workday. The official workday for other employees shall be determined by the director. In the case of service reductions resulting in a(~~(n-emergency budget)~~) budgetary furlough, departments may reduce work hours (~~(may be reduced)~~) or county offices may be closed.

C. Except as otherwise provided by ordinance, the official workweek shall consist of five working days for all full-time regular and full-time probationary employees. The official workweek for other employees shall be determined by the director. In the case of (~~(an-emergency budget)~~) service reductions resulting in a budgetary furlough, county offices may be closed, resulting in the reduction of the workweek.

D. (~~(In the event of an emergency budget furlough, a furloughed employee regularly scheduled to work on those days must take the designated furlough days off without pay. If any designated furlough day falls on an employee's regularly scheduled day off, the affected employee will take an alternate furlough day off without pay. An employee who regularly works less than a standard work week for his or her agency shall observe a furlough day or days on a prorated basis.))~~)

E.) The county recognizes that there is an occasional need for an employee to return to work outside his or her normal workday. The personnel guidelines shall contain procedures relating to call duty.

(~~(F.)~~) E. The county recognizes a responsibility for action regarding on-the-job injuries. The personnel

guidelines shall contain procedures relating to on-the-job injury.

~~((G.))~~ F. A career service employee who accepts an appointment to an exempt position effective on or after January 1, 1996, and which position and appointment resulted from the reorganization of the executive branch as reflected in the creation of certain new positions contained in Attachment A to Ordinance 12013 shall retain his or her career service status and rights while holding such exempt position and have the restoration rights set forth in this section. This provision is not intended to provide the career service employee with a right to the exempt position. But, such employee, if selected for the exempt position, could be terminated from the position only for just cause.

~~((H.))~~ G. A career service employee who accepts a transfer or promotion to an exempt position ~~((prior to))~~ before December 1, 1979, shall, upon separation from the exempt position, be allowed to re-enter career service at a position comparable in terms of responsibilities and salary or wage (including normal cost-of-living increases) to the career service position formerly held by the employee. A career service employee accepting such a transfer or promotion on or after December 1, 1979, shall have such a right to restoration ~~((; provided, that)),~~ but only if:

1. The right to restoration is exercised within four calendar years from the effective date of the transfer or promotion to an exempt position; and

2.a. ~~((F))~~ the former appointing authority, at ((his or her)) the appointing authority's discretion, approves ((such)) the restoration within the limits of available authorized positions; or

~~((3-))~~ b. ((A))a different appointing authority, having jurisdiction over comparable authorized positions, and at ((his or her)) the different appointing authority's discretion, approves ((such)) the restoration within the limits of available authorized positions.

~~((I.))~~ H. Matters involving wages and hours, including but not limited to minimum wage and overtime compensation, shall be determined in accordance with applicable state and federal laws and regulations.

~~((J-))~~ I. Overtime work may be authorized by the department director where necessary to maintain or

perform vital county services and shall be paid in accordance with appropriate state and federal law.

SECTION 6. Ordinance 12077, Section 3, as amended, and K.C.C. 3.12.125 are each hereby amended to read as follows:

A. Notwithstanding any other provision of this chapter, in the event the number of hours in the standard work week of a position occupied by a full-time regular employee, part-time regular employee or, term-limited temporary employee is increased, the sick leave and vacation leave accruals of such employee at the time of the increase shall be adjusted upward so as to insure that the equivalent number of sick leave and vacation leave days accrued does not change. For example, if the standard work week of such a position is increased from thirty-five to forty hours, and if at the time of such change the employee occupying the position had accrued seven hours of sick leave, the sick leave accrual of that employee would be adjusted upward to eight hours. This section shall apply to all employees eligible for leave benefits occupying positions where the standard work week of the position was increased on or after July 1, 1991. After such increase, such employees shall accrue vacation and sick leave in accordance with the otherwise applicable provisions of K.C.C. chapter 3.12.

B. Separate accounts shall be maintained for any vacation or sick leave accrued (~~((prior to))~~) before an increase in the number of work-week hours. The "adjusted leave account" shall be used for leave accrued (~~((prior to))~~) before an increase in the number of work-week hours. The "unadjusted leave account" shall be used for leave accrued subsequent to an increase in the number of work-week hours. Leave in the adjusted leave account shall be used first.

C. In the event the number of work-week hours is reduced for any employee whose vacation and sick leave accruals have been adjusted upward under the terms of this section, the remaining hours in the adjusted leave account shall be reduced in the same proportion as the work-week hours are reduced. Under no circumstances shall the adjusted leave account be reduced by a greater proportion than the proportion of the previous upward adjustment. Any leave accrued in the unadjusted leave account shall not be affected by this reduction.

D. No adjustment to reduce sick leave or vacation accruals for a furloughed employee shall be made as a result of a ~~((n-emergency budget))~~ budgetary furlough.

SECTION 7. 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, employees eligible for 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

B. Notwithstanding the vacation leave schedule ~~((set forth))~~ in subsection A. of this section, employees eligible for 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 his or her work unit shall be prorated to reflect his or her normally scheduled work week. No adjustment to ((~~reduce~~)) vacation accrual((s)) rates for a furloughed employee shall be made as a result of a((~~n emergency budget~~)) budgetary furlough.

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

E. Employees eligible for vacation leave may accrue up to sixty days vacation leave, prorated to reflect their normally scheduled work day. Those employees shall use vacation leave beyond the maximum accrual amount ((~~prior to~~)) before December 31 of each year. Failure to use vacation leave beyond the maximum accrual amount will result in forfeiture of the vacation leave beyond the maximum 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 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 ((~~prior to~~)) before successfully completing their first six months of county service, shall forfeit and not be paid for accrued vacation leave.

H. A furloughed employee shall not be eligible to take or be paid for vacation ((~~on an emergency budget~~)) in lieu of taking a budgetary furlough day. ((~~A furlough administrator may designate that paid vacation leave is available for use by specific groups of employees as may be necessary, as set forth in K.C.C. 3.12F.040.~~))

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

I. ~~An (E)employee(s) who is~~ eligible for leave benefits shall be paid for accrued vacation leave to ~~(their))~~ the employee's date of separation up to the maximum accrual amount if ~~((they have))~~ the employee has successfully completed ~~((their))~~ his or her first six months of county service and ~~((are))~~ is in good standing~~((; provided that,))~~. ~~((e))~~ Except with the written approval of the executive, the position, if vacated by a nonrepresented employee, shall not be filled until salary savings for ~~((such))~~ 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 such use or payment is consistent with the provisions of this section.

K. ~~((No e))~~ Employees shall not work for compensation for the county in any capacity during the time that the employees ~~((is))~~ are on vacation leave.

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

M. In cases of separation from county employment by death of an employee with accrued vacation leave and who has successfully completed his or her first six months of county service, payment of unused vacation leave up to the maximum accrual amount shall be made to the employee's estate, or, in applicable cases, as provided for by state law, Title 11 RCW~~((; provided that,))~~. ~~((e))~~ Except with the written approval of the executive, the position, if vacated by a nonrepresented employee, shall not be filled until salary savings for ~~((such))~~ the position are accumulated in an amount sufficient to pay the cost of the cash out.

N. 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 8. Ordinance 12052, Section 1, as amended, and K.C.C. 3.12.210 are each hereby amended to read as follows:

A. Employees eligible for leave benefits shall be entitled to three working days of bereavement leave a year due to death of members of their immediate family. A furloughed employee shall not be eligible to take or be paid for bereavement leave ~~((on a))~~ in lieu of taking a budgetary furlough day.

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

C. In cases of family death where no sick leave benefit is authorized or exists, an employee may be granted leave without pay.

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.

SECTION 9. Ordinance 12014, Section 20, as amended, and K.C.C. 3.12.215 are each hereby amended to read as follows:

A.1. The appointing authority shall allow an employee~~((s))~~ who is eligible for family leave, sick leave, vacation leave or leave of absence without pay who ~~((are))~~ is voluntarily participating as a donor~~((s))~~ in a life-giving or life-saving procedure~~((s))~~ such as, but not limited to, a bone marrow transplant~~((s))~~, kidney transplant ~~((s,))~~ or blood transfusion~~((s))~~ to take five days paid leave without having ~~((such))~~ the leave charged to family leave, sick leave, vacation leave or leave of absence without pay~~((; provided that))~~, but only if the employee ~~((shall))~~:

~~((1-))~~ a. ~~((G))~~ gives the appointing authority reasonable advance notice of the need to take time off from work for the donation of bone marrow, a kidney~~((5))~~ or other organs or tissue where there is a reasonable expectation that the employee's failure to donate may result in serious illness, injury, pain or the eventual death of the identified recipient~~((:))~~; and

~~((2-))~~ b. ~~((P))~~ provides written proof from an accredited medical institution, organization or individual as to the need for the employee to donate bone marrow, a kidney~~((5))~~ or other organs or tissue or to participate in any other medical procedure where the participation of the donor is unique or critical to a successful outcome.

~~((3-))~~ 2. A furloughed employee shall not be eligible to take or be paid for organ donor leave ~~((OH))~~ in lieu of taking a budgetary furlough day.

B. Time off from work for the purposes set out above in excess of five working days shall be subject to existing leave policies ~~((contained))~~ in ~~((K.C.C.))~~ this chapter ~~((3-12))~~ or in any applicable collective bargaining agreement.

SECTION 10. Ordinance 14591, Section 2, as amended, and K.C.C. 3.12.218 are each hereby amended to read as follows:

A. Any employee who is immunized for smallpox and who subsequently misses work for medical reasons related to the smallpox immunization shall be granted paid leave without having such charged to vacation or sick leave for the period the employee is unable to work due to medical complications from the immunization. Paid leave shall be granted if:

1. The employee is a member of one or more categories of individuals covered by a declaration by the United States Secretary of Health and Human Services specifying the administration of smallpox countermeasures.

2. The employee has been authorized by the county to receive the immunization in order to participate in the county's response under Section 304 of the Homeland Security Act.

B. Any part of the leave that is covered by worker's compensation time loss shall be paid from that fund. If the amount of worker's compensation time loss payment is less than the employee's regular net pay, the county will supplement the time loss payment up to the level needed to equal the employee's regular net pay.

C. A furloughed employee shall not be eligible to take or be paid for smallpox vaccination leave ~~((~~0H~~))~~ in lieu of taking a budgetary furlough day. However, any part of the leave that is covered by worker's compensation time loss shall be paid from that fund.

SECTION 11. Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220 are each hereby amended to read as follows:

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

B. During the first six months of service, employees eligible to accrue vacation leave may, at the appointing authority's discretion, use any accrued days of vacation leave as an extension of sick leave. If an employee does not work a full six months, any vacation leave used for sick leave must be reimbursed to the county upon termination.

C. For employees covered by the overtime requirements of the Fair Labor Standards Act, sick leave may be used in one-half hour increments, at the discretion of the appointing authority.

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

E. Separation from or termination of county employment except by reason of retirement or layoff due to lack of work, funds, efficiency reasons or separation for nondisciplinary medical reasons, shall cancel all sick leave accrued to the employee as of the date of separation or termination. Should the employee resign in good

standing, be separated for nondisciplinary medical reason or be laid off, and return to county employment within two years, accrued sick leave shall be restored, but the restoration shall not apply where the former employment was in a term-limited temporary position.

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

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

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

(1) each group of employees hold an election to decide whether to implement a voluntary employee beneficiary association plan for a defined group of employees. The determination of the majority of voting

employees in a group shall bind the remainder. Elections for represented employees shall be conducted by the appropriate bargaining representative. Elections for nonrepresented employees shall be conducted in accordance with procedures established by the manager;

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

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

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

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

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

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

during furlough days.

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

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

b. the employee's incapacitating injury, but:

(1) an employee injured on the job may not simultaneously collect sick leave and worker's compensation payments in a total amount greater than the net regular pay of the employee, though an employee who chooses not to augment his or her worker's compensation time loss 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 time loss payments for physical incapacity due to any injury or occupational illness that is directly traceable to employment other than with the county;

c. the employee's exposure to contagious diseases and resulting quarantine;

d. a female employee's temporary disability caused by or contributed to by pregnancy and childbirth;

e. the employee's medical or dental appointments but only if the employee's appointing authority has approved the use of sick leave for such appointments;

f. to care for the employee's child as defined in this chapter if the child has an illness or health

condition which requires treatment or supervision from the employee; or

g. to care for other family members, if:

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

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

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

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

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

iii. care of a family member who suffers from a serious health condition.

I. An employee may take a total of up to eighteen work weeks unpaid leave for his or her own serious health condition, and for family reasons as provided in subsection H.3.f. and g. of this section, combined, within a twelve-month period. The leave may be continuous, which is consecutive days or weeks, or intermittent, which is taken in whole or partial days as needed. Intermittent leave is subject to the following conditions:

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

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

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

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

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

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

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

- 1.a. the same position he or she held when the leave commenced; or
 - b. a position with equivalent status, benefits, pay and other terms and conditions of employment; and
2. The same seniority accrued before the date on which the leave commenced.

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

SECTION 12. 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 leave benefits may donate a portion of his or her accrued vacation

leave to another employee eligible for leave benefits. Such a donation will 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 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 his or her maximum vacation accrual.

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

4. Donated vacation leave hours 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 leave benefits may donate a portion of his or her accrued sick leave to another employee eligible for leave benefits upon written notice to the donating and receiving employees' department director or directors.

2. No donation 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 his or her accrued sick leave in a calendar year.

3. Donated sick leave hours 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 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 furlough administrator, as defined in K.C.C. 3.12F.010,))~~ 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 ~~((a furlough administrator))~~ 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 13. Ordinance 7956, Section 6, as amended, and K.C.C. 3.12.225 are each hereby amended to read as follows:

The appointing authority shall allow the use of up to three days of sick leave each year to allow employees to perform volunteer services at the school attended by the employee's child. A furloughed employee shall not be eligible to take or be paid for school volunteer sick leave ~~((on))~~ in lieu of taking a furlough day. Employees requesting to use sick leave for this purpose shall submit such a request in writing specifying the name of the school and the nature of the volunteer services to be performed.

SECTION 14. 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:

1. January 1, New Year's Day;
2. Third Monday in January, Martin Luther King, Jr. Birthday;
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. Thanksgiving Day and the day immediately following;
9. December 25, Christmas Day;
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. An employee who is eligible for leave benefits shall be granted two personal holidays to be administered through the vacation plan(~~(; provided, that)~~), though the hours granted to an employee working less than a full-time schedule shall be prorated to reflect his or her 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.

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 leave benefits and in a pay status on the day (~~(prior to)~~) 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 a ~~((n-emergency budget))~~ budgetary furlough.

SECTION 15. Ordinance 12077, Section 5, as amended, and K.C.C. 3.12.240 are each hereby amended to read as follows:

Any employee eligible for leave benefits who is ordered on a jury shall be entitled to his or her regular county pay but only if any fees received for jury duty are deposited, exclusive of mileage, with the department of finance. A furloughed employee shall not be eligible to take or be paid for jury duty leave ~~((on))~~ in lieu of taking a furlough day. Employees shall report to their work supervisor when dismissed from jury service.

SECTION 16. Ordinance 16339, Section 17, as amended, and K.C.C. 3.12F.010 are each hereby amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. ~~((("Annual budget cycle" means the calendar year January 1 through December 31, or any portion thereof.~~

B.) "Budgetary furlough" has the same meaning as found in K.C.C. 3.12.010.

B. "Emergency budget crisis" or "financial emergency" means a circumstance in which projected county revenues are determined to be insufficient to fully fund county agency operations and significant cost savings must be achieved through reductions in service and pay.

C. ~~((("Emergency budget furlough," also referred to as "mandated leave," shall have the same meaning as found in K.C.C. 3.12.010.~~

D.) "Furlough day" ~~((shall have))~~ has the same meaning as found in K.C.C. 3.12.010.

~~((E:))~~ D. "Furloughed employee" ~~((shall have))~~ has the same meaning as found in K.C.C. 3.12.010.

~~((F:))~~ E. "Furlough administrator" means: the county executive for the executive departments; the

chair of the council for the legislative branch; the prosecutor for the office of the prosecuting attorney, the presiding judge of the district and superior courts, the sheriff for the department of public safety, the assessor for the department of assessments, the director of elections for the department of elections; the chair of the forecast council for the office of economic and financial analysis; or the official or officials designated by that branch of unit of county government.

~~((G-))~~ F. "Salaried employee" means an employee whose position is normally exempt from wage and hours regulations.

SECTION 17. Ordinance 16339, Section 18, and K.C.C. 3.12F.020 are each hereby amended to read as follows:

A. Whenever the executive determines that an emergency budget crisis exists in King County, the executive may proclaim in writing the existence of such an emergency. The executive shall transmit a proclamation and proposed ratifying ordinance to the council within seven days of the proclamation. A proclamation is effective only if ratified by ordinance. A proclamation of an emergency budget crisis remains in effect for all or a portion of one annual budget cycle.

B. Whenever the council determines that an emergency budget crisis exists in King County, it may by ordinance declare the existence of such an emergency. A declaration of an emergency budget crisis remains in effect for all or a portion of one annual budget cycle.

C. Upon a proclaimed and ratified or declared emergency budget crisis, the executive may:

1. Order a~~((n emergency budget))~~ budgetary furlough, including the furlough of employees of the executive branch and closure of county offices; or

2. Order the reduction in hours or the closure of county offices on specific days associated with a~~((n emergency budget))~~ budgetary furlough; or

3. Order any other actions relating to employees in K.C.C. Title 3.

~~((C-))~~ D. If an emergency budget crisis has been proclaimed and ratified or declared and furlough days

are ordered, the executive shall notify the public of days that county offices are closed, by posting the information on the county buildings or offices that are closed, by posting a notice on the Internet, by advertising in the official county newspaper and by issuing press releases.

SECTION 18. Ordinance 16339, Section 19, and K.C.C. 3.12F.030 are each hereby repealed.

SECTION 19. Ordinance 16339, Section 20, and K.C.C. 3.12F.040 are each hereby amended to read as follows:

A.1. When a furlough administrator other than the executive has determined that a ~~((n-emergency budget))~~ budgetary furlough is necessary, the furlough administrator shall designate a person to administer the ~~((emergency budget))~~ budgetary furlough and to provide for the effective direction, control and coordination of a ~~((n-emergency budget))~~ budgetary furlough in a manner to preserve county functions.

2. The county administrative officer shall be responsible for ~~((emergency budget))~~ budgetary furlough administration in the executive branch and shall provide for the effective direction, control and coordination of a ~~((n-emergency budget))~~ budgetary furlough in a manner to preserve county functions.

B. In order to achieve budget savings, a furlough administrator may implement a budgetary furlough for designated nonrepresented employees, and implement reductions in operating and office hours, closure of offices or departments or reductions in levels of operations or service. A furlough administrator shall seek and document the views of affected nonrepresented employees when determining whether and how to implement a budgetary furlough.

C. If a furlough administrator directs reductions in operating and office hours, closures of offices or departments or reductions in levels or service that result in budgetary furloughs for represented employees, the executive shall fulfill all applicable bargaining obligations with labor unions representing the employees in those departments before the implementation of a furlough.

E. In administering a ~~((n-emergency budget))~~ budgetary furlough, the following principles should apply:

1. An employee who is ~~((subject to the emergency budget furlough))~~ furloughed should be notified of furlough in writing when possible, although any reasonable notice is permissible;

2. During a furlough period, a furloughed employee remains a King County employee subject to K.C.C. chapter 3.04;

3. A furloughed employee shall not volunteer to do what the county otherwise pays any employee to do;

4. Medical, dental, vision and any other insured benefits shall remain in effect for a furloughed benefit-eligible employee during a furlough period;

5. A furloughed employee shall not be eligible to take or be paid for vacation or sick leave on an ~~((emergency budget))~~ budgetary furlough day. The furlough administrator may designate that paid vacation leave is available for the following employees:

a. those employees earning equal or less than two times the federal poverty index; and

b. those employees enrolled in the Public Employees' Retirement System or the city of Seattle retirement systems who submit to the chief administrative officer or the furlough administrator a letter of intent to retire during the succeeding two calendar years; and

6. A salaried employee is considered an hourly employee for each week in which the employee observes one or more furlough days and must track and report his or her hours and follow standard hourly work practices.

~~((C. If an emergency budget furlough is ordered, the furlough administrator shall file the order with the clerk of the council no later than 10:00 a.m. of the second business day after it is issued.~~

~~D. The furlough administrator or his or her designee may direct specific employees to perform work with pay on furlough days as determined necessary to perform necessary county function that must not be interrupted by furlough.)~~

NEW SECTION. SECTION 20. There is hereby added to K.C.C. chapter 3.12F a new section to read as follows:

A. In any year for which an emergency budget crisis has been proclaimed and ratified or declared, or for which any furlough administrator orders budgetary furlough days, the furlough administrator shall provide the council with a report of the implementation plan for the budget furlough by January 30. The report shall include:

1. Efforts to notify the public of the budget furlough and the closure of county offices or sites;
2. The number of employees who have been furloughed;
3. The length of the furlough;
4. The number of employees exempted from the furlough and the reasons for the exemption;
5. The anticipated budget savings from the furlough;
6. The anticipated effects of the furlough on both workload and service to the public and other county

agencies; and

7. A summary of input received from nonrepresented employees on whether and how to implement a budgetary furlough.

B. A furlough administrator who orders a budget furlough shall provide the council with a report on the effects of the furlough by June 30 of the furlough year. The report shall contain the same information required by subsection A. of this section.

C. The reports required by this section must be filed in electronic format and in the form of twelve paper copies with the clerk for the council, who shall retain the original and forward the paper copies to each councilmember and the chief of staff.

SECTION 21. 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 person or circumstances is not affected.