



Legislation Text

File #: 2022-0313, **Version:** 2

Clerk 12/14/2022

AN ORDINANCE relating to standardizing benefits that were bargained in the Coalition Labor Agreement; amending Ordinance 12014, Section 14, as amended, and K.C.C. 3.12.110, Ordinance 12052, Section 1, as amended, and K.C.C. 3.12.210, Ordinance 18408, Section 2, as amended, and K.C.C. 3.12.219, Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220, Ordinance 15558, Section 2, as amended, and K.C.C. 3.12.222, Ordinance 12014, Section 22, as amended, and K.C.C. 3.12.223, Ordinance 12014, Section 23, as amended, and K.C.C. 3.12.230, Ordinance 12014, Section 52, as amended, and K.C.C. 3.15.030 and Ordinance 14233, Section 7, as amended, and K.C.C. 3.15.140 and adding a new section to K.C.C. chapter 3.12.

STATEMENT OF FACTS:

1. In October 2021, a tentative Coalition Labor Agreement ("the CLA") was reached. The CLA further builds upon the efficiencies established in the 2018 Master Labor Agreement by standardizing additional common benefits and practices for employees.
2. Standardization between the CLA and the King County Code furthers those achievements and supports King County's Strategic Plan goal of ensuring that county government operates efficiently and effectively.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 12014, Section 14, as amended, and K.C.C. 3.12.110 are each hereby amended

to read as follows:

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

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

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

D. The county shall reimburse an employee for the cost of maintaining their commercial driver's license endorsement or endorsements if they are required by the county for the employee's position.

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

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

SECTION 2. 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 comprehensive leave benefits shall be entitled to take up to five working days of bereavement leave, with a maximum of forty hours, ~~((of bereavement leave))~~ for each qualifying death of ((the following)) the employee's immediate family members. Part-time employees' bereavement leave benefits shall be prorated to reflect the employee's work week. Bereavement leave shall be used within eighteen months of the death. For purposes of this subsection, "immediate family members" are any of the following:

1. ~~((1.))~~ The employee's spouse or ((the employee's)) domestic partner; ((the))

2. The employee's ward, or any person whom the employee has legal guardianship or custody of; and

3. The following family members of the employee, the employee's spouse, or the employee's domestic

partner:

a. a parent, be the person a biological parent, adoptive parent, foster parent, stepparent, legal

guardian or a person who stood or stands in loco parentis;

b. a grandparent((,));

c. a child((, son or daughter in law,));

d. a child's spouse;

e. a grandchild; or

f. a sibling ((of the employee, the employee's spouse or the employee's domestic partner; or the employee's legal guardian, ward or any person whom the employee has legal custody. Part-time employees' bereavement leave benefits shall be prorated to reflect their work week)).

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

C. Employees who are not eligible for comprehensive leave benefits may be granted leave without pay or be allowed to use compensatory time, if available, for bereavement leave.

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

E. Any additional accrued paid leave ((, including sick leave,)) to be used as bereavement leave may be approved by mutual agreement between the county and the employee.

SECTION 3. Ordinance 18408, Section 2, as amended, and K.C.C. 3.12.219 are each hereby amended to read as follows:

A. Employees eligible for comprehensive leave benefits who have been employed with the county for

at least six months of continuous service at the time of a birth, adoption or foster-to-adopt placement of a child, and are either nonrepresented or represented by a union that has signed a paid parental leave memorandum of agreement with the county, are eligible for up to twelve weeks of paid parental leave.

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

C. An employee's supplemental paid parental leave benefit shall be calculated based on the employee's accrued paid leave balances at the time of the qualifying event. The employee shall receive the equivalent of the employee's full salary for up to a total of twelve weeks, when combined with the employee's accrued leaves, except for one week of sick leave and one week of vacation leave, or the equivalent for benefit time off. 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.

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

E. An employee on paid parental leave shall be compensated at the employee's base ((pay)) rate of pay.

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

G. Paid parental leave must begin and end within twelve months after the qualifying event. In the case of adoption or foster-to-adopt placement, leave must be taken within one year of the child's birth or placement in the employee's home. The department of human resources shall have the discretion to administer paid parental leave in a way that supports the employee and child, including allowing use of leave after more than one year of the child's birth or placement in the employee's home to address special circumstances in the case of adoption or foster-to-adopt placement.

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

I. Paid parental leave 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.

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

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

L. Employees shall not be compensated in any manner for not using the supplemental paid parental leave.

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

SECTION 4. Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220 are each hereby amended to read as follows:

A.1. Except for employees covered by subsection A.3. of this section, employees eligible for comprehensive leave shall accrue sick leave benefits at the rate of 0.04616 hours for each hour in pay status

exclusive of overtime up to a maximum of eight hours per month; except that if an hourly employee works in excess of seventy-four hours in one week, the employee shall accrue sick leave at the rate of 0.025 hours for each hour worked in excess of seventy-four. No adjustment to reduce sick leave accruals for furloughed employee shall be made as a result of a budgetary furlough.

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

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

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

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

D. There shall be no limit to the number of sick leave hours accrued and carried over to the following year by employees eligible for comprehensive leave benefits. Short-term temporary employees and administrative interns may carry over forty hours of unused sick leave to the following year, all other unused accrued sick leave shall be forfeited.

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

F.1. Separation from or termination of county employment except by reason of retirement or layoff due to lack of work, funds, efficiency reasons or separation for medical reasons, shall cancel all sick leave accrued to employees eligible for comprehensive leave benefits as of the date of separation or termination.

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

retirement or termination.

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

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

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

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

(1) each group of employees hold an election to decide whether to implement a voluntary employee

beneficiary association plan for a defined group of employees. The determination of the majority of voting employees in a group shall bind the remainder. Elections for represented employees shall be conducted by the appropriate bargaining representative. Elections for nonrepresented employees shall be conducted in accordance with procedures established by the director;

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

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

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

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

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

3. An employee who has exhausted all of the employee's accrued sick leave may use accrued vacation leave before going on leave of absence without pay, if approved by the employee's appointing authority. A furloughed employee shall not be eligible to take or be paid for vacation leave in lieu of sick leave in lieu of taking a furlough day.

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

1. An absence:

a. resulting from the employee's mental or physical illness, injury, or health condition;

b. to accommodate the employee's need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or

c. for the employee's need for preventive medical care;

2. To allow the employee to provide care:

a. for a family member with a mental or physical illness, injury or health condition;

b. for a family member who needs medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or

c. for a family member who needs preventive medical care;

3. When a King County facility is closed by order of public official for any health-related reason, or when an employee's child's school or place of care is closed by order of a public official for a health-related reason;

4. For absences that qualify for leave under the domestic violence leave act, chapter 49.76 RCW;

5. For absences to increase the safety of the employee or a family member when the employee or a family member has been a victim of trafficking under RCW 9A.40.100; ~~((and))~~

6. For family and medical leave available under federal law, state law or King County ordinance; and

7. When an employee has been exposed to a contagious disease and must quarantine.

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

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

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

a. a biological parent;

b. an adoptive parent;

c. a de facto parent;

d. a foster parent;

e. a stepparent;

f. a legal guardian; or

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

3. A spouse;

4. A domestic partner;

5. A grandparent;

6. A grandchild; or

7. A sibling.

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

2. An employee who chooses to augment workers' compensation payments with the use of accrued sick leave shall notify the safety and workers' compensation program office in writing at the beginning of the leave.

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

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

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

SECTION 5. Ordinance 15558, Section 2, as amended, and K.C.C. 3.12.222 are each hereby amended to read as follows:

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

B. Notwithstanding K.C.C. 3.12.190, an employee eligible for comprehensive leave benefits may convert accrued vacation or accumulated compensatory hours, or both, into cash to benefit emergency or disaster relief efforts. Upon the occurrence of an emergency or disaster, such as fire, flood, explosion, storm, earthquake or epidemic, that results in the loss of either life or property, or both, and with the exception of the employee annual drive-related period designated under subsection A. of this section the executive may authorize a forty-five-day opportunity for employees eligible for comprehensive leave benefits to sign a written authorization to convert accrued vacation or accumulated compensatory hours, or both, into cash to benefit up to three nonprofit organizations designated by the executive. The employee's written authorization is subject to

approval by the employee's department director. The designated nonprofit organization must be a King County employee annual drive participant in accordance with K.C.C. chapter 3.36. This section shall be administered in accordance with K.C.C. chapter 3.36.

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

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

E. All King County employees eligible for comprehensive leave benefits may donate in accordance with this section voluntarily.

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

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

organization or organizations.

SECTION 6. Ordinance 12014, Section 22, as amended, and K.C.C. 3.12.223 are each hereby amended to read as follows:

A.1. An((y)) employee eligible for comprehensive leave benefits may donate a portion of the employee's accrued vacation leave to another employee eligible for comprehensive leave benefits to be used for any qualifying reason in accordance with King County family and medical leave under K.C.C. 3.12.221, or under federal family and medical leave law, 29 U.S.C. Sec. 2601 et seq. Such a donation may only occur upon written request to and approval of the donating and receiving employees' department director or directors.

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

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

4. Donated vacation leave hours remain with the recipient. Donated vacation leave hours shall be excluded from the vacation leave payoff provisions in this chapter. Employees do not accrue additional leave hours while utilizing donated vacation leave hours.

B.1. An((y)) employee eligible for comprehensive leave benefits may donate a portion of the employee's accrued sick leave to another employee eligible for comprehensive leave benefits to be used for any qualifying reason in accordance with King County family and medical leave under K.C.C. 3.12.221, or under federal family and medical leave law, 29 U.S.C. Sec. 2601 et seq. Such a donation may only occur upon written request to and approval of the donating and receiving employees' department director or directors.

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

3. Donated sick leave hours remain with the recipient. 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. Employees do not accrue additional leave hours while utilizing donated sick leave hours.

C.1. Employees receiving donated leave must have exhausted all paid leave accruals before using donated leave.

2. The leave for which the employee is requesting donations must be for a prolonged absence. A prolonged absence is three or more consecutive days. An employee may use donated leave intermittently after the employee's prolonged absence.

D. 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.)) shall not ask for anything of value, or offer or receive anything of value, in exchange for donation of vacation or sick leave hours.

~~((D.))~~ E. All vacation and sick leave hours donated shall be converted to a dollar value based on the donor's ((straight time hourly)) base rate of pay at the time of donation. Such dollar value shall then be divided by the receiving employee's hourly rate to determine the actual number of hours received and placed in the receiving employee's donated leave bank. Vacation leave donated to a furloughed employee, who is designated by a department director and confirmed by the ((chief administrative officer)) director of human resources as eligible to use donated leave on a furlough day, is donated on an hour-for-hour basis, without an hourly rate conversion.

NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 3.12 a new section to read as follows:

A. There is hereby created a King County emergency medical leave donation program.

B. Emergency medical leave donations may only occur upon the employee's request to the department of human resources with written approval of the donating and receiving employees' department director or

directors.

C.1. An employee eligible for comprehensive leave benefits may donate a portion of the employee's accrued vacation or sick leave hours to the emergency medical leave program.

2. An employee is limited to donating no more than eighty hours of vacation leave to the program per calendar year unless the employee's department director approves a greater amount. The number of donated hours shall not exceed the donor's accrued vacation leave as of the date of the request.

3. An employee is limited to donating no more than twenty-five hours of sick leave to the program per calendar year. A donation of sick leave hours shall not be permitted unless the donating employee's sick leave accrual balance immediately subsequent to the donation is one hundred hours or more.

4. All vacation and sick leave hours donated shall be converted to a dollar value based on the donor's base rate of pay at the time of donation and transferred to the emergency medical leave program.

D.1. Donated hours shall be distributed by the department of human resources on a first come first serve basis and shall only be awarded prospectively.

2. The maximum donation that an employee eligible for comprehensive leave benefits may receive is eighty hours per calendar year, prorated to reflect the employee's normally scheduled work week.

3. The number of donated hours distributed to the receiving employee and the receiving employee's base rate of pay shall determine the dollar value to withdraw from the emergency medical leave program.

4. The receiving employee may only use emergency medical leave for a qualifying reason in accordance with King County family and medical leave under K.C.C. 3.12.221, or under federal family and medical leave law, 29 U.S.C. Sec. 2601 et seq.

5. The leave for which the employee is requesting donations must be for a prolonged absence. "A prolonged absence" means three or more consecutive days. An employee may use donated leave intermittently after the employee's prolonged absence.

6. The receiving employee must have exhausted all of the employee's paid leave accruals prior to

utilizing emergency medical leave hours.

7. Donated leave hours shall be excluded from the vacation and sick leave payoff provisions in this chapter.

8. Employees do not accrue additional leave hours while utilizing emergency medical leave donated hours.

9. If donated hours are not utilized by the donee within sixty calendar days of being awarded, the hours shall be returned to the emergency medical leave program and do not revert to the donor.

SECTION 8. Ordinance 12014, Section 23, as amended, and K.C.C. 3.12.230 are each hereby amended to read as follows:

A. All employees eligible for comprehensive leave benefits shall be granted the following designated holidays with pay:

1. January 1, New Year's Day;
2. Third Monday in January, Martin Luther King, Jr. Day;
3. Third Monday in February, President's Day;
4. Last Monday in May, Memorial Day;
5. June 19, Juneteenth;
6. July 4, Independence Day;
7. First Monday in September, Labor Day;
8. Second Monday in October, Indigenous Peoples' Day;
9. November 11, Veterans Day;
10. Fourth Thursday in November, Thanksgiving Day;
11. Friday after Thanksgiving, Day after Thanksgiving;
12. December 25, Christmas Day; and
13. ~~((For an employee who is eligible for comprehensive leave benefits, t))~~ Two personal holidays, for

employees who are employed on February 1, which shall be added to the employee's vacation bank ((#)) on the ((second full pay period of the calendar year or upon hire)) paycheck that includes February 1. New employees eligible for comprehensive leave benefits hired between February 2 and November 15 shall be awarded two personal holidays upon hire. New employees eligible for comprehensive leave benefits hired after November 15 shall not receive two personal holidays for that calendar year.

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

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

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

SECTION 9. Ordinance 12014, Section 52, as amended, and K.C.C. 3.15.030 are each hereby amended to read as follows:

A. The director may reclassify any position to an existing or new classification.

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

1. The employee's position is not assigned to the appropriate classification;
 2. A significant or gradual change has occurred in the employee's on-going duties or responsibilities over a period of at least one-year; or
 3. A departmental reorganization or council action has caused the duties of the position to change.
- C. ~~((Group reclassifications may be submitted if all of the employees' positions are in the same classification in the same section of a division. The director shall evaluate each position individually, reserving the right to place individual positions into different classifications.~~

~~D.))~~1. An employee is not eligible to submit a reclassification request if:

- ~~((1.))~~ a. ~~((F))~~it has been less than twelve months since the date of a previous classification determination for the position;
- ~~((2.))~~ b. ~~((F))~~the employee is on probation;
- ~~((3.))~~ c. ~~((F))~~the employee is on a performance improvement plan; or
- ~~((4.))~~ d. ~~((F))~~the employee is asking for the reclassification of a special duty position.

2. Temporary and term-limited temporary employees may not request a position reclassification, except as noted in subsection D. of this section.

D. Group classifications may be submitted if all of the employees' positions are in the same classification in the same section of a division. Term-limited temporary employees may be reclassified as part of a group classification, but only if the group includes at least one regular employee. The director shall evaluate each position individually, reserving the right to place individual positions into different classifications.

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

F. When the director reclassifies a position to a lateral classification, the ~~((pay))~~ rate of pay of the

incumbent employee shall remain at the same step of the pay range.

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

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

I. Implementation of a reclassification and any related pay change shall be effective at the start of the pay period following receipt of the completed reclassification request form at the department of human resources, except a reclassification to a lower pay grade shall be effective at the start of the pay period at least thirty calendar days after notification of the classification determination from the department of human resources.

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

K.1. When an employee's position is reclassified retroactively into a classification with a different Fair Labor Standards Act of 1938 status, the change in status shall be prospective only.

2. When an employee's position is reclassified from a Fair Labor Standards Act of 1938 exempt classification to a Fair Labor Standards Act of 1938 non-exempt classification, the employee ~~((will))~~ shall be paid overtime pay from the date of the reclassification decision.

3. When an employee's position is reclassified from a Fair Labor Standards Act of 1938 non-exempt classification to a Fair Labor Standards Act of 1938 exempt classification, the employee shall receive a cash out of all accrued compensatory time.

SECTION 10. Ordinance 14233, Section 7, as amended, and K.C.C. 3.15.140 are each hereby amended to read as follows:

A.1. A department director and, when required, the director of the department of human resources may assign an employee in a regular position to an existing (~~(higher-level)~~) classification for a limited term when the (~~(higher-level)~~) duties and responsibilities of the other classification comprise the majority of the work performed for a minimum of thirty calendar days.

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

B.1. Depending upon the type of special duty assignments needed for business operations, special duty assignments may be made for up to a maximum of five years.

~~((1-))~~ 2. Assignments may be approved for up to a term of twelve months if authorized in advance by the department director to backfill for a vacant regular position, or to provide additional staffing needed:

a. due to work that exceeds either the volume or complexity, or both, than what is routinely expected, but the work is of a limited duration;

b. due to work that is unanticipated due to unique circumstances that are not expected to reoccur; or

c. to either develop or implement, or both, a new function, system or proposal.

~~((2-))~~ 3. Assignments may be approved for up to a term of up to three years if authorized in advance by the director to perform a significant or substantial body of work, such as a nonroutine project or work related to the initiation or cessation of a county function, project or department.

~~((3-))~~ 4. Assignments may be approved for up to a term of five years if authorized in advance in writing by the director:

a. to backfill a regular position, when:

(1) an employee is absent because of an extended leave of absence for a medical reason;

(2) an employee is absent because of military service; or

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

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

~~((4-))~~ 5. A special duty backfill assignment may not exceed the term of the incumbent employee's absence.

~~((5-))~~ 6. Special duty assignments to salaried classifications shall be made in full-week increments, from Saturday through Friday.

~~((6-))~~ 7. An employee's special duty assignment shall end when management becomes aware that the employee's absence will exceed thirty calendar days or at the conclusion of a thirty-day absence, whichever occurs first.

C. A special duty assignment must be made in writing to the employee before the beginning of the assignment. The written notice must provide the classification title and description and must list the specific duties that the employee is to perform and the duration of the assignment. The written notice must also include a statement that the assignment does not confer on the employee any new privilege, right of appeal, right of position, transfer, demotion, promotion or reinstatement. A special duty assignment may be revoked at any time at the discretion of the appointing authority. Special duty pay may not be assigned retroactively.

D. If ~~((F))~~ the special duty assignment is to a higher-level classification, the pay increase shall be to the first step of the pay range of the higher-level job classification or a flat five percent above the base rate of pay, whichever is greater.

E. If the employee was receiving above-Step-10 ~~((incentive))~~ merit pay, the pay for the special duty assignment is calculated using the ~~((incentive))~~ merit pay and may result in ~~((incentive))~~ merit pay while in the special duty assignment.

F. If an assignment is to a lateral or lower-paying classification, the employee shall continue to receive their current rate of pay for the assignment.

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

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

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

~~((I.))~~ J. Special duty pay shall not be considered part of an employee's base ~~((pay))~~ rate of pay for purposes of placement within a salary range as a result of promotion or reclassification, for purposes of cashing out vacation or sick leave or when making vacation or sick leave donations. If the special duty position is converted to a regular position while the employee is serving in the special duty assignment, and the employee is promoted into the regular position, the employee's rate of pay shall not be lower than the rate of pay the employee received during the special duty assignment. The promoted employee may be placed at a higher step in the pay range if the employee's department director determines the action is warranted based on the criteria in K.C.C. 3.12.130.

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

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

~~((L.))~~ M. The executive shall notify the council each year in writing of the total number of county

employees on special duty assignment by department. The executive shall file ~~((a paper original and))~~ an electronic copy of each memorandum with the clerk of the council, who shall retain ~~((the original))~~ a copy and provide an electronic copy to all councilmembers and the lead staff for the government accountability and oversight committee or its successor.