



## Legislation Text

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Clerk 04/30/2012

AN ORDINANCE relating to providing first responders and essential employees, who must work extended hours during certain unanticipated events which are critical to or in response to a regulatory requirement, with lodging and meals; and amending Ordinance 9206, Section 1, as amended, and K.C.C. 3.24.010, Ordinance 9206, Section 7, as amended, and K.C.C. 3.24.070 and Ordinance 12077, Section 9, as amended, and K.C.C. 3.24.080.

### STATEMENT OF FACTS:

1. Current code provisions provide employee lodging and meals within the county's borders during an emergency proclaimed by the executive; however, employees are required to work in response to other, unanticipated events that do not rise to the level of a declared emergency. Often, during such events, first responders and essential employees are called upon to work extended hours, sometimes well into the night or for days on end. Other times, they are required to be at work during non-scheduled hours with very little notice. Examples of these emergent events include snow removal at the King County international airport, required by federal regulations when snow reaches an eighth of one inch in accumulation; and monitoring river conditions when high river water conditions and potential flooding are imminent.
2. Providing lodging to employees who work extended hours due to unanticipated emergent events will ensure that first responders and essential employees are available for deployment and close to the worksite; and, in cases where the event results in unsafe commutes, to ensure the

safety of employees by minimizing their commute. Providing meals during such events will allow the employees to focus their efforts on providing critical public service.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 9206, Section 1, as amended, and K.C.C. 3.24.010 are each hereby amended to read as follows:

All words in this chapter shall have their ordinary and usual meanings except those defined in this section which shall have the meaning set forth below:

A. "Day travel" (~~shall~~) means travel outside of the county that exceeds six hours but does not include an overnight stay. Travel outside of the county for six hours or less or travel within the county is not considered day travel.

B. "Emergency" (~~shall~~) means the occurrence of unforeseen or exigent circumstances which may result in harm to the public good.

C. "Employee" (~~shall~~) means any person who is employed in a career service position, ~~or an exempt position, or a temporary position~~ as defined in K.C.C. chapter 3.12, except persons serving the county without compensation and members of boards and commissions. "Employee" includes all county elected officials.

D. "Essential employee" means an employee designated by their department leadership who provides for and maintains the functions of county essential services.

E. "Essential services" means those services stated or implied that are required to be

1. Performed by statute or executive order for the exercise of civil authority, to maintain the safety, health and well-being of the county population and to sustain the county's industrial and economic base; or

2. Other functions as deemed essential by the heads of county agencies.

F. "Federal lodging limit" (~~shall~~) means the maximum amount a federal employee may be reimbursed per day for lodging expenses, excluding applicable taxes, in the respective host city for travel within the continental United States as published in the Code of Federal Regulations, 41 CFR (~~(§)~~) Sec.301, App. A, and

as hereafter amended.

~~((E-))~~ G. "First responder" means an employee who protects lives, property, and evidence and who provides for the restoration of order.

~~((F-))~~ H. "Government rates" ~~((shall))~~ means the discounted rates offered to government employees, in the course of conducting official business, by lodging establishments, rental car agencies and other providers of services to government employees.

~~((G-))~~ I. "Moving expenses" ~~((shall))~~ means expenses incurred for transportation of family and common household possessions, including meals and incidentals per diem, automobiles and lodging expenses.

~~((H-))~~ J. "Official county business" ~~((shall))~~ means business that relates directly to a person's work function and benefits the county.

~~((I-))~~ K. "Overnight travel" ~~((shall))~~ means travel outside of the county that exceeds twelve hours and includes an overnight stay.

~~((J-))~~ L. "Presiding elected official" ~~((shall))~~ means the county executive for the executive branch departments, agencies and offices except assessments, elections and public safety; the county assessor for the department of assessments; the director of elections for the department of elections, the prosecuting attorney for the office of the prosecuting attorney; the county sheriff for the department of public safety; the chair of the county council for the legislative branch; and the presiding judges of the superior and district courts, or the official or officials designated by that branch or unit of county government.

~~((L-))~~ M. "Unanticipated event" means an event necessitating a response due to a regulatory requirement or public safety and health situation that does not rise to the level of a proclaimed emergency.

SECTION 2. Ordinance 9206, Section 7, as amended, and K.C.C. 3.24.070 are each hereby amended to read as follows:

Lodging costs actually incurred are reimbursable only as follows:

A. Lodging costs will be reimbursed only if a person is in overnight travel status, except as provided in

subsection D. of this section. Government rates must always be requested. Lodging receipts are required.

Lodging costs in the host city may be claimed from the night before the authorized event starts through the night before it ends, unless reasonably priced and timely return transportation is not available, thereby necessitating additional lodging costs.

B. The traveler shall be reimbursed for actual lodging costs incurred for single occupancy, to a maximum of the federal lodging limit for the host city plus taxes. If the lodging receipt indicates a charge for double occupancy and two persons are authorized to travel on behalf of the county, each traveler shall be allowed one-half the double occupancy charge. If one person is not authorized to travel on behalf of the county, the person authorized to travel shall be reimbursed at the single occupancy rate to a maximum of the federal lodging limit.

C. For seminars, conferences or conventions, costs for lodging at the event site may be authorized in excess of the federal lodging limit for the host city under one or more of the following conditions:

1. No alternate lodging is available within a reasonable distance of the event site which is within the federal lodging limit for the host city. The traveler must provide a signed statement of unavailability with the request for reimbursement; ~~((or))~~

2. The authorized means of transportation between the alternate lodging site and the event site would exceed the savings in lodging costs; or

3. The presiding elected official, or his or her designee, has authorized the excess expenditure in writing and in advance for any exigent circumstances ~~((which may))~~ that might exist.

D. First responders and essential employees, who are not in overnight travel status who must work extended hours during certain unanticipated events which is critical to or in response to a regulatory requirement may be provided either lodging paid by the county or reimbursed by the county to the employee, but only if:

1. The employee who is provided lodging must remain close to the worksite in order to respond to the

event;

2. The event requires that the work being performed is critical or necessary to meet a regulatory requirement or to respond to a public health and safety situation not rising to the level of a proclaimed emergency; and

3. During the first twenty-four hours, the lodging is approved by the presiding elected official or designee in writing with a brief description of the event; any extension beyond the first twenty-four hours is approved in advance and by the presiding elected official or designee in writing with a brief description of the event.

E. The department of finance shall distribute federal lodging limits, as published in the Code of Federal Regulations, 41 CFR ((§)) Sec. 301, App. A, as rate changes occur.

SECTION 3. Ordinance 12077, Section 9, as amended, and K.C.C. 3.24.080 are each hereby amended to read as follows:

A. ~~((Day and overnight travel status.))~~ For persons traveling on official county business, meal and incidental expenses are reimbursable at the per diem rates established by the federal travel regulations for the host city, published annually in the Code of Federal Regulations, 41 CFR ((§)) Sec. 301, App. A. The per diem rates include fixed allowances for breakfast, lunch, dinner and incidental expenses, by city. The meal allowances include tips and gratuities. The incidental rates are calculated to allow for expenses such as fees and tips to baggage carriers, concierges, hotel staff and laundry. Reimbursement for incidentals is authorized only for overnight travel. Receipts are not required~~((:))~~:

1. For day travel, the fixed allowance per meal, as established by the federal per diem rate, may be claimed if in travel status at the following times: 7:00 a.m. - breakfast, 12 noon - lunch, and 6:00 p.m. - dinner~~((:))~~:

2. For overnight travel, the per diem meal and incidental rate may be claimed. On the first and last days of travel, meals shall be reimbursed at the rates established for day travel, plus incidentals ~~((:))~~; or

3. When the expense of a meal is included in a registration fee, air fare or other county expense, the per diem meal and incidental rate will be reduced by the fixed allowance for the respective meal.

B. ~~((Nontravel status:))~~ 1. Meal expenses incurred while ~~((the))~~ a person is not in travel status are not normally reimbursable, except that meals may be reimbursed or paid directly by the county for official county business purposes as follows:

a. for staff retreats lasting more than four hours in a single day, for either single or multiple days, not to exceed one retreat per quarter per county division or key subordinate unit as defined by K.C.C. 2.16.100; ~~((or))~~

b. when an integral part of a job-related seminar, conference, convention~~((;))~~ or training occurs during the meal, ~~((provided such))~~ but only if the meals are approved in advance, in writing, by the presiding elected official or designee; ~~((or))~~

c. when a meeting subject to the Open Public Meetings Act, chapter ~~((43.20))~~ 42.30 RCW, continues through the times listed in K.C.C. 3.24.080\_A.1; ~~((or))~~

d. for events authorized in advance and in writing by a presiding elected official or designee, ~~((provided that))~~ but this authorization shall not be provided in circumstances that violate ~~((a))~~ Article VIII, ~~((s))~~ Section 7 of the state Constitution, which prohibits gifts of public funds; or

e. for unanticipated events that do not rise to the level of an emergency proclaimed by the executive, but only if:

(1) the employee who is provided meals is a designated first responder or an essential employee;

(2) the event requires that the work being performed is critical or necessary to meet a regulatory requirement or to respond to a public safety and health situation not rising to a proclaimed emergency; and

(3) during the first twenty-four hours, the meals are approved by the presiding elected official or designee in writing with a brief description of the event; and an extension beyond the first twenty-four hours is approved in advance by the presiding elected official or designee in writing with a brief description of the

event.

2. Reimbursable meals incurred while in nontravel status are limited to the fixed meal allowance established by the federal travel regulations for each participant.

C. ~~((Refreshments.))~~ Expenses for refreshments are not normally reimbursable, except that refreshment expenses may be reimbursed when an employee is not in travel status, under the conditions provided for in K.C.C. 3.24.080\_B. Additionally, refreshments may be provided to employees by the county, at its option. Refreshment expenses, however, are limited to fifty percent of the fixed lunch meal allowance established by the federal travel regulations for each participant. Any purchase of refreshments that will cost more than fifty dollars in total per function must be approved in advance and in writing by the presiding elected official or designee.

D. ~~((Nonreimbursable meal and refreshment costs.))~~ Meal and refreshment costs are neither reimbursable nor may they be paid by the county as a direct expenditure when:

1. They are included in another county expense, regardless of whether the person partakes in the meal or refreshment; ~~((or))~~

2. They are incurred for recreational or social events such as office parties, going away parties, retirement parties, or other personalized social events; or

3. It would violate the provisions of ~~((a))~~ Article VIII, ~~((s))~~ Section 7 of the state Constitution, which prohibits a gift of public funds.

E. ~~((Exceptions to the per diem meal rates.))~~ Meal expenses may be incurred at a rate higher than that established by federal regulations when one or more of the following conditions apply:

1. The presiding elected official or designee approves the cost of the meal because a circumstance related to a particular meal results in exceeding the authorized meal rate. A receipt detailing the expense, accompanied by written justification, shall be submitted with the request to exceed the fixed meal allowance; ~~((or))~~

2. The meal expense is incurred on behalf of another agency that reimburses the county for the expense, in which case the expense shall be reimbursed according to the rules specified by the funding agency;  
or

3. When necessitated by special dietary needs.

F. The ((department of)) finance and business operations division shall distribute federal meal and incidental rates, as published in the Code of Federal Regulations, 41 CFR ((§)) Sec. 301, App. A, as rate changes occur.

**SECTION 4. Severability.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.