



Legislation Text

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Clerk 11/12/2010

A MOTION relating to the organization of the council; and amending Motion 10651, Section III, as amended, and OR 1-020, Motion 10651, Section IV, as amended, and OR 1-030, Motion Motion 10651, Section V, as amended, and OR 2-030, Motion 10651, Section VI, as amended, and OR 3-010, Motion 10651, Section VII, as amended, and OR 3-030 and Motion 8868, Sections 1-2, as amended, and OR 3-110.

WHEREAS, the charter provides that the council shall elect one of its members as chair, and Motion 10651, Section II, as amended, and OR 1-010 provides that the council shall elect a chair who shall serve at the pleasure of the council for a term of one year, unless otherwise ordered by the council, and

WHEREAS, the council has specified by motion the chairs, vice-chairs and members of council committees and provided for any changes to these positions to be made by adoption of a formal legislative motion, and

WHEREAS, the council has specified by motion policies for members and staff;

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

I. Motion 10651, Section III, as amended, and OR 1-020 are each hereby amended to read as follows:

**Powers and duties of the chair.**

A. The chair, with their consent, shall appoint councilmembers to regional committees, standing committees, administrative committees, special committees and outside committees as required or as deemed necessary to efficiently conduct the business of the council. The council recognizes that its committee

structure, membership and chairs and vice-chairs reflect the council's will. Any changes thereto shall be made only by formal legislative motion adopted by a majority of the members at a council meeting.

B. The chair shall have the responsibility and general direction for the council's resources, budget, operation and organizational structure. The chair shall allocate an equal amount of funding and FTE positions to each councilmember's district support and constituent service account from within the council administration account.

The chair shall be responsible for the general oversight of legislative branch employees, except personal and district support and constituent service staff of councilmembers. Each councilmember shall be responsible for hiring, managing and making all personnel decisions related to his or her personal and district support and constituent service staff. The council chief of staff shall be responsible for the overall management and administration of council staff employees, except for personal and district support and constituent service staff. The council chief of staff shall be responsible for the overall management and administration of other legislative branch employees as specified in OR 3-030, except for personal and district support and constituent service staff.

C. The chair of the council shall not enter into a consultant contract for more than twenty-five thousand dollars without first being authorized to do so by council motion. All consultants shall comply with the King County code of ethics.

D. The chair shall regularly consult in the exercise of her or his duties with the vice-chair. The chair, in consultation with committee chairs, shall direct the necessary coordination of staff. The council's chief of staff shall report to the chair. The chair may exercise any power conferred upon the chief of staff.

E. The chair shall be a member of the employment and administration committee. II. Motion 10651, Section IV, as amended, and OR 1-030 are each hereby amended to read as follows:

**Powers and duties of the vice-chair.**

A. The vice-chair shall exercise the duties, powers and prerogatives of the council chair in the event of the chair's absence.

B. The vice-chair shall serve as the chair of the committee of the whole.

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

III. Motion 10651, Section V, as amended, and OR 2-030 are each hereby amended to read as follows:

**Employment and administration committee.**

**A. Membership requirements.** The employment and administration committee shall consist of four members.

**B. Duties and process.**

1. Administrative committee. The employment and administration committee is an administrative committee of the council. The employment and administration committee shall consult with councilmembers and the chief of staff on a continuing basis in order to review council operations under the staffing structure defined in this motion.

2. Personnel decisions. The employment and administration committee shall make recommendations to the council concerning decisions for legislative branch employees, except for interns and councilmembers' personal and district support and constituent service staffs, and except for minor personnel decisions, which may be made by the chair of the employment and administration committee in accordance with subsection B.5. of this section. Personnel decisions include decisions to hire, to fill vacancies, to make staffing adjustments, to designate staff employment assignments, except assignments of policy staff to specific issues and legislation which shall be made by the chief of staff under OR 3-040.D.2, to adjust staff pay, to analyze future hiring needs and to make other necessary employment decisions. Personnel decisions do not include termination or

disciplinary decisions, which follow the process stated in subsection B.3. of this section, or minor personnel decisions, which follow the process stated in subsection B.5. of this section. Where applicable, employment and administration committee recommendations on personnel decisions shall be developed in consultation with appropriate committee chairs and, where applicable, the chief of staff.

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

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

5. Minor personnel decisions.

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

- (1) authorizing recruiting for a vacated or newly created position;
  - (2) increasing or reducing the hours assigned to a current position up to the total budgeted hours for the position, as reflected in the Staff and Salary Detail Report maintained by the chief of staff or his or her designee;
  - (3) reassigning an employee employed within a legislative branch agency of the county auditor, board of appeals/equalization, hearing examiner, ombudsman/tax advisor or civic television to another position in the same agency and pay range;
  - (4) hiring a temporary or a term-limited temporary employee to perform clerical or technical functions, up to a total of the maximum period allowed by ordinance or two years, whichever is less;
  - (5) extending the employment period of a temporary or a term-limited temporary employee hired to perform clerical or technical functions, up to a total of the maximum period allowed by ordinance or two years, whichever is less; and
  - (6) approving a carryover of excess vacation leave under K.C.C. 3.12.190 because of cyclical workloads, work assignments or other reasons as may be in the best interests of the county.
- b. Requests for minor personnel decisions shall be made in writing to the employment and administration committee chair via the chief of staff. Requests may be made only by councilmembers, legislative branch agency managers, the chief of staff or a staff member who is supervised directly by the chair of the council. The chief of staff shall promptly provide the employment and administration committee chair with a copy of the request and the chief of staff's recommendation for approval, disapproval or modification of the request.
- c. Action on a requested minor personnel decision shall be in writing, signed by the chair of the employment and administration committee. The chief of staff shall file the original of the decision action with the clerk of the council, and shall provide copies of the decision action to the agency manager or supervisor, affected employee and members of the employment and administration committee.

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

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

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

**E. Motions for censure.** The employment and administration committee shall consider and make recommendations on motions for censure related to alleged violations of any antiharassment policy by a councilmember.

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

IV. Motion 10651, Section VI, as amended, and OR 3-010 are each hereby amended to read as follows:

**Use of councilmembers' district support and constituent service accounts.**

A.1. All salaries for a councilmember's (~~personal~~) district support and constituent service staff shall be paid out of the councilmember's district support and constituent service account.

2.a. The council prohibits councilmembers from hiring as personal or district support and constituent service staff persons who have been employed within the prior twelve months:

(1) as a council policy or administrative central staff member classified at range 23 or above in the Legislative Branch Classification Plan; or

(2) persons who have been employed within the prior twelve months as a personal or district support and constituent service staff member of another councilmember, except with the consent of the former-employer councilmember.

b. District support and constituent service account funds cannot be used to pay the salary or benefits of persons prohibited from being hired as set forth subsection A.2.a. of this section.

c. This subsection A.2. shall not apply to any employee hired as a personal staff member before October 13, 2008.

3. (~~The cost of benefits for personal staff shall be paid out of the central council account for up to four personal staff per district. The cost of benefits for each personal staff member above four for a councilmember shall be paid out of that councilmember's district account.~~) Neither the central council account nor a district support and constituent service account may be used to fund benefits for employees whose employment as personal and district support and constituent service staff is prohibited by subsection A.2. of this section.

B.1. All expenditures for mail originating from an individual councilmember's office shall be paid for out of that councilmember's district support and constituent service account, except for mailings of ten items or less, which may be paid for out of the council administration budget, and for postage that may be funded from the council administration budget subject to the approval of the chair of the council.

2. A councilmember shall not send any mass mailing that is deposited in the mail between the date the councilmember has filed a declaration and affidavit of candidacy with the department of elections and election day in any year in which an election is to be held to fill the councilmember's office. However, mailings may be made after the last day for filing for office if the councilmember has not filed for the office. For the purposes of this subsection B.2, "mass mailing" means any mailing of more than two hundred pieces that contains

essentially identical messages and that is prepared or sent by or on behalf of an individual councilmember at council expense.

C. All expenditures for rent, office equipment and furniture, utilities and telephones to support a councilmember's outside district office shall be paid out of the councilmember's district support and constituent service account.

D. All travel expenditures incurred by councilmembers or personal and district support and constituent service staff shall be paid for out of the councilmember's district support and constituent service account, or from the council administration budget with the approval of the chair of the council.

E. All other expenditures for community meetings, training, publications, newspaper advertising, nonnewspaper advertising, cellular phones, cellular phone services or other related activities as determined by the councilmember shall be paid out of the councilmember's district support and constituent service account, or from the council administration budget with the approval of the chair of the council.

F. Whenever questions about expenditures may arise, a councilmember shall consult with the chief of staff, legal counsel or the chief of staff's designee as necessary in considering whether a specific expenditure is authorized by this section OR 3-010.

V. Motion 10651, Section VII, as amended, and OR 3-030 are each hereby amended to read as follows:

**Legislative branch organization - organization chart.**

The legislative branch shall be organized in accordance with the organization chart, Attachment A to ((~~Motion 13129~~)) this motion.

VI. Motion 8868, Sections 1-2, as amended, and OR 3-110 are each hereby amended to read as follows:

**Policies and procedures against sexual harassment and discrimination - policy statement.**

A. The metropolitan King County council promotes a respectful, nondiscriminatory work environment, free of behavior which is illegal and/or which contributes to interpersonal conflicts, poor performance or poor morale. Therefore, the metropolitan King County council prohibits:



1. Sexual harassment;

2. Discrimination or harassment of, or inappropriate conduct toward, any employee on the basis of his or her race, color, sex, marital status, sexual orientation, religion, ancestry, national origin, and/or the presence of any sensory, mental, or physical disability; and

3. Retaliation.

B. This policy applies to members of the council, councilmembers' personal and district support and constituent service staff and all employees of the legislative branch. Violations of this policy may lead to censure or discipline, up to and including discharge.

C. This policy is supplemental to other procedures available under federal, state, and county laws, including but not limited to the Whistleblower Ordinance, K.C.C. chapter 3.42, the Ethics Code, K.C.C. chapter 3.04, and the Fair Employment Practices Code, K.C.C. chapter 12.18. Employees are encouraged to report pursuant to this policy, but shall continue to have the right to utilize other formal complaint procedures established by law.

The policies and procedures against sexual harassment and discrimination in the legislative branch in Attachment B to Motion 13129 are hereby adopted.