



Legislation Text

File #: 2004-0365, Version: 1

Clerk 07/22/2004

AN ORDINANCE related to contracts; defining legally domiciled member of household; adding alternate requirement related to the provision of benefits by contractors; and amending Ordinance 14823, Section 3, and K.C.C. 12.19.020 and Ordinance 14823, Section 4, and K.C.C 12.19.030.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 14823, Section 3, and K.C.C. 12.19.020 are each hereby amended to read as follows:

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

A. "Contract" means an agreement to perform services or provide tangible personal property as defined in K.C.C. 4.16.010. that entails a legally binding obligation of twenty-five thousand dollars or more.

"Contract" does not include the following: a contract between a contract-awarding authority and a public entity; a contract for the purchase, lease or rent of real estate; or a collective bargaining agreement.

B. "Contract-awarding authority" means the county officer, department, commission, employee or board authorized to enter into or to administer contracts on behalf of the county.

C. "Domestic partner" means any person who is a domestic partner as defined in K.C.C. 3.12.010 and is registered with the employer as the employee's domestic partner or, in the absence of such an employer-provided registry, is registered as a domestic partner with a governmental body in accordance with state or local law authorizing the registration. Any internal employer registry of domestic partnership must

comply with the criteria for domestic partnerships specified by the executive by administrative rule.

D. "Employee benefits" means: the provision of bereavement leave; disability, life and other types of insurance; family medical leave; health benefits; membership discounts; moving expenses; pension and retirement benefits; travel benefits; and other benefits given to employees. However, "employee benefits" does not include benefits to the extent that the application of the requirements of this chapter to such benefits may be preempted by federal or state law.

E. "Legally domiciled member of household" means any person who:

1.a. currently lives in the same primary residence as the employee;

b. intends to continue living in the same primary residence as the employee;

c. is jointly responsible with the employee for the basic living expenses of the household;

d. is eighteen years of age or older; and

e. is not married; or

2. Is an adult, dependent relative living in the same primary residence as the employee and is claimed as the employee's tax dependent.

SECTION 2. Ordinance 14823, Section 4, and K.C.C 12.19.030 are each hereby amended to read as follows:

Nondiscrimination in benefits.

A. A contractor who has contracted with the county shall not discriminate in the provision of employee benefits between an employee with a spouse and an employee with a domestic partner or an employee who resides with a legally domiciled member of household.

B. A contractor who has contracted with the county does not discriminate in the provision of employee benefits between employees with spouses and employees with domestic partners, so long as the contractor:

1. Provides the same employee benefits to employees' spouses and domestic partners; ~~((or))~~

2. Provides no employee benefits to employees' spouses and domestic partners; or

3. Provides the same employee benefits to employees' spouses and legally domiciled members of households.

C. The executive may waive the requirements of this chapter where any of the following applies:

1. The award of a contract or amendment to a contract is necessary in an emergency, as "emergency" is defined in K.C.C. 4.16.050;

2. The contract is for a proprietary purchase under K.C.C. 4.16.040;

3. There are no contractors capable of responding to the county's requirements that can comply with the provisions of this chapter;

4. The contractor, despite taking all reasonable measures to do so, demonstrates it is unable to extend a particular employee benefit to domestic partners;

5. The requirements of this chapter are inconsistent with a grant, subvention or agreement with a public agency; or

6. The county is purchasing through a cooperative or joint purchasing agreement.

D. A request for a waiver of the terms of this chapter must be made to the executive by the contract-awarding authority in a manner prescribed by the executive by administrative rule.

E. A contract-awarding authority shall not execute a contract with a contractor unless the contractor has agreed that the contractor will not discriminate in the provision of employee benefits as provided for in this chapter.

F. All contracts awarded by the county shall contain provisions prohibiting

discrimination in the provision of employee benefits, including provisions containing appropriate remedies for the breach of the contracts as prescribed by K.C.C. 12.19.040.

10 days prior, Seattle Times September 1, 2004, post outside chamber