



Legislation Text

File #: 2011-0022, Version: 2

Clerk 01/19/2011

AN ORDINANCE relating to expanding the duration of special duty assignments required to meet extraordinary county business needs; and amending Ordinance 14233, Section 7, as amended, and K.C.C. 3.15.140.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. Over the last decade, special duty requests have been subject to a three-tier approval process which has provided for effective oversight and controls on the administration of special duty assignments and pay in the county.

B. The ability to provide special duty assignments to county employees has afforded agencies needed staffing flexibility, which has enhanced service delivery utilizing experienced county workers without the need to add positions to the county workforce.

C. Since the time that special duty assignment requests and approvals were formally codified, extraordinary business needs have called for a change in the duration of assignments. This is true for special duty assignments needed to backfill employees who are on leave or who are on other important county assignments. This is true for special duty assignments needed to staff large-scale county projects for a limited term such as the Brightwater regional wastewater treatment project and the accountable business transformation project.

D. In order to meet extraordinary county business needs for special duty assignments, the code revision is necessary

SECTION 2. Ordinance 14233, Section 7, as amended, and K.C.C. 3.15.140 are each hereby amended to read as follows:

A. An appointing authority, with the prior written approval of the department director and, when required, the manager of the human resources division (~~((, or his or her designee))~~) and the county administrative officer, may (~~((temporarily))~~) assign an employee in a regular position to an existing higher-level classification for a limited term when the higher-level duties and responsibilities comprise the majority of the work performed.

B. (~~((The maximum period of special duty is six months, except as provided in this section))~~) Depending upon the type of special duty assignment needed for business operations, special duty assignments may be made for up to twelve months, up to three years, and up to five years, respectively.

1. (~~((A))~~) In cases where a special duty assignment ((may be extended to a maximum)) is made to provide for additional staffing at a higher level, the assignment may be approved for up to a term of twelve months but only if:

a. the assignment is authorized in advance in writing by the department director ((and the manager of the human resources management division before the expiration of the initial six-month period)); and

b. the assignment is needed for work that exceeds either the volume or complexity, or both, than what is routinely expected, but the work is of a limited duration and is not ongoing; the assignment is needed for work which is unanticipated due to unique circumstances which are not expected to reoccur; or the assignment is needed to either develop or implement, or both, a new function, system, or proposal within a division.

2. (~~((Any further extensions must be))~~) In cases where a special duty assignment is made to backfill a regular position, the assignment may be approved for up to a term of three years, but only if:

a. the backfill assignment is authorized in ((writing in)) advance in writing by the department director, the manager of the human resources management division and the county administrative officer based upon a specific determination that a special duty assignment continues to meet the requirements ((stated)) in this chapter and that a position reclassification is not appropriate((. Such cases shall only include back-filling

for a regular position when:));

b. the assignment is made to backfill:

(1) an incumbent employee who is absent because of an extended leave of absence for a medical ((disability))reason, as required under ((reasonable accommodation provisions of)) applicable county, state or federal law;

(2) an incumbent employee who is absent because of military service((reserve duty)); or

~~((c) it is the performance of a project when a higher level of work has a definite termination date. Special duty assignments may not exceed two years in duration))~~ (3) an incumbent employee who is absent because of assignment to special duty or another assignment; and

3. in no cases, may the special duty backfill assignment exceed the term of the incumbent employee's absence.

4. In cases where a special duty assignment is made for the performance of a project necessitating a higher level of work, the assignment may be approved for up to a term of three years, but only if:

a. the project assignment is authorized in advance in writing by the department director, the manager of the human resources management division and the county administrative officer based upon a specific determination that a special duty assignment continues to meet the requirements in this chapter and that a position reclassification is not appropriate; and

(1) the project is clearly defined, a project plan has been developed or the employee will develop a project plan;

(2) the project has a beginning and end date of three years or less;

(3) the employee will perform duties that are primarily related to a single specifically defined project; and

(4) the employee is performing non-routine work for a project outside of the regular scope of the normal division functions.

5. In cases where a special duty assignment is made to staff or to backfill staff on a grant-funded, capital improvement, or information systems technology project necessitating a higher level of work, the assignment may be approved for up to a term of three years and, upon justification, extended an additional two years up to a term of five total years, but only if:

a. the project assignment is authorized in advance in writing by the department director, the manager of the human resources management division and the county administrative officer based upon a specific determination that a special duty assignment continues to meet the requirements in this chapter and that a position reclassification is not appropriate; and

b. the assignment is made to a clearly defined project with a limited term and a definite termination date; or the assignment is made to backfill staff on the project.

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 will 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. The special duty increase shall be to the first step of the pay range of the existing higher-level job classification or to a pay step in the existing higher classification that provides an increase of ~~((no more than))~~ approximately five percent above the former rate of pay, whichever is greater.

E. Special duty compensation may not exceed the top step of the new range if the employee was receiving above-Step-10 incentive pay. In those instances, the pay may exceed the maximum of the new pay range by no more than five percent and shall continue only as long as the incentive pay would have remained in effect.

F. When the special duty assignment is completed, the employee's pay shall revert to the pay rate the

employee would have received if the employee had not been assigned to special duty.

G. Special duty pay shall not be considered part of an employee's base pay rate for purposes of placement within a salary range as a result of promotion or reclassification.

H. 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 electronic copy of each memorandum with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers and the lead staff for the government accountability and oversight committee or its successor.

SECTION 3. 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.