



Legislation Details (With Text)

File #: 2019-0476 **Version:** 1

Type: Motion **Status:** Lapsed

File created: 11/13/2019 **In control:** Law and Justice Committee

On agenda: **Final action:** 2/4/2020

Enactment date: **Enactment #:**

Title: A MOTION relating to the organization of the council; amending Motion 10651, Section V, as amended, and OR 2-030 and Motion 10651, Section VII, as amended, and OR 3-030 and adding a new section to the organizational compilation.

Sponsors: Larry Gossett, Rod Dembowski

Indexes: Council

Code sections:

Attachments: 1. A. King County Legislative Branch Organizational Chart 11.05.2019, 2. 2019-0476+0477_SR_Human_Civil_Rights_Commission.docx, 3. 2019-0477+0476-ATT5-KorematsuReport.pdf, 4. 2019-0477+0476_ATT6_PO_2019-0330_Signature Report_Est_ESJ_Civ_Rights_Comm.pdf, 5. 2019-0476+0477_SR_Human_Civil_Rights_Commission_12.10.19.pdf, 6. 2019-0476-ATT4-ProposedMotion.pdf, 7. 2019-0477+0476-ATT5-KorematsuReport.pdf, 8. 2019-0477+0476_ATT6_PO_2019-0330_Signature Report_Est_ESJ_Civ_Rights_Comm.pdf

| Date | Ver. | Action By | Action | Result |
|------------|------|----------------------------------|-------------------------|--------|
| 12/11/2019 | 1 | Metropolitan King County Council | Deferred | |
| 12/10/2019 | 1 | Law and Justice Committee | Deferred | |
| 12/4/2019 | 1 | Metropolitan King County Council | Deferred | |
| 12/2/2019 | 1 | Law and Justice Committee | Deferred | |
| 11/13/2019 | 1 | Metropolitan King County Council | Introduced and Referred | |

Clerk 11/07/2019

A MOTION relating to the organization of the council; amending Motion 10651, Section V, as amended, and OR 2-030 and Motion 10651, Section VII, as amended, and OR 3-030 and adding a new section to the organizational compilation.

WHEREAS, Ordinance XXXX (Proposed Ordinance 2019-0XXX) established the King County human and civil rights commission to enforce antidiscrimination laws and conduct activities to protect the human and civil rights of county residents, and

WHEREAS, Ordinance XXXX (Proposed Ordinance 2019-0XXX) required that the organization and administration of the commission be sufficiently independent to assure that no interference or influence external to the commission adversely affects the independence and objectivity of the commission, and

WHEREAS, Section 220.30 of the King County Charter provides that the county council "shall be responsible for its own organization and for the employment and supervision of those employees whom it deems necessary to assist it," and

WHEREAS, the council desires to implement changes with regard to the administration of the King County human and civil rights commission;

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

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

Employment and administration committee.

A. Membership requirements. The employment and administration committee shall consist of five members. The chair of the council shall be a member of the committee.

B. Duties.

1. General duties. In accordance with this section OR 2-030, the committee shall oversee employment-related issues in the legislative branch, excluding all decisions for those positions and employees serving councilmembers' personal, district support and constituent services functions.

2. Administrative decisions. In consultation with the chief of staff, the committee shall:

a. recommend to the council for adoption of administrative and personnel-related policies;

b. recommend to the council for adoption of changes to the organization chart established in OR 3-030.A.;

c. recommend to council classification specifications and compensation ranges; and

d. recommend to council job descriptions for all positions in the legislative branch.

3. Hiring chief officers and independent agency officers. The committee shall establish the hiring

process for chief officers and independent agency officers, as well as make hiring recommendations to the council concerning these positions. The committee may consult with the board of appeals on its hiring of the executive director and staff of the board of appeals and the committee may express its preference.

4. Performance evaluations of chief officers and independent agency officers. The council chair, in consultation with the committee, shall provide oral and written expectations and counseling regarding employee performance for chief officers and independent agency officers. The chair of the council, with committee input, shall establish a process for periodically evaluating the chief officers and independent agency officers for their performance in performing job duties and achieving goals.

5. Discipline of chief officers and independent agency officers.

a. The council chair, in consultation with the committee, shall, when appropriate, issue either written reprimands or performance improvement plans, or both, regarding employee performance issues of a chief officer or an independent agency officer that persist, following an oral or written statement of expectations or counseling.

b. It is the responsibility of the council chair, when appropriate, to recommend to the committee for approval either suspension without pay or termination of chief officers or independent agency officers.

c. Following a suspension without pay of more than ten working days or termination hearing decision, a chief officer or independent agency officer subject to the committee's suspension without pay or termination decision may, within five business days of being notified of the decision, appeal the decision to the council. An appeal is filed by delivering a notice of appeal to the clerk of the council.

d. A decision of the council to suspend without pay or terminate a chief officer or independent agency officer is final.

e. The chair of the council, with consultation of the committee, may execute a settlement agreement with a chief officer or independent agency officer.

f. A written disciplinary action may not be issued before completion of review of it by legal counsel

or the civil division of the office of the prosecuting attorney. For the purposes of this subsection B.5. "written disciplinary action" means written expectations and counseling regarding employee performance issues, reprimands, performance improvement plans and decisions regarding suspension without pay or termination of an employee.

6. Motions for censure. The committee shall consider and make recommendations to the council on motions for censure related to alleged violations by a councilmember of any antiharassment or discrimination policy.

C. Committee decisions.

1. All committee decisions authorized by this section shall be contained in a written decision report.

2. All committee recommendations authorized by this section shall be contained in a written recommendation report and, if approved by the committee, shall be forwarded to the council for consideration on an employment and administration committee consent agenda.

3. 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 before adoption of the employment and administration committee consent agenda.

4. The chair of the employment and administration committee shall issue notice to the affected employee upon final action of the committee or council.

D. 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 identified as such and separated from nonexempt records.

E. Construction of section. Nothing in this section is to be construed to alter the at-will status of legislative branch employees. This section is designed to facilitate the will of the majority of the council. If there are specific provisions of a collective bargaining agreement that are different than this section, the collective bargaining agreement shall prevail.

F. Definitions. For the purposes of this section OR 2-030:

1. "Administrative services staff" are those legislative branch employees assigned to communications, government relations, administration and clerk blocks in the organization chart, Attachment A to ((~~Motion 15446~~)) this motion.

2. "Chief officers" includes the chief of staff and chief legal counsel;

3. "Directors" includes the clerk of the council, the communication director, the director of government relations, the director of municipal relations, the director of operations, the director of equity and social justice and the chief policy officer;

4. "Independent agency officers" includes the auditor, director of law enforcement oversight, hearings examiner, King County Flood Control District executive director, King County human and civil rights commission executive director and director of the office of citizen complaints/tax advisor, which is also known as the ombuds.

5. "Legislative services staff" are those legislative branch employees assigned to the legislative services block in the organization chart, Attachment A to ((~~Motion 15446~~)) this motion.

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

Legislative branch organization.

A. **Organizational chart.** The legislative branch shall be organized in accordance with the organization chart, Attachment A to ((~~Motion 15446~~)) this motion. The chief of staff shall prepare and file with the clerk of the council a revised organization chart to replace Attachment A to ((~~Motion 15446~~)) this motion when the organization of the legislative branch is changed either by any employment and administration committee decision or by any ordinance, motion, or personnel decision adopted by the council.

B. **Chief of staff.** There shall be a council chief of staff who reports to the chair, and shall be accountable and responsive to all councilmembers. The chief of staff is responsible for the efficient overall management and administration of the administrative and legislative services staff as they are defined in OR 2-

030. All directors, as defined in OR 2-030, shall report to the chief of staff. The chief of staff is also responsible for monitoring the independent agencies of the council. The chief of staff shall be the council's bargaining lead for all legislative branch bargaining units.

C. **Chief policy officer.** There shall be a chief policy officer who, as a director, reports to the chief of staff and shall be responsive to all councilmembers. As the chief policy officer is the direct report for the legislative services staff, the chief policy officer is responsible for: the efficient overall management and administration of the legislative services staff; development and administration of analytic standards; committee lead and support assignments; and legislative and policy assignments for analysis.

D. **Chief legal counsel.** There shall be a chief legal counsel who reports to the chair and shall be accountable and responsive to all councilmembers for the provision of legal services to the council, councilmembers, and administrative and legislative services staff. The chief legal counsel is responsible for the efficient overall management and administration of the legal services staff, outside counsel and coordination with the prosecuting attorney's office.

E. **Independent agency officers.** For all the independent agencies, identified in the organization chart, Attachment A to (~~Motion 15446~~) this motion, their officers shall be appointed by the council and each independent agency officer shall be accountable and responsible for the efficient overall management and administration of their agencies. The independent agencies, their officers, managers and staff are subject to the policies and procedures of the legislative branch.

F. **King County Flood Control District executive director.** The King County Flood Control District executive director shall report to the county councilmember who serves as the chair of the King County Flood Control District. The executive director shall be accountable and responsive to all councilmembers who serve on the King County Flood Control District board of supervisors. The executive director is responsible for the efficient overall management and administration of the King County Flood Control District and the flood control district administration unit and its employees. The executive director is subject to the policies and

procedures of the legislative branch.

G. **King County human and civil rights commission executive director.** The King County human and civil rights commission executive director shall report to the human and civil rights commission. The executive director shall be accountable and responsive to all members who serve on the King County human and civil rights commission. The executive director is responsible for the efficient overall management and administration of the King County human and civil rights commission and the human and civil rights commission administration unit and its employees.

III. There is hereby added to the organizational compilation a new section to read as follows:

King County human and civil rights commission administration.

A. The legislative branch shall provide staffing, facilities and services for the King County human and civil rights commission.

B. For the administration and management of the King County human and civil rights commission, a human and civil rights commission administration unit is established for legislative branch employees exclusively providing support for the King County human and civil rights commission. The unit is exempt from all other provisions of this organizational compilation except this section, OR 3-030.G. and OR 3-110.

C. The following applies to the employees within the unit:

1. Job descriptions and classifications for employees in the unit shall be reviewed and recommended by the King County human and civil rights commission and authorized by motion by the council;

2. The King County human and civil rights commission shall establish and be responsible for the outreach, recruitment and hiring process for the King County human and civil rights commission executive director. Hiring of the executive director shall be subject to appointment by motion by the council, but shall not be subject to the decision-making requirements of OR 2-030;

3. The King County human and civil rights commission shall annually evaluate the performance of the King County human and civil rights commission executive director, using a process established by the King

County human and civil rights commission;

4. Before initiating a hiring process, the executive director shall consult with the King County human and civil rights commission chair. For the purposes of this section, the executive director shall have the same duties and responsibilities as a chief officer under section III of this motion, with regard to employees within the unit and pertaining to hiring, staffing and discipline; and

5. In common with all county employees and officials and elected officials, employees of the unit shall comply with the King County code of ethics, K.C.C. chapter 3.04. All employees shall familiarize themselves with the code of ethics, and in the event they identify any issue of possible concern they shall promptly seek advice from the executive director or council's chief legal counsel, or shall seek an advisory opinion from the board of ethics.