



Legislation Details (With Text)

File #: 2001-0270 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 5/7/2001 **In control:** Management, Labor and Customer Services Committee

On agenda: **Final action:** 10/15/2001

Enactment date: 10/26/2001 **Enactment #:** 14233

Title: AN ORDINANCE relating to the county's personnel policies; amending Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010, Ordinance 12014, Section 32, and K.C.C. 3.12.350 and Ordinance 12014, Section 50, as amended, and K.C.C. 3.15.020 and adding new sections to K.C.C. chapter 3.15.

Sponsors: Larry Gossett

Indexes: Personnel

Code sections: 3.12.010 -, 3.12.350 -, 3.15 -, 3.15.020 -

Attachments: 1. Ordinance 14233.pdf, 2. 2001-0270 revised staff report.doc, 3. 2001-0270 staff report.doc

Date	Ver.	Action By	Action	Result
10/15/2001	1	Metropolitan King County Council	Hearing Held	
10/15/2001	2	Metropolitan King County Council	Passed as Amended	Pass
10/9/2001	1	Management, Labor and Customer Services Committee	Recommended Do Pass	Pass
9/25/2001	1	Management, Labor and Customer Services Committee	Deferred	
8/28/2001	1	Management, Labor and Customer Services Committee	Deferred	
7/24/2001	1	Management, Labor and Customer Services Committee	Deferred	
5/8/2001	1	Management, Labor and Customer Services Committee	Deferred	
5/7/2001	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to the county's personnel policies; amending Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010, Ordinance 12014, Section 32, and K.C.C. 3.12.350 and Ordinance 12014, Section 50, as amended, and K.C.C. 3.15.020 and adding new sections to K.C.C. chapter 3.15.

PREAMBLE:

In the fall of 2000, the King County auditor submitted a management audit of the office of human resources management (OHRM) (now the human resources division). In it, the auditor

identified several serious problems related, but not limited to, the decision by the executive to relax hiring criteria, do away with promotional salary limitations and terminate restrictions on special duty pay. These changes lead to significant weakening of the essential safeguards necessary to maintain a fair and equitable personnel and fiscal management system.

To prevent these problems from manifesting themselves in the future and to ensure strict adherence to county personnel policies and procedures, this ordinance modifies the personnel requirements in the code. The basic goals of the ordinance are to:

Ensure better accountability from all of county personnel administrators and staff;

Clarify personnel policies and procedural requirements in areas identified as weak in the audit;

Guarantee fairer treatment of employees by standardizing initial hiring salaries; and strengthen fiscal responsibility. Personnel administrators and department heads will no longer be able to raise salaries, promote staff, give special duty or give out-of-class pay without either proper authorization or documentation, or both.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010 are each hereby amended to read as follows:

Definitions. All words shall have their ordinary and usual meanings except those defined in this section which shall have, in addition, the following meanings. In the event of conflict, the specific definitions set forth in this section shall presumptively, but not conclusively, prevail.

A. ~~((General definitions:~~

1-)) "Administrative interns" are employees who are also enrolled full-time during the regular school year in a program of education, internship or apprenticeship. All administrative internships in executive departments shall be approved by the ~~((director))~~ manager. Administrative interns are exempt from the career service under Section 550 of the charter.

~~((2.))~~ B. "Appointing authority" means the county council, the executive, chief officers of executive departments and administrative offices, or division managers having authority to appoint or to remove persons from positions in the county service.

~~((3.))~~ C. "Basis of merit" means the value, excellence or superior quality of an individual's work performance, as determined by a structured process comparing the employee's performance against defined standards and, where possible, the performance of other employees of the same or similar class.

~~((4.))~~ D. "Board" means the county personnel board established by Section 540 of the charter.

~~((5.))~~ E. "Career service employee" means a county employee appointed to a career service position as a result of the selection procedure provided for in this chapter, and who has completed the probationary period.

~~((6.))~~ F. "Career service position" means all positions in the county service except for those which are designated by Section 550 of the charter as follows: All elected officers; the county auditor, the clerk and all other employees of the county council; the county administrative officer; the chief officer of each executive department and administrative office; the members of all boards and commissions; administrative assistants for the executive and one administrative assistant each for the county administrative officer, the county auditor, the county assessor, the chief officer of each executive department and administrative office and for each board and commission; a chief deputy for the county assessor; one confidential secretary each for the executive, the chief officer of each executive department and administrative office, and for each administrative assistant specified herein; all employees of those officers who are exempted from the provisions of this chapter by the state constitution; persons employed in a professional or scientific capacity to conduct a special inquiry, investigation or examination; part-time and temporary employees; administrative interns; election precinct officials; all persons serving the county without compensation; physicians; surgeons; dentists; medical interns; and student nurses and inmates employed by county hospitals, tuberculosis sanitariums and health departments of the county.

Divisions in executive departments and administrative offices as determined by the county council shall

be considered to be executive departments for the purpose of determining the applicability of Section 550 of the charter.

All part-time employees shall be exempted from career service membership except, all part-time employees employed at least half time or more, as defined by ordinance, shall be members of the career service.

~~((7.))~~ G. "Charter" means the King County Charter, as amended.

~~((8.))~~ H. "Child" means a biological, adopted or foster child, a stepchild, a legal ward or a child of an employee standing in loco parentis to the child, who is:

~~((a.))~~ 1. ~~((u))~~ Under eighteen years of age; or

~~((b.))~~ 2. ~~((e))~~ Eighteen years of age or older and incapable of self care because of a mental or physical disability.

~~((9.))~~ I. "Class" or "classification" means a position or group of positions, established under authority of this chapter, sufficiently similar in respect to the duties, responsibilities and authority thereof, that the same descriptive title may be used to designate each position allocated to the class.

~~((10.))~~ J. "Classification plan" means the arrangement of positions into classifications together with specifications describing each classification.

~~((11.))~~ K. "Compensatory time" means time off granted with pay in lieu of pay for work performed either on an authorized overtime basis or work performed on a holiday which is normally scheduled as a day off. Such compensatory time shall be granted on the basis of time and one-half.

~~((12.))~~ L. "Competitive employment" means a position established in the county budget and which will require at least twenty-six weeks of service per year as the work schedule established for the position.

~~((13.))~~ M. "Council" means the county council as established by Article 2 of the charter.

~~((14.))~~ N. "County" means the county of King and any other organization that is legally governed by the county with respect to personnel matters.

~~((15-))~~ Q. "Developmental disability" means a developmental disability, as defined in RCW 71A.10.020 (2), as amended, attributable to mental retardation, cerebral palsy, epilepsy, autism or other neurological or other condition of an individual found by the secretary of the Washington state department of social and health services, or designee to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap for the individual.

~~((16-))~~ P. "Direct cost" means the cost aggregate of the actual weighted average cost of insured benefits, less any administrative cost therefor. Any payments to part-time and temporary employees under this chapter shall not include any administrative overhead charges applicable to administrative offices and executive departments.

~~((17-))~~ Q. "Director" means the ~~((chief officer of the administrative office of))~~ manager of the human resources ((management)) division.

~~18-))~~ R. "Division" means the human resources division or its successor agency.

S. "Domestic partners" are two people in a domestic partnership, one of whom is a county employee.

~~((19-))~~ T. "Domestic partnership" is a relationship whereby two people:

~~((a-))~~ 1. ~~((h))~~Have a close personal relationship;

~~((b-))~~ 2. ~~((a))~~Are each other's sole domestic partner and are responsible for each other's common welfare;

~~((c-))~~ 3. ~~((s))~~Share the same regular and permanent residence;

~~((d-))~~ 4. ~~((a))~~Are jointly responsible for basic living expenses which means the cost of basic food, shelter and any other expenses of a domestic partner which are paid at least in part by a program or benefit for which the partner qualified because of the domestic partnership. The individuals need not contribute equally or jointly to the cost of these expenses as long as they agree that both are responsible for the cost;

~~((e-))~~ 5. ~~((a))~~Are not married to anyone;

~~((i))~~ 6. ~~((a))~~Are each eighteen years of age or older;

~~((g-))~~ 7. ~~((a))~~Are not related by blood closer than would bar marriage in the state of Washington;

~~((h-))~~ 8. ~~((w))~~Were mentally competent to consent to contract when the domestic partnership began.

~~((20-))~~ U. "Employed at least half time or more" means employed in a regular position which has an established work schedule of not less than one-half the number of hours of the full-time positions in the work unit in which the employee is assigned, or when viewed on a calendar year basis, nine hundred ten hours or more in a work unit in which a work week of more than thirty-five but less than forty hours is standard or one thousand forty hours or more in a work unit in which a forty hour work week is standard. If the standard work week hours within a work unit varies (for instance, employees working both thirty five and forty hours), the ~~((director))~~ manager, in consultation with the department, is responsible for determining what hour threshold will apply.

~~((21-))~~ V. "Employee" means any person who is employed in a career service position or exempt position.

~~((22-))~~ W. "Executive" means the county executive, as established by Article 3 of the charter.

~~((23-))~~ X. "Exempt employee" means an employee employed in a position that is not a career service position under Section 550 of the charter. Exempt employees serve at the pleasure of the appointing authority.

~~((24-))~~ Y. "Exempt position" means any position excluded as a career service position by Section 550 of the charter. Exempt positions are positions to which appointment may be made directly without a competitive hiring process.

~~((25-))~~ Z. "Full-time regular employee" means an employee employed in a full-time regular position and, for full-time career service positions, is not serving a probationary period.

~~((26-))~~ AA. "Full-time regular position" means a regular position which has an established work schedule of not less than thirty-five hours per week in those work units in which a thirty-five hour week is

standard, or of not less than forty hours per week in those work units in which a forty-hour week is standard.

~~((27.))~~ BB. "Grievance" means an issue raised by an employee relating to the interpretation of rights, benefits, or condition of employment as contained in either the administrative rules ~~((and/))~~ or procedures, or both, for the career service.

~~((28.))~~ CC. "Immediate family" means spouse, child, parent, son-in-law, daughter-in-law, grandparent, grandchild, sibling, domestic partner and the child, parent, sibling, grandparent or grandchild of the spouse or domestic partner.

~~((29.))~~ DD. "Incentive increase" means an increase to an employee's base salary within the assigned pay range, based on demonstrated performance.

~~((30.))~~ EE. "Integrated work setting" means a work setting with no more than eight persons with developmental disabilities or with the presence of a sensory, mental or physical handicap as specified in K.C.C. 3.12.180~~((, as amended))~~. This definition refers to all county offices, field locations and other work sites at which supported employees work along side employees who are not persons with development disabilities employed in permanent county positions.

~~((31.))~~ FF. "Life-giving and life-saving procedures" means a medically-supervised procedure involving the testing, sampling, or donation of blood, organs, fluids, tissues and other human body components for the purposes of donation without compensation to a person for a medically necessary treatment.

~~((32.))~~ GG. "Manager" means the manager of the human resources division or its successor agency.

HH. "Marital status" means the presence or absence of a marital relationship and includes the status of married, separated, divorced, engaged, widowed, single or cohabiting.

~~((33.))~~ II. "Part-time employee" means an employee employed in a part-time position. Under Section 550 of the charter, part-time employees are not members of the career service.

~~((34.))~~ JJ. "Part-time position" means an other than a regular position in which the part-time employee is employed less than half time, that is less than nine hundred ten hours in a calendar year in a work unit in

which a thirty-five hour work week is standard or less than one thousand forty hours in a calendar year in a work unit in which a forty-hour work week is standard, except as provided elsewhere in this chapter. Where the standard work week falls between thirty-five and forty hours, the ~~((director))~~ manager, in consultation with the department, is responsible for determining what hour threshold will apply. Part-time position excludes administrative intern.

~~((35.))~~ KK. "Part-time regular employee" means an employee employed in a part-time regular position and, for part-time career service positions, is not serving a probationary period. Under Section 550 of the charter, such part-time regular employees are members of the career service.

~~((36.))~~ LL. "Part-time regular position" means a regular position in which the part-time regular employee is employed for at least nine hundred ten hours but less than a full-time basis in a calendar year in a work unit in which a thirty-five hour work week is standard or for at least one thousand forty hours but less than a full-time basis in a calendar year in a work unit in which a forty-hour work week is standard. Where the standard work week falls between thirty-five and forty hours, the ~~((director))~~ manager, in consultation with the department, is responsible for determining what hour threshold will apply.

~~((37.))~~ MM. "Pay plan" means a systematic schedule of numbered pay ranges with a minimum, maximum and intermediate steps for each pay range, a schedule of assignment of each classification to a numbered pay range and rules for administration.

~~((38.))~~ NN. "Pay range" means one or more pay rates representing the minimum, maximum and intermediate steps assigned to a classification.

~~((39.))~~ OO. "Pay range adjustment" means the adjustment of the numbered pay range of a classification to another numbered pay range in the schedule based on a classification change, competitive pay data or other significant factors.

~~((40.))~~ PP. "Personnel guidelines" means only those operational procedures promulgated by the ~~((director))~~ manager necessary to implement personnel policies or requirements previously stipulated by

ordinance or the charter. Such personnel guidelines shall be applicable only to employees assigned to executive departments and administrative agencies.

((41-)) QQ. "Position" means a group of current duties and responsibilities assigned by competent authority requiring the employment of one person.

((42-)) RR. "Probationary employee" means an employee serving a probationary period in a regular career service. Probationary employees are temporary employees and excluded from career service under Section 550 of the charter.

((43-)) SS. "Probationary period" means a period of time, as determined by the ((director)) manager, constituting the final step in the competitive screening process for career service or for promotion from one career service position to another. An appointment to the career service, whether following successful completion of an initial probationary period of county employment or a promotional probationary period, shall not be final unless the employee successfully completes this probationary period.

((44-)) TT. "Probationary period salary increase" means a within-range salary increase from one step to the next highest step upon satisfactory completion of the probationary period.

UU. "Provisional appointment" means an appointment made in the absence of a list of candidates certified as qualified by the ((director)) manager. Only the ((director)) manager may authorize a provisional appointment. An appointment to this status is limited to six months.

((45-)) VV. "Provisional employee" means an employee serving by provisional appointment in a regular career service. Provisional employees are temporary employees and excluded from career service under Section 550 of the charter.

((46-)) WW. "Recruiting step" means the first step of the salary range allocated to a class unless otherwise authorized by the executive.

((47-)) XX. "Regular position" means a position established in the county budget and identified within a budgetary unit's authorized full time equivalent (FTE) level as set out in the budget detail report.

~~((48.))~~ YY. "Salary or pay rate" means an individual dollar amount which is one of the steps in a pay range paid to an employee based on the classification of the position occupied.

~~((49.))~~ ZZ. "Serious health condition" means an illness or injury, impairment or physical or mental condition that involves one or more of the following:

~~((a.))~~ 1. ~~((a))~~An acute episode that requires more than three consecutive calendar days of incapacity and either multiple treatments by a licensed health care provider or at least one treatment plus follow-up care such as a course of prescription medication; and any subsequent treatment or period of incapacity relating to the same condition;

~~((b.))~~ 2. ~~((a))~~A chronic ailment continuing over an extended period of time that requires periodic visits for treatment by a health care provider and that has the ability to cause either continuous or intermittent episodes of incapacity;

~~((c.))~~ 3. ~~((i))~~In-patient care in a hospital, hospice or residential medical care facility or related out-patient follow-up care;

~~((d.))~~ 4. ~~((a))~~An ailment requiring multiple medical interventions or treatments by a health care provider that, if not provided, would likely result in a period of incapacity for more than three consecutive calendar days;

~~((e.))~~ 5. ~~((a))~~A permanent or long-term ailment for which treatment might not be effective but that requires medical supervision by a health care provider; or

~~((f.))~~ 6. ~~((a))~~Any period of incapacity due to pregnancy or prenatal care.

~~((50.))~~ AAA. "Temporary employee" means an employee employed in a temporary position and in addition, includes an employee serving a probationary period or is under provisional appointment. Under Section 550 of the charter, temporary employees shall not be members of the career service.

~~((51.))~~ BBB. "Temporary position" means a position which is not a regular position as defined in this chapter and excludes administrative intern. Temporary positions include both term-limited temporary positions

as defined in this chapter and short-term (normally less than six months) temporary positions in which a temporary employee works less than nine hundred ten hours in a calendar year in a work unit in which a thirty-five hour work week is standard or less than one thousand forty hours in a calendar year in a work unit in which a forty hour work week is standard, except as provided elsewhere in this chapter. Where the standard work week falls between thirty-five and forty hours, the ~~((director))~~ manager, in consultation with the department, is responsible for determining what hour threshold will apply.

~~((52.))~~ CCC. "Term-limited temporary employee" means a temporary employee who is employed in a term-limited temporary position. Term-limited temporary employees are not members of the career service.

Term-limited temporary employees may not be employed in term-limited temporary positions longer than three years beyond the date of hire, except that for grant-funded projects, capital improvement projects~~((;))~~ and information systems technology projects the maximum period may be extended up to five years upon approval of the ~~((director))~~ manager. The ~~((director))~~ manager shall maintain a current list of all term-limited temporary employees by department.

~~((53.))~~ DDD. "Term-limited temporary position" means a temporary position with work related to a specific grant, capital improvement project, information systems technology project or other nonroutine, substantial body of work, for a period greater than six months. In determining whether a body of work is appropriate for a term-limited temporary position, the appointing authority will consider the following:

~~((a.))~~ 1. ~~((g.))~~ Grant-funded projects: These positions will involve projects or activities that are funded by special grants for a specific time or activity. These grants are not regularly available to or their receipt predictable by the county;

~~((b.))~~ 2. ~~((i.))~~ Information systems technology projects: These positions will be needed to plan and implement new information systems projects for the county. Term-limited temporary positions may not be used for on-going maintenance of systems that have been implemented;

~~((c.))~~ 3. ~~((e.))~~ Capital improvement projects: These positions will involve the management of major

capital improvement projects. Term-limited temporary positions may not be used for on-going management of buildings or facilities once they have been built;

~~((d-))~~ 4. ~~((m))~~ Miscellaneous projects: Other significant and substantial bodies of work may be appropriate for term-limited temporary positions. These bodies of work must be either nonroutine projects for the department or related to the initiation or cessation of a county function, project or department;

~~((e-))~~ 5. ~~((s))~~ Seasonal positions: These are positions with work for more than six consecutive months, half-time or more, with total hours of at least nine hundred ten in a calendar year in a work unit in which a thirty-five hour work week is standard or at least one thousand forty hours in a calendar year in a work unit in which a forty hour work week is standard, that due to the nature of the work have predictable periods of inactivity exceeding one month. Where the standard work week falls between thirty-five and forty hours, the ~~((director))~~ manager, in consultation with the department, is responsible for determining what hour threshold will apply~~(('))~~; and

~~((f-))~~ 6. ~~((t))~~ Temporary placement in regular positions: These are positions used to back fill regular positions for six months or more due to a career service employee's absence such as extended leave or assignment on any of the foregoing time-limited projects.

All appointments to term-limited temporary positions will be made by the appointing authority in consultation with the ~~((director prior to))~~ manager before the appointment of term-limited temporary employees.

SECTION 2. Ordinance 12014, Section 32, and K.C.C. 3.12.350 are each hereby amended as follows:

Administration - ~~((P))~~personnel ~~((G))~~guidelines. A. The ~~((director))~~ manager shall ~~((promulgate))~~ adopt personnel guidelines for the purpose of implementing the directives, policies and standards contained in this chapter and in Article 5 of the charter.

Such personnel guidelines shall be subject to approval by the executive. Before adoption, amendment or repeal of any guideline, the division shall give at least forty-five days' notice of its intended action by filing

notice with the clerk of the council and mailing notice of the intended action to each member of the council, each department director and agency head, each collective bargaining unit that has a collective bargaining agreement with the county, the chief of staff of the council and the council policy staff director, or their successors. After adoption of the guideline, the division shall post all guidelines to the Internet.

B. The personnel guidelines shall include, but not be limited to, the following subjects:

1. Purpose, objectives and intent;
2. Definitions;
3. Pre((-))employment administration:
 - a. ((R))role of the ((director)) manager and the ((office of human resources management,)) division;
 - b. ((R))recruitment procedures((;));
 - c. ((A))application procedures((;));
 - d. ((E))examinations((;));
 - e. ((E))employment lists((;));
 - f. ((C))certification((;));
 - g. ((A))appointment((;)); and
 - h. process requirements of ((E))equal employment opportunity((, process requirements));
4. Post((-))employment administration:
 - a. ((R))role of the ((office of)) human resources ((management and appointing authority,)) division;
 - b. ((P))probationary periods((;));
 - c. ((C))classification system((;));
 - d. ((E))employee performance evaluation((;));
 - e. ((D))disciplinary procedures;
 - f. ((S))separation, including reductions in force((;));
 - g. ((E))employee relations((;)); and

- h. process requirements of ((E))equal employment opportunity((, process requirements));
- 5. Special duty;
- 6. Grievance and appeals procedures:
 - a. ((R))role of the ((office of)) human resources ((management)) division and departments, including relationship and processes of the equal employment program((;));
 - b. ((R))role of the ((director,)) manager;
 - c. ((G))grievance procedures((;));
 - d. ((A))appeals procedures((;)) and
 - e. ((R))role of the personnel board;
- ((6-)) 7. Conditions of employment;
- ((7-)) 8. Employee benefits;
- ((8-)) 9. Procedures for leaves of absence; and
- ((9-)) 10. Procedures for salary and administration.

NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 3.15 a new section to read as follows:

Definitions. The definitions in K.C.C. 3.12.010 apply to this chapter.

SECTION 4. Ordinance 12014, Section 50, as amended, and K.C.C. 3.15.020 are each hereby amended to read as follows:

Procedures. The provisions of this section shall be applicable to all positions in the executive branch, noncommissioned positions in the office of the sheriff and the department of assessments allocated to a classification assigned a pay range in Ordinance 7996, Sections 3((;)) and 4, as amended, and ((10, as amended)) K.C.C. 3.15.040.

A. Except as otherwise provided by ordinance, the schedule of pay ranges shall consist of ninety-nine pay ranges, each containing ten steps as approved in the annual cost-of-living ordinance.

B. Employees may receive within-range increases from one step to the next higher step, upon satisfactory completion of the probationary period and annually thereafter as provided ~~((below:))~~ in 1. through 3. of this subsection B. The manager shall adopt guidelines and criteria for salary advancement for satisfactory work consistent with K.C.C. 3.12.350.

1. ~~((Upon completion of the probationary period, an employee's salary shall be advanced to Step 2, if the rate currently paid is Step 1; if the employee's initial salary is at Step 2, or higher, it may be advanced at the discretion of the appointing authority to the next higher step.))~~ All probationary period salary increases must be supported by performance appraisal. Probationary period salary ((1))increases exceeding Step 5 must ((be approved)) have prior written approvals by the department director and the manager of the human resources division. In the event of the completion of the probationary period by a division of human resources employee, in addition to the manager of the human resource division, the county administrative officer must provide prior written approval for probationary period salary increases exceeding Step 5. A written report listing the number of employees who have received probationary increases above Step 5 must be made semiannually to the council management, labor and customer services committee or its successor.

2. Annual step incentive increases shall be prospective and given on January 1 ~~((of the year following the prior year fall performance appraisal))~~ with prior written approval and justification by the department in which the employee works. The manager of the human resources division shall establish guidelines consistent with this chapter for incentive pay increases.

3. Employees are eligible for a step increase on the basis of performance and current step position as authorized in the incentive pay program step increase ~~((guide-))~~ guidelines, in accordance with the following, as applicable:

a. In recognition of above-standard or exceptional performance, the appointing authority may grant an annual increase exceeding a single step~~((.))~~;

b. Increases beyond Step 5 must be based upon above standard performance and must be supported

by performance appraisal~~((:))~~;

c. Increases beyond Step 8 must be based upon outstanding performance and must be supported by performance appraisal~~((:))~~; or

d. Employees receiving incentive increases whose current salary does not coincide with a step on the pay plan shall be advanced to a step on the pay plan which shall be the next higher step after such an incentive increase.

C.1. An appointing authority may grant to an employee~~((:))~~ an increase to a salary above the top step of the range if all of the following conditions are met:

~~((1.))~~ a. The employee is not a department director~~((:))~~;

~~((2.))~~ b. The employee must have been at the top step of the range for at least two consecutive years~~((:))~~; and

~~((3.))~~ c. The employee must have demonstrated continuous outstanding performance, which must be supported by performance appraisal.

~~((4.))~~ 2. Incentive increases must have prior written approval by the department director, which must be maintained in the employee's personnel file;

3. Incentive increases above the top step may not exceed five percent.

~~((5.))~~ 4. Incentive increases above the top step will be in effect for twelve months only. Such increases must be justified each year by ~~((meeting the above specified conditions))~~ subsection C.1. through 3. of this section.

D. All incentive increases are subject to the availability of funds. Within-range incentive increases are not automatic but shall be given only upon the affirmative action of the appointing authority within the guidelines established by the ~~((director))~~ manager.

NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter 3.15 a new section to read as follows:

Salary upon initial employment. A. New county employees shall normally start at the first step of the salary range. If necessary for recruitment, however, the department director on occasion may authorize an offer of a higher salary step in order to attract an exceptionally qualified candidate. In the event that a department director determines it is necessary to hire above the first step, a copy of the appointment letter, together with a statement of the reason for hiring above the first step, must be provided to the manager of the human resources division at the time of hire. The following are criteria, one of which must be met, in order to hire above the first step:

1. The candidate's education and experience are significantly above the minimum requirements for the position;
2. The candidate has an especially desirable skill, talent, knowledge or ability;
3. The candidate has a current salary that is above the first step of the of the salary range; or
4. The candidate has a competing written, formal offer of employment that is above the first step of the salary range.

B. The county administrative officer or his or her designee then may give approval to hire an applicant above Step 5. In such cases, the county administrative officer or his or her designee must issue prior written approval to the department director and send a copy of the written notification to the executive.

C. The executive shall report in writing on a semiannual basis to the council's management, labor and customer services committee or its successor on the number of instances where persons are hired above Step 5.

NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 3.15 a new section to read as follows:

Salary on promotion. A.1. If an appointing authority promotes an employee, the employee must be placed the greater of:

- a. step 1 of the new salary range; or
- b. the step that constitutes a two-step increase or approximately five percent above the former rate of

pay.

2. A promotional salary increase may not exceed the top step of the new range, except if the former salary step includes an above-Step-10 amount as a result of an incentive increase. If the former salary step includes an above-Step-10 amount as a result of an incentive increase, the employee's new salary is based upon the above-Step-10 amount. If the promotional increase results in a salary that is above the top step of the new range, the salary shall be reduced to the top step at the end of the merit period unless the employee requalifies for an above-Step-10 merit award. The promotional salary increase may not exceed five percent above the top step in any case.

B. If a promotion results from other than a reclassification, the promoted employee may be placed at a higher step in the salary range when the department director determines this action is warranted, if the criteria and procedures in section 5 of this ordinance are met and if funds are available in the agency.

NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 3.15 a new section to read as follows:

Assignment to special duty. A. An appointing authority, with the prior written approval of the department director, may temporarily assign an employee to special duty under either of the following conditions:

1. Temporarily assigning the work of a higher level classification to the employee. This work must comprise the majority of the work performed; or

2. The employee is designated as a lead worker, if both of the following conditions exist:

a. There is a need for limited supervisory authority to perform certain duties, for example, to assign and distribute work or to maintain a balanced workload among employees who are in the same classification or a classification that has the same salary range. Such an assignment does not preclude lower level positions from being in the work group being led and does not preclude employees in lower level job classifications from serving as the lead for a work group in which there are employees in higher level positions; and

b. The duties listed in subsection A.2.a. of this section do not justify reclassifying the position.

B. An appointing authority may assign an employee to special duty for a maximum of six months. A special duty assignment may be extended to a maximum of twelve months if authorized in advance in writing by the department director prior to the expiration of the initial six-month period. Special duty assignments may be extended for a total of eighteen months if authorized in advance in writing by the department director and the manager of the human resources division prior to the expiration of the one-year period. Any further extensions must be authorized in writing in advance by the county administrative officer or his or her designee, 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 where an incumbent employee is absent because of an extended leave of absence for a medical disability, as required under reasonable accommodation provisions of applicable state or federal law, military reserve duty or performance of a project where a higher level of work has a definite termination date. Extensions beyond eighteen months are limited to a maximum of six months and must be authorized only by the county administrative officer. Special duty assignments may not exceed two years in duration.

C. A special duty assignment must be made in writing to the employee before the beginning of the assignment. The written notice must list the specific duties that the employee is to perform and the duration of the assignment. It 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.

D. An employee who is assigned to special duty based upon lead worker responsibilities must receive an increase to a salary step that most closely approximates a five percent increase within the employee's current salary range. If the special duty assignment involves working in a higher job classification, the increase shall be to the first step of the salary range of the higher level job classification or to a salary step in the higher classification that most closely approximates five percent over the employee's current rate of pay, whichever is

greater.

E. Special duty compensation may not exceed the top step of the new range except in the following two situations:

1. For a lead worker assignment where compensation may exceed the maximum of the pay range by no more than five percent; or

2. Where the employee was receiving above-Step-10 merit pay, the pay may exceed the maximum of the new salary range by no more than five percent and it shall continue only as long as the merit pay would have remained in effect.

F. When the special duty assignment is completed, the employee's salary shall revert to the salary rate at which the employee would have been if the employee had not been assigned to special duty.

G. Special duty pay may not be awarded retroactively.

SECTION 8. All special duty assignments in effect on December 31, 2001, shall terminate on or before December 31, 2002. This ordinance governs any special duty assignments made on or after the effective date of this ordinance.

SECTION 9. This ordinance takes effect January 1, 2002.