

- o This avoids any problems with division of powers since the legislative branch employees would be under the legislative branch personnel system(s).

Against:

- o Having all legislative branch employees outside of a career service system leaves the legislative branch open to the possibilities of patronage or non-merit based hiring and treatment of staff.
- o There is already a violation of the division of powers among branches of county government as provided in the Charter. The Council approves Executive department director appointments.

RECOMMENDATION:

The Technical Committee found that:

- (1) It would be beneficial to both County operations and County employees if the number of separately administered personnel systems were reduced to the extent possible and that employees are part of the Career Service System or a similar system administered by the Personnel Division; and
- (2) The administration of a personnel system has been an issue in the transfer of the Health Department from Seattle to King and may be an issue in the transfer of other responsibilities to the County in the future. To the extent possible, it would be desirable to provide flexibility to the County in negotiating the transfer to such responsibilities.

The Technical Committee recommended that Section 550 of the Charter be amended to put all separately administered personnel systems, including the Council's, under the administration of the Executive (Personnel Division) and provide flexibility for negotiating the administration of personnel systems in any future negotiations regarding the transfer of new responsibilities to the County (Alternative 2).

The Commission considered this issued on March 22, May 17 and 24, 1988. It failed to approve the Technical Committee's recommendation.

REFERENCE MATERIALS:

Files of the original Board of Freeholders.

DG:ew23.1

Combined Suggested Charter Revisions to Section 550

Section 550. Career Service Positions.

All county employees and officers shall be members of the career service except those in the following positions: all elected officers; the county auditor, the clerk, and all appointed employees of the county council; ~~((the county administrative officers);~~ the deputy county executive; the chief officer of each executive department and administrative officer; the chief officer of each division within an executive department or administrative office; all key subordinate units as determined by the county council by ordinance; the members of all boards and commissions; administrative assistants for the county executive and one administrative assistant each for the ~~(county administrative officer,)~~ deputy county executive, the county auditor, the county assessor, the chief officer of each executive department and administrative office and designated divisions therein, and for each board and commission; a chief deputy for the county assessor; one confidential secretary each for the county executive, the chief officer of each executive department and administrative office and designated divisions therein, and for each administrative assistant specified herein; all employees of those officers who are exempted from the provisions of this charter by the state constitution; persons employed in a profession or scientific capacity to conduct a special inquiry, investigation or examination less than half-time, part-time employees to be defined by ordinance 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.

Suggested Charter Revisions to Section 550

For Consolidating Personnel Systems - Alternative 2

Section 550. Career Service Positions.

All county employees and officers shall be members of the career service or a separate personnel system consistent with Sections 510, 520 and 530 of this charter except those in the following positions: all elected officers; the county auditor, the clerk, and all (~~other~~) appointed employees of the county council.

...and personnel transferred to the county as a result of an interlocal agreement between the county and another public agency if so provided in the interlocal agreement.

Suggested Charter Revision to Section 550

For Consolidating Personnel Systems - Alternative 3

Section 550. Career Service Positions.

All county employees and officers shall be members of the career service ...except those in the following positions: all elected officers; the county auditor, the clerk of the council, and all other employees of the (~~county council~~) legislative branch.

The Commission considered this issue on March 22, May 17 and 24, 1988.

Failed to pass the recommendation.

1987 CHARTER REVIEW ISSUE SUMMARY

ISSUE SUBJECT: Eliminate Career Service or modify it to be less cumbersome

ISSUE RAISED BY: Councilmember Gary Grant

DESCRIPTION OF ISSUE:

Councilmember Grant thinks the Career Service system has become too cumbersome. He believes the system spends too much time measuring applicants' experience and therefore is not a good system for filling position vacancies. He further believes that patronage works better, especially with unions, and that the employees can be protected from unreasonable actions and discharges through a negotiated agreement. He believes that Career Service employees have super rights which are not warranted.

ALTERNATIVES:

- (1) Career Service system could be abolished.
- (2) Career Service system could be modified.

PROPOSED CHARTER REVISION:

Article 5 would have to be re-written to delete any reference to a merit based system of employment if the Career Service is abolished. If modified, no Charter revisions are necessary. A specific modification or change example, due to the length of Article 5, would be too lengthy to include in this summary.

SUMMARY OF ARGUMENTS FOR AND AGAINST CHARTER REVISION:

For:

- o There exist no argument which would support elimination of a merit based system of employment. The elimination of a system of employment based upon demonstrated ability and replacement with a system based upon patronage would be regressive in that it would represent a return to a "spoils" system with the potential for all of the abuses which merit based systems of employment eliminated.

Against:

- o The Career Service System as constituted is a superior merit based system of employment due to its accountability being to the Executive rather than to an independent commission answerable to no one. If procedurally the system is too cumbersome, then procedures can be modified.
- o In fact, a complete review and overhaul of the Administrative Guidelines by which the Career Service system is administered is being undertaken. Users of the process are being asked for suggested improvements and will have those improvements incorporated to the extent which accepted professional personnel principles will allow.

- o Regarding the length of time required to fill vacant positions, a 1986 study of a major department's experience revealed that out of 151 vacancies filled in 1986, for which names were certified by the Personnel Division, the average time taken for the recruitment/examination/certification process was 37 days. While turnaround time for requisitions has increased dramatically since 1982 when 60% were received and processed within seven days, the increase has been largely a product of volume and staffing considerations rather than a problem with the Career Service system.
- o We do not understand the reference to "super rights" of Career Service employees, and thus are unable to respond to this statement, other than to say that the rights of union represented employees tend to be superior to those of non-represented employees.
- o A return to a spoils system would likely be opposed by all local good-government groups, the general populace of the County, and current County employees.

RECOMMENDATION:

The Technical Issues Committee finds that:

- o The County's Career Service System, while not entirely without problems, is basically sound and should be retained.
- o A number of personnel issues have been raised which exceed the ability of the Technical Committee to address due to the limited time available to the committee and the complexity of the issues.
- o While these issues could be resolved through extensive changes to Article 5 of the Charter, these changes appear to be inconsistent with the general policy-setting nature of the Charter. It also appears that many of these issues could be resolved through ordinance or changes in administrative practices.
- o These issues are of sufficient magnitude as to indicate that there are problems with the Career Service System which merit thorough study and consideration.

The Technical Committee recommended to recommend to the County Executive and County Council that a study of the County's Career Service system should be conducted to identify problems with that system and to develop solutions for those problems. This study should be conducted objectively with substantive participation of county employees and personnel administrators at all levels of County government. Particular attention should be given to the issues raised by the Personnel Board and the King County Employees Council.

The Commission considered this issue on March 29 and May 24, 1988. The Commission gave final approval to the Technical Committee's recommendation to study the County's career service system.

REFERENCE MATERIALS:

"Administrative Guidelines for the Career Service," copies of which can be obtained from the Personnel Division.

Files compiled by the Board of Freeholders, whose work in the late 1960's led to the current King County Charter.

DG:ew24.1

1987 CHARTER REVIEW ISSUE SUMMARY

ISSUE SUBJECT: Strengthen the Personnel Board

ISSUE RAISED BY: Councilwoman Lois North, Personnel Board

DESCRIPTION OF ISSUE:

The King County Charter established the Personnel Board to be the final step in an appeals process for employee grievances. The Board has five members, four of whom are appointed by the Executive and confirmed by the Council and one who is elected by Career Service employees. Each serves a staggered term of five years.

In recent years, the King County Personnel Board has taken various steps to improve its procedures and to be a constructive force in fostering good employee relations and stable employment practices, but the Board has been limited by Charter provisions and available resources. There are three problem areas which could be addressed through the Charter.

1. Resources: The Personnel Board should have staff support commensurate with its mission and duties. The Board has only \$2,000 for per diem for Board members, clerical assistance, postage and incidentals. Members are paid \$50.00 per day for full day hearings. While this is helpful, it is limited.

The several Board members who regularly attend hearings and meetings and research and write Board rulings have recently spent twenty to thirty days a year on Board business. Several very able members have been forced to resign or to miss many hearings because of the demands that result from the lack of administrative and professional resources that are common to boards of this type coupled with the lack of compensation. The Seattle Civil Service Commission pays its members approximately \$4,500 per year. The Washington State Personnel Board pays its members \$100 per day, plus mileage. The King County Personnel Board needs additional funding to prepare awards and to provide the problem-solving assistance recommended in the third issue below.

2. Independent Review of Proposed Personnel Ordinances: A second set of issues concerns the Board's capacity to play a constructive and independent role in fostering a fair and effective employment system. The Board is obligated by the Charter to report annually to the County Executive regarding ideas and methods for improving the personnel system. The reporting mechanism has not proved effective since there is neither an opportunity to make effective recommendations prior to changes being made, nor is there any resource available to the Board to carry out a proper evaluation of the personnel system or particular issues. Thus, the Board is without the means to make known its views at timely junctures and without the authority or resources to make effective and well-informed recommendations.

Most other similarly situated boards not only have an appeals adjudication function, but they also are an independent authority to review major changes in the personnel rules and regulations. While it is not necessarily that the Board should review all change in the personnel guidelines, there is a need for independent review of matters that require changes in ordinance. Such review authority would permit the Board's judgment and evaluation to be considered before revisions were adopted. The Board should not become involved in wage-setting or in making procedural changes to the system. However, a strong review function and the capacity to carry it out are necessary.

3. Better Capacity for Constructive Resolution of Appeals: There is a need to make the Board and the appeals process better able to promote problem solving and conflict resolution. There is a tendency of the existing grievance and appeals process to polarize issues and people and to continue, rather than to resolve, conflicts. The Board believes, and interested people on both sides in the employee relations professionals believe, that a grievance procedure should not exacerbate problems, but rather it should provide a process for solving problems. The Personnel Board and the related appeals system can and should play a much larger role in resolving conflict rather than continuing merely to provide a forum for its continuance and finally to adjudicate it. Currently, employee grievances, especially those that are appealed, can take from six months to three years to be resolved. A two-year wait is not unusual. The cost to the employee and the county in good will and productivity, as well as in direct costs of legal fees, personnel office time and the like, are substantial. Hence, it is proposed that revisions in the Charter language give the Board the capacity to provide, through its members or other resources, conflict resolution by mediation, expedited arbitration, and other means, and that the Board have a mandate to encourage resolution at lower levels of the appeals process. The Board believes it is critical that the capacity for problem solving and conflict resolution be improved.

ALTERNATIVES:

- (1) Make compensation to Personnel Board members mandatory and consistent with similar boards.
- (2) Make adequate funding for the Personnel Board mandatory.
- (3) Mandate Personnel Board involvement in the development/revision of personnel rules.
- (4) Allow the Personnel Board to engage in dispute resolution as a step prior to appeal in a public hearing.

PROPOSED CHARTER REVISION: See attached material.

Alternative (1): Make compensation to Personnel Board members mandatory and consistent with similar boards.

SUMMARY OF ARGUMENTS FOR AND AGAINST REVISION:

For:

- o The Board compensation should be increased to be commensurate with its responsibilities and work load. Compensation should be consistent with compensation provided to similar boards.
- o Better compensation will ensure that quality people will be willing to serve on the Board.
- o Without mandatory provisions, the possibility of withholding or reducing compensation is a threat to the Board's independence.

Against:

- o The Personnel Board members are already being compensated for their services. It is unlikely, due to public pressure, that withdrawal or reduction of compensation would be used as a threat to the Board's independence.
- o The proposed language is too detailed for the charter. Including specific groups is too limiting. Comparison with other groups should be an administrative decision. There are likely to be disagreements over who should make this determination and what the proper level of compensation should be. If the Personnel Board needs increased compensation, it should present a documented request and make a proposal during the annual budget process.
- o Existing Charter language on per diem for the Personnel Board is consistent with that for the Board of Appeals in Section 710.

Alternative (2): Make adequate funding for the operation of the Personnel Board mandatory.

~~SUMMARY OF ARGUMENTS FOR AND AGAINST REVISION:~~

For:

- o This will ensure that the Personnel Board has sufficient funds to meet its workload and mandated responsibilities.
- o This ensures that withdrawal or reduction of funds cannot be used to limit the independence of the Personnel Board.

Against:

- o The proposed language is not consistent with the Board of Appeals in Section 710.

- o The County Executive proposes and the Council approves funding for the Board. Public pressure on these elected officials would prevent withdrawal or reduction of funds to be used to limit the Board's independence.

Alternative (3): Mandate the involvement of the Personnel Board in the development or revision of personnel rules.

SUMMARY OF ARGUMENTS FOR AND AGAINST REVISION:

For:

- o This language is necessary to ensure that the Personnel Board is not ignored in the development of new personnel rules or revisions to existing personnel rules, and that opportunities are presented to the Board allow for effective participation in such development.

Against:

- o The language is too detailed for the Charter. It is too hard to define "timely manner." The language would tend to result in disagreements over whether the provision was being carried out. The language is not appropriate as it is addressing an essentially administrative process. It would be more appropriate to address this through an ordinance.
- o The Executive, Council and Personnel Division could involve the Personnel Board in the development/revision of personnel rules but could ignore the Personnel Board's comments, even with proposed Charter language.

Alternative (4): Allow the Personnel Board to engage in dispute resolution as a prior step to appeal in a public hearing.

SUMMARY OF ARGUMENTS FOR AND AGAINST REVISION:

For:

- o There should be more alternatives to resolving personnel issues than a formal public hearing. This tends to exacerbate rather than reduce personnel problems.

Against:

- o Personnel procedures already provide for conflict resolution processes and could be strengthened through administrative decisions and/or ordinance.
- o If the Personnel Board gets involved in conflict resolution, it may not be in a position to objectively act on an appeal in a public hearing.

1987 CHARTER REVIEW ISSUE SUMMARY REPORT

ISSUE SUBJECT: Clarify status of divisions, subordinate units and other organizational entities.

ISSUE RAISED BY: General issue.

DESCRIPTION OF THE ISSUE:

The Charter, as originally adopted, calls for only two organizational entities within the Executive branch, (a) administrative offices and (b) executive departments.

- o Since the Charter was adopted, some of the original departments were consolidated with others to form "divisions" within departments.
- o Additionally, certain organizational entities which have significantly important policy-related functions to merit special recognition, have been identified and are classified "key subordinate units." These organizational entities may or may not be part of a department or division.

The significance lies in the fact that these organizational entities are not provided for in the Charter's Chapter 3 which describes the Executive branch, consequently, they are not included in Section 550 which identifies those positions exempt from the career service personnel system.

The Council and the Executive have effectively made these positions exempt by passing an ordinance which "bridges the charter" by stating that division managers and chief officers of key subordinate units shall be the same as department directors for the purpose of determining exempt status under Section 550.

Should the Charter be amended to recognize this situation or should reliance be continued on a "bridging" ordinance?

ALTERNATIVES:

1. No change. Rely on the bridging ordinance.
2. Amend Section 310 to include departmental divisions as an organizational unit, and Section 550 to include division managers and chief officers of key subordinate units to be exempt from career service provisions.

PROPOSED CHARTER REVISION:

Section 310. Composition and Powers.

The executive branch shall be composed of the county executive, (~~the county administrative officer~~) the deputy county executive, the county

RECOMMENDATIONS:

See Issue No. PER-3 Eliminate or modify the Career Service System.

The Technical Committee found that:

- o A number of Personnel Board issues have been raised which exceed the ability of the Technical Committee to address due to the limited time available to the committee and the complexity of the issues.
- o While these issues could be resolved through extensive changes to Article 5 of the Charter, these issues could also be addressed through ordinance or changes in administrative practice rather than the more extreme measure of Charter revision.

The Technical Committee recommended to recommend to the County Executive and County Council that study of the Personnel Board be conducted to identify problems with that board and to develop solutions for those problems. This study should be conducted objectively with substantive participation of County employees and personnel administrators at all levels of County government. Particular attention should be given to the issues raised by the Personnel Board and the King County Employees Council before the Technical Committee.

The Commission considered this issue on March 29 and May 24, 1988. The Commission gave final approval to the Technical Committee's recommendation.

REFERENCES:

King County Charter Section 540. The Personnel Board.

DG:ew25.1

Revisions to the King County Charter
Proposed by the King County Personnel Board

Section 540. The Personnel Board.

There shall be a personnel board composed of five members, four of whom shall be appointed by the county executive subject to confirmation by a majority of the county council. One member of the personnel board shall be elected by secret ballot by the county employees who are members of the career service according to the procedure established by ordinance. A personnel board member shall serve a five year term and until his successor is appointed or elected, with one member being appointed each year. A majority of the county council, but not the county executive, may remove a personnel board member for just cause after written charges have been served on the personnel board member and a public hearing has been held by the county council. The county council (may) shall provide for the compensation of personnel board members (on a per diem basis) in an amount consistent with compensation for service on similar personnel and labor boards, commissions, and arbitration panels. The county council shall provide the necessary funds for the personnel board to perform its functions.

The personnel board shall report at least once a year to the county executive concerning the operation of the personnel system with any recommendations it may have for its improvement. The personnel board shall review and report to the county executive and county council on any proposed changes in personnel ordinances. The personnel board shall receive copies of such proposed changes in a timely manner to permit the personnel board to submit written and oral testimony.

Any member of the career service may appeal to the personnel board from any action pertaining to the methods of examination, appointment or promotion; from any suspension for more than sixty days, reduction in rank or pay, or removal; and from any classification or reclassification of positions. The personnel board may endeavor to resolve the issues from which an appeal arises by employing problem solving and dispute resolution techniques, as it deems proper, in the event the issues are not resolved, (1)the personnel board shall hold a public hearing to consider (an) the appeal and shall issue such orders as it deems proper including but not limited to the restoration of rank or pay, with or without loss of benefits and pay, and the allocation and reallocation of positions. The decision of the personnel board shall be final unless reviewed by a court of competent jurisdiction.