

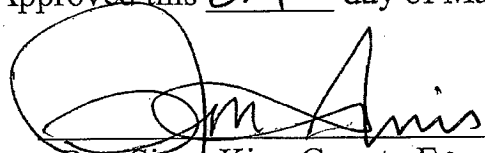


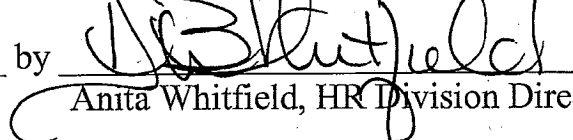
KING COUNTY

PERSONNEL GUIDELINES

EFFECTIVE: APRIL 1, 2005

Approved this 24 day of March 2005.


Ron Sims, King County Executive

Adopted on 4/1/05 by 
Anita Whitfield, HR Division Director

(Original title page will be signed by County Executive Ron Sims and retained in the files of the Human Resources Division)

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KING COUNTY PERSONNEL GUIDELINES

Chapters 3.12 and 3.15 of the King County Code, under the authority of Article 5, Section 530, of the King County Charter, establish King County's personnel system. Section 520 of the charter and 3.12.350 of the code authorize implementation of these Personnel Guidelines.

Much of the language used in the Personnel Guidelines is quoted directly from the King County Code. For ease of identification, this language appears in italics in these guidelines. With the exception of code definitions used in the glossary section, which are excerpted from KCC 3.12.010, specific code citations appear in italics. Where a code provision is not directly quoted, the citation is referenced but not italicized. When these guidelines add clarification to code language, these insertions are not italicized and are bracketed.

Nothing in these guidelines forms a contract. These general guidelines do not constitute promises of specific treatment in specific situations. King County retains the right to modify the policies and procedures in these guidelines from time to time with or without notice.

1. GENERAL INFORMATION

1.1. Executive Authority

The County Executive, as the chief executive officer of the county, has all executive powers that are not vested in other elective officers by the County Charter. The County Executive, department directors, division directors, agency administrators and other persons having lawful authority to appoint or remove employees from county service may delegate those duties that may be legally delegated.

1.2. Employees Covered by these Guidelines

These guidelines apply to career service employees and, where indicated, exempt employees in the executive branch. These guidelines do not apply to employees in the judicial or legislative branches or to employees in the office of the prosecuting attorney.

1.3. Effect of Collective Bargaining

When a collective bargaining agreement establishes a condition of employment, benefit or procedure which conflicts with a condition, benefit or procedure established by [KCC Chapter 3.12] or otherwise by ordinance, the collective bargaining agreement shall take precedence with respect to those employees covered by the agreement, so long as the following conditions are met:

- A. The condition of employment, benefit or procedure created by the agreement is lawful; and*
- B. The agreement has been adopted by the council by ordinance. Adoption of the agreement by ordinance shall be deemed an amendment of [KCC Chapter 3.12 and these guidelines] only with respect to the affected employees and subject condition, benefit or procedure.*

(KCC 3.12.360)

1.4. Severability

If, for any reason, any part of these guidelines is held to be invalid, unconstitutional, or inconsistent with statute, that finding will not affect the validity of any other part of the guidelines.

2. EQUALITY OF COUNTY EMPLOYMENT

2.1. Equal Employment Opportunity

The county is an equal opportunity employer and shall carry out federal, state and local laws and regulations prohibiting discrimination in employment on the basis of race, color, creed, religion, national origin, sex, sexual orientation, marital status or the presence of a sensory, mental, or physical disability. Further, it is the intent of the county to insure that employment is based on the principle of equal opportunity and that such principle shall be implemented in all county personnel-related actions including, but not limited to, recruitment, hiring, testing, training, promotion, compensation, transfer and all other terms and conditions of employment in all job classifications.

(KCC 3.12.180 A)

See also the county's equal employment opportunity policy contained in the affirmative action plan.

2.2. Affirmative Action Plans

It is the policy of the county that, until the effects of inequality in employment opportunity within the county are eliminated, all county departments shall establish and maintain an effective affirmative action plan of employment, as adopted by the council by ordinance. Such affirmative action plan shall promote the objectives of public policy set forth in applicable federal and state law, including constitutions, statutes, regulations, and executive orders, relating to nondiscrimination, equal employment opportunity, affirmative action, and civil rights. Specifically, the plan shall promote the objectives of the State Law Against Discrimination, RCW Title 49 (applicable parts), and provisions of the Washington Administrative Code adopted thereunder. As part of the county's affirmative action plan, the Executive shall submit by November 30th of every other year, commencing with 1990, a biennial affirmative action master plan pertaining to the appropriate county departments and agencies to be approved by the council by ordinance. Such plan shall include policies and procedures for the implementation of county affirmative action programs and shall set forth proposed availability rates for protected groups designated by the county in employment.

(KCC 3.12.180 B)

3. CAREER SERVICE AND PERSONNEL GUIDELINES ADMINISTRATION

A. *The executive shall be responsible for the administration of the county personnel system in accordance with the policies and standards established by [KCC Chapter 3.12], which shall constitute the personnel rules of the county. The [Human Resources Director] as the Executive's designee shall be responsible to administer the personnel system and directly-related affairs of the county to include collective bargaining; provided, that such a role will not infringe on the authority of the county administrative officer to exercise supervisory authority on those matters not directly relating to the formal administration of the county's personnel system.*

(KCC 3.12.330 (part))

B. *The [Human Resources Director] shall adopt personnel guidelines for the purpose of implementing the directives, policies and standards contained in [KCC Chapter 3.12] 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 guidelines, the division shall post all guidelines to the Internet.*

(KCC 3.12.350 A)

4. TENURE OF EMPLOYEES AND POSITIONS

The tenure of each employee shall be subject to the rendering of efficient service. Career service employees may be removed only for cause, as specified by [KCC Chapter 3.12]; provided, that such cause need not be demonstrated where an employee is retired or is laid off in accordance with the provisions of [KCC Chapter 3.12]. Exempt employees serve at the pleasure of the appointing authority. Nothing in this section shall derogate from the county's power to abolish positions and lay off employees because of lack of work, lack of funds, or considerations of efficiency.

(KCC 3.12.310)

5. CLASSIFICATION

5.1. Classification Plan

- A. *The [Human Resources Director] shall develop and maintain a classification plan for all positions within the career service system. The plan shall provide that all positions that are substantially similar as to kind, difficulty and responsibility of work are included in the same classification.*
- B. *The classification plan should set forth for each career service classification a title, a definition, distinguishing characteristics, representative examples of work and the knowledge and skills necessary to perform the work.*
- C. *The [Human Resources Director] should, on a continuing three-year cycle, review the classification plan, and may add, combine, abolish or revise the specifications or establish new classifications, as provided in KCC [3.15.040].*

(KCC 3.15.025)

5.2. Position Classification Review

- A. *Whenever reorganization, change in job content or council action causes the duties of a position to change, or a position appears to have been incorrectly classified, the [Human Resources Director] may reclassify the position to a more appropriate classification.*

(KCC 3.15.025.D)

- B. *If there has been a gradual accretion of or a significant change in duties and responsibilities over the period of one year, an employee or a department or division director may request the Human Resources Director to determine if a review of a career service position is justified.*

5.3. Status of an Employee Whose Position is Reclassified

An employee whose position is reclassified upward due to an accretion of duties will be promoted to the higher classification. The employee must then serve a probationary period in accordance with these guidelines. An employee whose position is reclassified due to reorganization will be transferred, promoted, demoted, or laid off in accordance with applicable provisions of these guidelines. If the reclassification results in a demotion, and if the employee remains in the reclassified position, then the employee will be considered to have taken a voluntary demotion.

5.4. Appeal of a Classification Decision

An appeal of a classification decision is not subject to the grievance process outlined in these guidelines. Instead, an appeal of a classification decision occurs as follows: An appointing authority or an employee who is affected by a classification decision may, within 20 calendar days of notice of the decision, request in writing that the Human Resources Director reconsider the decision. The request must state the reasons why the decision is incorrect and must include documentation that supports an alternate proposal. The Human Resources Director will respond to the request within 14 calendar days. During that period, the original action will be held until the Human Resources Director's final determination and notice to the employee. If the employee is not satisfied with the Human Resources Director's final determination, the employee may, within 14 calendar days, file an appeal to the Personnel Board requesting the Board's review.

5.5. Position Descriptions and Notification of Change in Position Content

- A. When there is any substantial change, addition, or deletion to the duties assigned to a position, the department or division director will provide a completed position description questionnaire to the Human Resources Director.
- B. *Implementation of a reclassification and any related pay change shall be prospective and is effective when the classification is approved by the [Human Resources Director]. The pay increase as a result of reclassification may not exceed five percent above the top step in any case.*

(K.C.C 3.15.020.C)

6. PAY PLAN

6.1. Statement of Purpose

The purpose of the pay plan is to establish and maintain pay ranges that are sufficient to accomplish the following objectives:

- Attract and retain competent employees.
- Ensure that compensation for employees shall be equitably provided on the basis of equal pay for equal work consistent with state and federal law, and KCC 3.12.170.
- Ensure comparability with the local labor market.

6.2. Pay Ordinance

The executive shall prepare and submit a recommended [pay] ordinance to the council, which shall adopt a [pay] ordinance. The [pay] ordinance shall establish a standardized salary schedule for all classifications, excluding classifications for temporary employees other than provisional employees and probationary employees, part-time employees, administrative interns, elected officials and employees of the council.

(KCC 3.12.130)

6.3. Review of a Pay Range Assignment

When the [Human Resources Director] adjusts the pay range of a classification, the incumbent employee shall be placed at the same step in the new pay range as the employee was in the previous range. Implementation of any pay range adjustment shall be prospective and is effective when approved by the manager of the human resources management division or, if required by KCC 3.15.040, by the labor, operations and technology committee or its successor committee.

(KCC 3.15.020.6)

6.4. Pay on Initial Employment

- A. 1. *New county employees shall start at the first step of the pay range. If necessary for recruitment, however, a department director may authorize an offer of a higher pay step.*
2. *At least one of the following criteria must be met to hire an employee above the first step:*
- a. *The candidate's education and experience are significantly above the minimum requirements for the position;*
 - b. *The candidate has an especially desirable skill, talent, knowledge or ability;*
 - c. *The candidate has a current pay rate that is above the first step of the pay range; or*
 - d. *The candidate has a competing written, formal offer of employment that is above the first step of the pay range.*
3. *If a department director determines it is necessary to hire an employee above the first step, a copy of the appointment letter, together with a statement of the reason for hiring the employee above the first step, must be provided to the [Human Resources Director] at the time of hire.*
- B. *The county administrative officer may approve the hiring of an employee above Step 5. In such cases, the county administrative officer must issue prior written approval to the department director and send a copy of the written notification to the Executive.*

(KCC 3.15.120)

6.5. Pay on Completing Probation

- A. *Employees may receive within-range increases from one step to the next higher step upon satisfactory completion of the probationary period. All probationary-period pay increases must be supported by documented performance appraisal. Probationary-period pay increases exceeding Step 5 must have prior written approvals by the department director and the [Human Resources Director]. In the event of the completion of the probationary period by a division of human resources employee, the county administrative officer must provide prior written approval for probationary-period pay increases exceeding Step 5.*

(KCC 3.15.020 B.1)

- B. An employee who is serving a probationary period and who receives a satisfactory performance appraisal upon completing the probationary period will be eligible to receive a step increase as follows:
- Will increase to the second step, if the employee’s pay during the probationary period was at the first step.
 - May increase, at the discretion of the appointing authority, to the next higher step when the employee’s pay in the probationary period was at the second step or higher, provided that requirements of this section and KCC 3.15.020 have been satisfied prior to implementation of the probationary step increase.
 - Probationary increases, when provided, are limited to a single step.
- C. Prior to changing any employees status from probationary to Career Service and implementing a probationary pay increase, the appointing authority must prepare a written probationary performance appraisal, and the employee’s overall rating must meet or exceed standards set for the position. If the probationary increase is subject to approval by the Human Resources Director, a copy of the performance appraisal must accompany the request for approval. A copy of the probationary performance appraisal shall be retained in the employee’s personnel file.

6.6. Advancement through the Pay Range

Advancement through steps in the pay range will be governed by KCC 3.15.020, the King County Merit Pay System Manual, and Term Limited Temporary Procedures; or, if the employee is represented, the provisions of the applicable collective bargaining agreement. Merit pay for employees in a merit group of one is limited to a single step.

6.7. Pay on Recall from Layoff

If	Then
An employee is recalled to the same classification or to a classification with an identical pay range.	The employee’s pay will be at the same step in effect at the time of layoff.
An employee is recalled to a lower classification.	The employee’s pay will be at the same step in effect at the time of layoff plus any applicable cost-of-living allowances. However, the pay cannot exceed Step 10 of the lower pay range.

If	Then
An employee is recalled to the same classification after having been recalled to a lower classification or after having been demoted in lieu of being laid off.	The employee's pay will be at the same step in effect at the time of layoff or demotion.
An employee is serving a probationary period as a result of having been recalled.	The employee may receive a step increase upon completing probation.

6.8. Pay on Rehire

If an employee is rehired, the employee's pay will be at the first step of the classification unless the department director determines a higher step is justified based on the criteria set forth in these guidelines and KCC 3.15.020.

6.9. Pay on Promotion

- A. An employee who is promoted may be placed in the first step of the new pay range.
- B. *The promoted employee may be placed at a higher step in the pay range when the department director determines this action is warranted, if the criteria and procedures in KCC 3.15.120 are met and if funds are available in the agency.* This option is not applicable to a promotion that is a result of a reclassification.
- C. A promotional placement above Step 1 in the pay range requires completion of the initial hire or promotion pay request form. A copy of this form and a copy of the appointment letter must be provided to HRD, Director's Office at the time of hire.

(K.C.C 3.15.130 (part))

6.10. Pay on Demotion

If	Then
A non-probationary employee is involuntarily demoted for disciplinary reasons.	The employee's pay will be reduced to the same step in the lower pay range.

If	Then
A non-probationary employee accepts a voluntary demotion.	The employee will receive the highest step in the new pay range that does not exceed the pay rate that the employee received before the demotion. If the employee is receiving above-Step-10 merit pay, such pay may be considered when determining the new pay and the new pay may not exceed 5% above Step 10.
An employee serving a probationary period due to promotion is demoted to a classification the employee formerly occupied.	The employee's pay will be placed at the same step that the employee would have been at if the employee had remained in the lower classification throughout the period of service in the higher classification.

6.11. Pay on Transfer

If an employee is transferred, the employee will receive the step of the new pay range, which is closest to, but not less than the pay step that the employee received before the transfer. However, this step may not exceed the maximum of the new pay range except where the employee was receiving above-Step-10 merit pay in their former position, in which case such pay may exceed the top step of the new range by no more than five percent.

6.12. Pay on Workers' Compensation/Assignment to Rehabilitative Training

If an employee is injured on the job and requires immediate medical treatment, the employee will be compensated in full for the rest of the workday without being required to use sick leave or vacation leave. The employee may use accrued sick leave if the injury requires the employee to miss any scheduled workdays in the first three calendar days after the injury. Workers' Compensation Payments begin on the fourth day after the injury and continue during the period of disability. If the employee's disability period extends beyond 14 calendar days, then accrued leave taken will be reimbursed as determined by the Safety and Claims Management Office. Sick leave pay may be used to supplement industrial insurance benefits in an amount that is necessary to maintain the employee's regular net pay. Any earned vacation leave may be used in a like manner after sick leave is exhausted.

6.13. Pay for Assignment to Special Duty

- A. *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 five percent above the former rate of pay, whichever is greater.*
- B. *Special duty compensation may not exceed the top step of the new range [unless] 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.*
- C. *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.*
- D. *Special duty pay shall not be considered part of an employee's base pay rate for purposes of placement within a pay range as a result of promotion or reclassification.*

(KCC 3.15.140)

6.14. Pay on Reassignment of Pay Range

When the [Human Resources Director] adjusts the pay range of a classification, the incumbent employee shall be placed at the same step in the new pay range as the employee was in the previous range. Implementation of any pay range adjustment shall be prospective and is effective when approved by the [Human Resources Director] or, if required by KCC 3.15.040, by the labor, operations and technology committee, or its successor committee.

(KCC 3.15.020.6)

If the classification is reassigned a lower pay range, the employee's pay is determined as follows:

- If the pay is the same or less than the top step of the new range, the employee's pay will not change.
- If the pay is greater than the top step of the new range, it will be reduced to the top step of that range.

6.15. Pay on Position Reclassification

- A. *When a position is reclassified to a higher classification, the pay rate of the incumbent employee shall be increased to the first step of the pay range of the new classification or the nearest step that constitutes an*

increase of no more than five percent above the former rate of pay, whichever is greater.

- B. *A pay increase as a result of reclassification may not exceed the top step of the new range, unless the employee's former pay includes an above-Step-10 amount as a result of an incentive increase. If the employee's former pay includes an above-Step-10 amount as a result of an incentive increase, the employee's new pay is calculated upon the above-Step-10 amount. If the increase from reclassification results in pay that is above the top step of the new range, the pay shall be reduced to the top step of the new range at the end of the incentive period unless the employee requalifies for an above-Step-10 incentive award.*
- C. *Implementation of a reclassification and any related pay change shall be prospective and is effective when the classification is approved by the [Human Resources Director]. The pay increase as a result of reclassification may not exceed five percent above the top step in any case.*
- D. *If reclassification is to a lower classification or a classification with the same pay range, the pay of an incumbent will be determined in accordance with the guidelines for demotion or transfer, respectively.*

(KCC 3.15.020.5)

7. RECRUITMENT AND APPLICATIONS

7.1. EEO and Affirmative Action

The principles of equal employment opportunity and affirmative action established by these guidelines will be applied in all recruitment and hiring activities.

7.2. Method of Recruitment

The Human Resources Director is responsible for establishing recruiting procedures and techniques in consultation with operating departments that will result in a successful recruitment. Recruiting efforts may be conducted whenever the appointing authority determines that a need to do so exists.

Where a department or division is experiencing an underutilization of employees within a EEO job category as identified in the affirmative action plan, the appointing authority will develop a plan to address the underutilization by utilizing recruiting measures as permitted by law.

7.3. Announcement of Recruitment

All recruitments must be posted for a minimum of five working days in the Human Resources Division. The appointing authority may undertake additional recruitment and outreach efforts.

7.4. New Employee Orientation

All new and rehired employees must attend the county's New Employee Orientation (NEO) within seven business days of being hired.

8. EXAMINATIONS

8.1. Establishing an Examination Procedure

A. *The [Human Resources] director shall establish examination selection procedures for filling existing and anticipated vacant positions in the career service. Examinations may be open or promotional, depending upon which will best serve the interests of the county.*

B. *All examinations for career service positions shall be competitive.*

(KCC 3.12.090)

8.2. Time Off for Examinations and Interviews

Employees eligible for leave benefits will be entitled to necessary time off with pay in order to take county qualifying or promotional examinations. This will include time required to complete any required interviews, [scheduled during the employee's working hours].

This provision is not interpreted to include time required to complete an application, letter of qualification or interest, questionnaire or resume.

(KCC 3.12.200)

9. EMPLOYMENT LISTS AND APPLICANT POOLS

In an attempt to make it possible to hire more effectively and efficiently by reducing the number of recruiting efforts and better utilizing the results of those efforts, the Director may authorize the creation of applicant pools. When a recruitment results in multiple qualified applicants, an employment list or applicant pool may be created. In an effort to reduce the number of recruiting efforts, employment lists and applicant pools may be used to fill future vacancies in the same classification. Employment lists and applicant pools shall consist of groups of candidates whose qualifications have been evaluated utilizing job related criteria. Departments are encouraged to use existing employment lists and applicant pools to satisfy their hiring needs. However, applicant pools may be supplemented at any time deemed appropriate by an appointing authority provided that the same qualifications and criteria are used. Placement on a list or in a pool does not guarantee any rights of placement in a position or vacancy.

10. APPOINTMENT

10.1. Appointment Authority

Except where otherwise provided by these guidelines, appointment to a career service position must be by competitive process. Appointment to career service exempt positions may be made with or without a competitive process at the discretion of the appointing authority. The appointing authority is responsible for ensuring that the provisions of these guidelines related to recruitment, examinations and hiring are adhered to.

10.2. Appointment of Exempt Employee Resulting from a Reorganization

When the organization of the executive branch is changed by ordinance, resulting in an exempt position becoming a career service position, the Human Resources Director may, at the request of an appointing authority, determine if the employee in the exempt position is eligible for appointment to the same position as a career service employee. In order to be considered eligible for the career service position, the employee must have performed satisfactorily in the exempt position for at least six months.

10.3. Provisional Appointment

- A. The Human Resources Director is the approving authority and will consider a request for provisional appointment from an appointing authority if all of the following conditions are met:
- The request is submitted in writing before the appointment is made.
 - A current list or pool of eligible candidates does not exist.
 - The process to recruit for eligible candidates has commenced.
 - The person to be appointed possesses the qualifications and meets the minimum and any special requirements of the position.
- B. A provisional appointment will terminate 30 days after conclusion of the competitive recruitment process or six months from the date of the provisional appointment, whichever occurs first.

10.4. Appointment by Voluntary Transfer or Demotion

- A. A voluntary transfer or demotion may be approved if, in the judgment of the appointing authority, the following conditions exist:
- The transfer or demotion will benefit both the county and employee.
 - The employee is qualified for the same or lower level position.

11. PROBATIONARY PERIODS

11.1. Application of Probationary Period

- A. *There shall be a probationary period during which time a probationary employee shall be evaluated by the appointing authority to determine qualification for entry into the career service. The probationary period shall be determined by the [Human Resources Director], but shall be not less than six months or more than one year of actual service, and shall be served by those employees who are newly-hired, re-employed, transferred to a different position, or promoted or demoted.*

(KCC 3.12.100 A)

- B. *The probationary period is defined as a period of time, as determined by the [Human Resources Director], 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.*

(KCC 3.12.010 SS)

- C. If a reclassification results in an employee being promoted to a higher classification, then the appointing authority may allow the time spent performing work of the higher classification to satisfy the probationary requirement.
- D. If an employee hired into a higher classification performed the work as a special duty assignment, the appointing authority may allow the time spent performing the work to satisfy the probationary requirement.
- E. A temporary career service exempt employee who accepts a career service position may, at the discretion of the appointing authority, count all continuous employment in the same position or performing the same work toward satisfying the probationary period requirement.

11.2. Extension of a Probationary Period

If a probationary period is to be extended, written notice of the extension must be given to the employee and should be provided prior to the end of the probationary period. A copy of the notice of extension will be forwarded to the Human Resources Director. The following are examples of when a probationary period may be extended:

- The employee has had a leave of absence that exceeds 15 calendar days during the probationary period.
- The employee's performance is not satisfactory but the appointing authority believes that with more time and supervision the employee may succeed in the position. In such cases, the appointing authority should develop a documented plan of action for improvement.
- Supervisor continuity is interrupted.
- Work is cyclical and a six-month period does not provide an opportunity to adequately evaluate all aspects of an employee's performance.

11.3. Probationary Employee Performance Evaluation

- A probationary employee's performance should be evaluated by his/her appointing authority and an approved probationary employee performance evaluation form completed at three-month intervals during the probationary period. However, nothing in this section shall preclude an appointing authority from conducting fewer or more appraisals at his or her discretion, provided at least one appraisal is done during the probationary period. The appraisal must be documented by a probationary evaluation form, which must be filed in the employee's personnel history file.

11.4. Appeal and Restoration during a Probationary Period

A probationary employee may be separated from county service at any time during the probation period without right of appeal to the personnel board. Notwithstanding any other provisions of this section, an employee who does not successfully complete the probationary period in a position to which he or she had been promoted or transferred may be restored to his or her former position. Such restoration is not mandatory, but is optional at the discretion of the former appointing authority within the limits of available authorized positions. Such restoration shall include restoration of the employee's former pay and all other benefits to which he or she would have been entitled if the promotion or transfer had not occurred.

(KCC 3.12.100 B)

12. WORKING CONDITIONS

12.1. Meal and Rest Periods

- A. No employee shall be required to work more than five consecutive hours without a meal period. Employees working three or more hours longer than a normal workday shall be allowed at least one 30-minute meal period prior to or during the overtime period. Meal periods must be at least 30 minutes in length and must begin no less than two hours or more than five hours from the beginning of the shift.
- B. Meal periods are unpaid and not considered to be part of the workday unless the employee is required to be on-call or the meal period is interrupted by a requirement to perform work. When a meal period is interrupted by a requirement to perform work, the entire meal period must be paid, and the time spent performing the required work shall not be counted as part of the 30-minute meal period. The meal period need not be paid if the employee is required to remain on the premises, as long as the employee is not required to remain on-duty or on call.
- C. Employees shall be allowed a rest period of not less than 15 minutes, on the employer's time, for each 4 hours of working time. Rest periods shall be scheduled as near as possible to the midpoint of the work period. No employee shall be required to work more than three hours without a rest period. Employees may be required to remain on call and/or on the premises during rest periods. Where the nature of the work allows employees to take intermittent rest periods equivalent to 15 minutes for each four-hour period worked, scheduled rest periods are not required. Employees may not waive their right to a rest period.

12.2. Workweek

The workweek will generally consist of five working days or as determined otherwise by the Human Resources Director. An appointing authority may require any of his or her employees to temporarily perform service in excess of five days per week or in excess of the regular workday when necessary. County officers, department directors, and division directors may stagger, rearrange, and adjust the work hours of their employees in such a manner as to enable them to keep their offices open at all times required. FLSA-exempt employees are expected to work the hours necessary to satisfactorily perform their jobs. FLSA-exempt employees may be required to work a specified schedule set by their appointing authority.

12.3. Part-time FLSA Exempt Employees

Part-time regular employees are those employees who work at least half-time but less than full-time in a calendar year. The following applies to part-time regular employees who are in job classifications that have designated as FLSA Exempt:

- Part-time regular employees are treated for all purposes including compensation consistent with the FLSA designation of their job classification.
- Part-time regular FLSA exempt employees have their workload expectations and pay established relative to a full-time position.
- In accordance with the Executive Policy PER 8-1-1 (AEP), with approval of the HRD Director, an employee who would otherwise be exempt from the FLSA may be compensated on an FLSA non-exempt basis when the department director determines that this method is in the best interests of the department.
- Part-time regular FLSA exempt positions may be approved by hiring authorities on the following bases, in which both the pay level and workload expectations are established relative to a full-time equivalent (FTE) position:
 - 0.5 FTE (20 hours per workweek)
 - 0.6 FTE (24 hours per workweek)
 - 0.75 FTE (30 hours per workweek)
 - 0.8 FTE (32 hours per workweek)

12.4. Overtime and Compensatory Time

A. Employees shall be eligible for overtime compensation in accordance with applicable state and federal laws and regulations. For employees eligible for overtime:

- Pay for work beyond an employee's regularly scheduled workday or workweek will be at the straight time hourly pay rate until the employee has actually worked forty (40) hours in a workweek.
- Paid time off will not be included when calculating the 40-hour eligibility threshold for overtime pay or compensatory time.

- B. Overtime work may be required by the appointing authority or designee where necessary. The appointing authority or designee must authorize all overtime work. Directors, managers and supervisors should take steps to ensure that FLSA non-exempt employees do not work outside their regularly scheduled work hours (for example, lunch period, before or after shift, etc.) without authorization and/or compensation for the additional time worked.
- C. Compensatory time may be accrued as follows:
- An employee may submit a written request in advance of the overtime work to accrue compensatory time in lieu of receiving pay for overtime work. Approval to accrue compensatory time in lieu of overtime pay is at the discretion of the employee's appointing authority or designee.
 - An employee is not required to accept compensatory time in lieu of overtime pay unless the employee agrees to this arrangement before the employee performs the overtime work.
 - Compensatory time will accrue at the rate of straight time up to 40 hours of work in a workweek, or time and one-half for all hours worked beyond 40 in a week.
 - An employee's accrued compensatory time balance must not exceed 80 hours at any time. However, department directors may establish limitations that are more stringent or may elect to pay employees for all overtime work.
- D. Use of accrued compensatory time is as follows:
- Compensatory time may not be used before it is accrued.
 - An employee must submit a written request in advance to use compensatory time.
 - Requests to use compensatory time will be approved unless the employee's absence during the period requested will unduly disrupt operations.
 - Compensatory time must be used during the calendar year in which it is accrued unless this is not feasible due to work demands. The employee may then request, and the department director may approve, the carryover of a maximum of 40 hours of accrued compensatory time.
 - Compensatory hours that have been carried over must be used within the first quarter of the new calendar year.

- E. Payment for accrued compensatory time is as follows:
- Employees will be paid in the pay period that includes December 31 for all accrued compensatory time not carried over into the following year.
 - If an employee is terminated from employment or is transferred, promoted, or demoted to a position in another department/division, the employee will be paid for all hours of accrued compensatory time.
 - All pay for accrued compensatory time will be at the employee's regular hourly pay rate in effect at the time of payment.
- F. FLSA exempt employees
- FLSA exempt employees are not eligible to accrue compensatory time nor can they receive overtime pay.
 - FLSA exempt employees may receive up to ten days of executive leave each calendar year at the discretion of their department director. Unused executive leave cannot be carried over or cashed out—it must be used in the calendar year that it is granted or it is forfeited.

[Reference PER 8-1-1 (AEP), PER 8-2 (AEP), and KCC 3.12.120H]

12.5. Assignment to Special Duty

- A. *An appointing authority, with the prior written approval of the department director and the [Human Resources Director], or his or her designee, may temporarily assign an employee to an existing higher-level classification when the higher-level duties and responsibilities comprise the majority of the work performed.*
- B. Special duty may be appropriate for an employee assigned to perform duties and responsibilities that are outside of the scope of his/her current classification if the higher level duties, as described in an existing classification, are of a temporary nature and comprise the majority of the work being performed.
- C. Special duty may be assigned under the following conditions:
- To backfill a vacancy created when another employee is on leave for a medical disability, as required for reasonable accommodation under the state or federal law, on leave for military duty or other approved leave of absence.

- To perform higher-level work either directly or backfilling for another employee when the work is related to a project that has a definite termination date.

D. *The maximum period of special duty is six months [when approved by the Human Resources Director or designee]. A special duty assignment may be extended to a maximum of twelve months if authorized in advance in writing by the department director and the [Human Resources Director] before the expiration of the initial six-month period. Any further extensions must be authorized in writing in advance by the department director 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 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, or is on military reserve duty. Additionally, an extension may be allowed for performance of a project when a higher level of work has a definite termination date.*

E. *Special duty assignments may not exceed two years in duration.*

F. *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 may not be assigned retroactively.*

(KCC 3.15.140 (part))

12.6. Limited Duty Assignment Due to Pregnancy

A. *A [benefit eligible] female employee, who upon the advice of her physician cannot safely perform all of the normal duties of her job due to pregnancy and who indicates a desire to continue working prior to taking sick or maternity leave for which she may otherwise be eligible, shall upon concurrence of the [Human Resources Director] receive consideration for temporary reassignment. The county shall, where reasonably possible, accommodate a female employee's desire for medically approved continued employment during pregnancy and up to three months thereafter via one or more of the three alternatives listed. The first alternative shall have preference and assignments and/or reassignments*

shall be given within an employee's department where possible. The [Human Resources Division] shall be responsible for coordination of the following limited duty alternatives:

- 1. Temporary assignment to limited duties within the employee's classification;*
 - 2. Temporary reassignment of the employee to a similar classification with equal pay for which the employee is qualified;*
 - 3. Only if the [Human Resources Director] concurs that an employee cannot reasonably be accommodated by [this section of the guidelines], temporary reassignment of the employee can be made to another classification for which the employee is qualified but with lesser pay, to be assigned at the pay step closest to that which the employee was receiving in her normal job classification.*
- B. The executive shall determine and facilitate any necessary interfund transfers when an employee is temporarily reassigned to another department.*
- C. Because of the separate and unique retirement system for police, the temporary assignment and/or reassignment for pregnant police personnel shall be provided as in [A. 1. and 2.] for LEOFF I members. All three alternatives listed in [A, above] can apply to LEOFF II members.*
- D. Limitations.*
- 1. Temporary assignments and/or reassignments made pursuant to this section shall be limited to the period of temporary incapacity caused by pregnancy both before childbirth and upon return to work, all prior to the time when released by the employee's physician to return to full duty.*
 - 2. For the purposes of this section, temporary incapacity is defined as the period during which because of pregnancy the employee cannot perform all of her regular duties but is capable of performing a temporary limited duty assignment provided by the county as listed in this section and, for purposes of this policy, in no instance shall such temporary incapacity extend more than three months after termination of the pregnancy.*

3. *Female employees shall continue to be eligible for paid accrued vacation and sick leave and leave of absence pursuant to the personnel rules during the period of temporary incapacity due to pregnancy, pregnancy related conditions, and parenting.*

(KCC 3.12.247 (part))

12.7. Employment in Two or More Positions (Dual Employment)

- A. No employee, excluding commissioned personnel of the King County Sheriff's Office, will be hired to simultaneously fill more than one position. An employee who held more than one position before August 11, 1995, may continue to hold only those positions. If the employee separates from one of the positions, the employee may not be rehired into more than one position in the future.
- B. Any overtime pay liability that results from dual employment will be shared proportionally by the departments unless the departments agree in writing to some other methodology. A different methodology must ensure that employees in a dual employment situation are compensated for overtime work in accordance with state and federal laws. Hours of work in all positions must be combined to determine if the total hours worked in the workweek exceed 40 hours.

[Reference PER 18-3 (AEP)]

12.8. Nepotism

The employment of members of the same family or other close relatives of county employees shall not be limited except where required by business or job-related necessity. For purposes of this section, "business or job-related necessity" includes those circumstances where the county's actions are based upon a compelling and essential need to avoid business or job-related conflicts of interest, or to avoid the reality or appearance of improper influence or favor. For purposes of this section "same family or close relatives" means the mother, father, child, sister, brother, wife, husband, aunt, uncle, niece, nephew, grandparent, grandchild, in-laws, domestic partner, children of a domestic partner and relatives of a domestic partner to the same extent such relatives would be included in this paragraph if the employee and the domestic partner were married. Nothing in this subsection shall be construed to prevent or impede the advancement or promotion of any person employed by the county.

(KCC 3.12.020 C)

13. HEALTH BENEFITS

13.1. Benefit Eligibility

Full-time regular, part-time regular, provisional, probationary and term-limited temporary employees and their spouse or domestic partner, each of their dependent children, and each of the dependent children of their spouse or domestic partner shall be eligible for medical, dental, life, disability, and vision benefits, except in those instances where contrary provisions have been agreed to in the collective bargaining process and to the extent such benefits are available through insurers selected by the county. The [Human Resources Director] shall establish specific provisions governing eligibility for these benefits as part of the personnel guidelines and consistent with budget requirements. Such provisions may include waiting periods for employees newly-hired to the county.

(KCC 3.12.040 B)

13.2. Affidavit of Marriage/Domestic Partnership

Employees who receive medical, dental, life and disability insurance, and vision benefits shall designate their spouse or domestic partner in an Affidavit of Marriage/Domestic Partnership in order for such spouse, domestic partner and/or children to receive such benefits, to the extent such benefits are available to them. The [Human Resources Director] shall prescribe the form of the affidavit. In the affidavit, the employee shall:

1. *Attest to the following:*
 - a. *If married, that he or she is currently married to the individual identified by name on the affidavit, or*
 - b. *If participating in a domestic partnership, that:*
 - (1) *He or she is currently in a domestic partnership with the individual identified by name on the affidavit, and*
 - (2) *He or she meets all the qualifications of a domestic partnership, as defined by [KCC 3.12.044], and*
 - (3) *Any prior domestic partnership in which he or she or his or her domestic partner participated with a third party was terminated at least ninety days prior to the date of said affidavit or by the death of that third party, and if such prior domestic partnership had been acknowledged pursuant to [KCC Chapter 3.12], that notice of the termination of the prior domestic partnership, whether by death of the domestic partner or otherwise, was provided to the county at least ninety days prior to the date of said affidavit;*

2. *Agrees to notify the county if there is a change of the circumstances attested to in the affidavit; and*
3. *Affirms, under penalty of law, that the assertions in the affidavit are true.*

(KCC 3.12.044)

13.3. Termination of Marriage/Domestic Partnership

Employees who have filed an affidavit of marriage/domestic partnership *shall provide the county with a notice of termination of marriage/domestic partnership, on a form prescribed by the [Human Resources Director], upon dissolution of a marriage or termination of a domestic partnership, within thirty days of termination of the marriage or domestic partnership. A domestic partnership shall be deemed terminated:*

1. *When the domestic partners no longer meet one or more of the qualifications of a domestic partnership, as defined by (KCC Chapter 3.12); or*
2. *Upon the death of a domestic partner.*

(KCC 3.12.044 B)

13.4. Confidentiality

All affidavits of marriage/domestic partnership, notices of termination of marriage/domestic partnership, and any information contained in said affidavits submitted to the county shall be confidential and subject to disclosure only upon express written authorization by the persons identified in the forms or if otherwise required by law.

[KCC 3.12.044 C]

13.5. Employee Assistance Program

The Employee Assistance Program (EAP) is a service to all employees and their families. Assessments, brief counseling, and referrals for personal concerns such as family issues, relationship problems, alcohol and drug problems, emotional problems affecting work life, and a wide variety of other problems are all part of the services. Additionally, the EAP coordinators provide consultation and training to directors, managers and supervisors whose employees are experiencing behavior, attendance, or work performance problems.

14. LEAVE BENEFITS

14.1. Eligibility

Full-time regular, part-time regular, provisional, probationary and term-limited temporary employees shall receive the leave benefits provided in [KCC Chapter 3.12].

(KCC 3.12.040 A)

14.2. Holiday Pay

A. *The following days are hereby designated as official county holidays:*

1. *January 1, New Year's Day;*
2. *Third Monday in January, Martin Luther King, Jr. Birthday;*
3. *Third Monday in February, President's Day;*
4. *Last Monday in May, Memorial Day;*
5. *July 4, Independence Day;*
6. *First Monday in September, Labor Day;*
7. *November 11, Veteran's Day;*
8. *Thanksgiving Day and the day immediately following;*
9. *December 25, Christmas Day;*
10. *Special or limited holidays as declared by the president or governor, and as approved by the council;*
11. *Such other days in lieu of holidays as the council may determine;*
12. *Employees eligible for leave benefits shall be granted two personal holidays to be administered through the vacation plan; provided, that the hours granted to employees working less than a full-time schedule shall be prorated to reflect their normally scheduled work day. One day shall be credited to the employee's leave balance on the first of October and one day on the first of November.*

B. *For holidays falling on a Saturday, the Friday before shall be a paid holiday. For holidays falling on a Sunday, the Monday following shall be a paid holiday.*

C. *An employee must be eligible for leave benefits and in a pay status on the day prior to and the day following a holiday to be eligible for holiday pay; provided, however, that an employee who has successfully completed at least five years of county service and who retires at the end of a month in which the last regularly scheduled working day is observed as a holiday, shall be eligible for holiday pay if the employee is in a pay status the day before the day observed as a holiday.*

(KCC 3.12.230)

- D. A part-time regular, FLSA non-exempt employee will receive holiday pay pro-rated to their schedule, but not to exceed 8.0 hours in a 40-hour work unit or 7.0 hours in a 35-hour work unit. For instance, if an employee's standard workweek is 30 hours per week, the employee will receive 6 hours holiday pay for a single holiday.
- E. If a holiday falls on a day on which an employee who is eligible for holiday pay is scheduled to work but is otherwise unable to work due to an illness or injury, then the employee will receive holiday pay in lieu of all sick pay or time loss for that day. (The holiday pay should not exceed 8.0 hours in a 40-hour work unit or 7.0 hours in a 35-hour work unit.)
- F. An FLSA non-exempt employee who works an alternative work schedule will receive holiday paid time off that is equal to that provided for in the standard workweek in the employee's work unit. If the employee's alternative work day is longer than the standard work day (i.e., 7 or 8 hours) in his or her work unit, he or she may use accrued vacation leave, compensatory time off, or leave without pay for the hours exceeding the standard work day.
- G. An FLSA non-exempt employee whose normal schedule requires them to work on a holiday may take holiday leave on an hour for hour basis at another time that is agreed to by the supervisor and the employee. However, holiday leave must be used in the same calendar year it is earned.
- H. An FLSA non-exempt employee whose normal schedule does not require work on a holiday but because of workload he or she is required or authorized to work, the employee will be paid for the hours worked in addition to the holiday pay; such pay will be at the employee's regular rate unless overtime provisions apply. Alternatively, the employee may elect to receive compensatory time off for the hours worked on the holiday.
- I. FLSA exempt employees are required to work the hours needed to perform their duties, and will receive their normal rate of pay for the workweek regardless of whether or not they work on a holiday, and regardless of whether they are on a standard or alternative work schedule.

14.3. Vacation Leave

- A. *Employees eligible for leave benefits shall accrue vacation leave benefits as described in and further qualified by this section.*

<i>Full Years of Service</i>	<i>Annual Leave in Days</i>
<i>Upon hire through end of Year 5</i>	<i>12</i>
<i>Upon beginning of Year 6</i>	<i>15</i>
<i>Upon beginning of Year 9</i>	<i>16</i>
<i>Upon beginning of Year 11</i>	<i>20</i>
<i>Upon beginning of Year 17</i>	<i>21</i>
<i>Upon beginning of Year 18</i>	<i>22</i>
<i>Upon beginning of Year 19</i>	<i>23</i>
<i>Upon beginning of Year 20</i>	<i>24</i>
<i>Upon beginning of Year 21</i>	<i>25</i>
<i>Upon beginning of Year 22</i>	<i>26</i>
<i>Upon beginning of Year 23</i>	<i>27</i>
<i>Upon beginning of Year 24</i>	<i>28</i>
<i>Upon beginning of Year 25</i>	<i>29</i>
<i>Upon beginning of Year 26 and beyond</i>	<i>30</i>

- B. *Vacation accrual rates for an employee who works other than the full time schedule standard to his or her work unit shall be prorated to reflect his or her normally scheduled work week.*
- C. *Employees eligible for vacation leave shall accrue vacation leave from their date of hire into a benefit eligible position.*
- D. *Employees eligible for vacation leave may accrue up to sixty days vacation leave, prorated to reflect their normally scheduled work day. Such employees shall use vacation leave beyond the maximum accrual amount prior to December 31 of each year. Failure to use vacation leave beyond the maximum accrual amount will result in forfeiture of the vacation leave beyond the maximum amount unless the appointing authority has approved a carryover of such vacation leave because of cyclical workloads, work assignments or other reasons as may be in the best interests of the county. The Human Resources Director may authorize procedures for authorizing carryover above the maximum*
- E. *Exempt employees in regular positions, other than provisional or probationary employees, may take and upon leaving county employment be paid for accrued vacation leave, as approved by their appointing authorities.*

- F. *Career service employees, provisional, probationary and term-limited temporary employees, shall not be eligible to take or be paid for vacation leave until they have successfully completed their first six months of county service, and if they leave county employment prior to successfully completing their first six months of county service, shall forfeit and not be paid for accrued vacation leave.*
- G. *Employees eligible for leave benefits shall be paid for accrued vacation leave to their date of separation up to the maximum accrual amount if they have successfully completed their first six months of county service and are in good standing; provided that, except with the written approval of the Executive, the position, if vacated by a non-represented employee, shall not be filled until salary savings for such position are accumulated in an amount sufficient to pay the cost of the cashout. Payment shall be the accrued vacation leave multiplied by the employee's rate of pay in effect upon the date of leaving county employment less mandatory withholdings.*
- H. *Employees shall not use or be paid for vacation leave until it has accrued and such use or payment is consistent with the provisions of this section.*
- I. *No employee shall work for compensation for the county in any capacity during the time that the employee is on vacation leave.*
- J. *For employees covered by the overtime requirements of the Fair Labor Standards Act, vacation leave may be used in one-half hour increments, at the discretion of the appointing authority.*
- K. *In cases of separation from county employment by death of an employee with accrued vacation leave and who has successfully completed his or her first six months of county service, payment of unused vacation leave up to the maximum accrual amount shall be made to the employee's estate, or, in applicable cases, as provided for by state law, RCW Title 11; provided that, except with the written approval of the Executive, the position, if vacated by a non-represented employee, shall not be filled until salary savings for such position are accumulated in an amount sufficient to pay the cost of the cashout.*
- L. *If an employee resigns from a full-time regular or part-time regular position with the county in good standing or is laid off and subsequently returns to county employment within two years from such resignation or lay off, as applicable, the employee's prior county service shall be counted in determining the vacation leave accrual rate under paragraph A of this section.*

(KCC 3.12.190 (part))

- M. *Vacation time will not accrue to an employee during any period that the employee is in a leave without pay status.*

14.4. Leave for Employee Illness and Family Reasons

14.4.1. The following guidelines and procedures are intended to encompass county-provided sick leave and the family and medical leave entitlement guaranteed by state and federal law. Department management is responsible for the proper administration of these guidelines.

14.4.2. Sick Leave Accrual and Cashout:

- A. *Except for [uniformed employees covered by the LEOFF 1 retirement system,] employees eligible for leave benefits shall accrue sick leave benefits at the rate of 0.04616 hours for each hour in pay status exclusive of overtime up to a maximum of eight hours per month; except that sick leave shall not begin to accrue until the first of the month following the month in which the employee commenced employment. The employee is not entitled to use sick leave if not previously earned.*
- B. *There shall be no limit to the hours of sick leave benefits accrued by an eligible employee.*
- C. *Separation from or termination of county employment except by reason of retirement or layoff due to lack of work, funds, efficiency reasons or separation for nondisciplinary medical reasons, shall cancel all sick leave accrued to the employee as of the date of separation or termination. Should the employee resign in good standing, be separated for nondisciplinary medical reason or be laid off, and return to county employment within two years, accrued sick leave shall be restored, but the restoration shall not apply where the former employment was in a term-limited temporary position. [This provision does not apply to retirees. If a retiree is rehired, the employee is not entitled to have the un-cashed out 65 percent of his/her former sick leave balance reinstated.]*
- D. *Employees eligible to accrue sick leave who have successfully completed at least five years of county service and who retire as a result of length of service or who terminate by reason of death shall be paid, or their estates paid or as provided for by Title 11 RCW, as applicable, an amount equal to thirty-five percent of their unused, accumulated sick leave multiplied by the employee's rate of pay in effect upon the date of leaving county employment less mandatory withholdings. This provision is predicated on the requirement that, except with the written approval of the Executive, the position, if vacated by a nonrepresented employee, shall not be filled until salary savings for such position are accumulated in an amount sufficient to pay the cost of the cashout.*

14.4.3. Sick Leave Use:

- A. *For employees covered by the overtime requirements of the Fair Labor Standards Act, sick leave may be used in one-half hour increments, at the discretion of the appointing authority.*
- B. *During the first six months of service, employees eligible to accrue vacation leave may, at the appointing authority's discretion, use any accrued days of vacation leave as an extension of sick leave. If an employee does not work a full six months, any vacation leave used for sick leave must be reimbursed to the county upon termination.*
- C. *An employee may not collect sick leave and workers' compensation time loss payments for physical incapacity due to any injury or occupational illness which is directly traceable to employment other than with the county.*
- D. *If the injury or illness is compensable under King County's workers' compensation program, then the employee has the option to supplement or not supplement time loss payments with the use of accrued sick leave.*
 - 1. *An employee injured on the job may not simultaneously collect sick leave and workers' compensation payments in a total amount greater than the net regular pay of the employee. An employee who does not supplement his or her workers' compensation time loss benefit through the use of sick leave shall be deemed on unpaid leave/inactive status.*
 - 2. *An employee who does not choose to supplement workers' compensation payments with the use of accrued sick leave shall notify the safety and workers' compensation program office in writing at the beginning of the leave. Absent such notification, sick leave will automatically be used to supplement such payments except where prohibited by the preceding paragraph.*
- E. *An employee must use all of his or her accrued sick leave and any donated sick leave before taking unpaid leave for his or her own health reasons. If the injury or illness is compensable under the county's workers compensation program, then the employee has the option to augment or not augment time loss payments with the use of accrued sick leave. For a leave for family reasons, the employee shall choose at the start of the leave whether the particular leave would be paid or unpaid; but when an employee chooses to take paid leave for family reasons he or she may set aside a reserve of up to eighty hours of accrued sick leave. An*

employee who has exhausted all of his or her sick leave may use accrued vacation leave before going on leave of absence without pay, if approved by his or her appointing authority

F. *Sick leave shall be used for the following reasons:*

1. *The employee's bona fide illness or incapacitating injury,*
2. *The employee's exposure to contagious diseases and resulting quarantine;*
3. *A female employee's temporary disability caused by or contributed to by pregnancy and childbirth;*
4. *The employee's medical or dental appointments, provided that the employee's appointing authority has approved the use of sick leave for such appointments; or*
5. *To care for the employee's child if the child has an illness or health condition which requires treatment or supervision by the employee; or*
6. *To care for other family members, if:*
 - a. *The family member is*
 - *the employee's spouse or domestic partner;*
 - *the employee's child, a child of the employee's spouse or domestic partner;*
 - *the parent of the employee, employee's spouse or domestic partner;*
 - *an individual who stands or stood in loco parentis to the employee, the employee's spouse or domestic partner; or*
 - *the grandparent of the employee.*

NOTE: [For sick leave utilization for a domestic partner or the domestic partner's family], the employee [must have] been employed by the county for twelve months or more and has actually worked a minimum of 910 hours (35 hour employee) or 1040 hours (40 hour employee) in the preceding twelve months (paid leaves such as holiday, vacation and sick leave are not considered hours worked);

and

b. *the reason for the leave is one of the following:*

- *The birth of a son or daughter and care of the newborn child, or placement with the employee of a son or daughter for adoption or foster care, if the leave is taken within twelve months of the birth, adoption or placement;*
- *The care of a family member who has a serious health condition;*
- The emergency condition of the employee's spouse, parent, parent-in-law, or grandparent.

7. Verification from a licensed health care provider may be required to substantiate the health condition of the employee or family member for leave requests.

14.4.4. Federal FMLA (Federal Family and Medical Leave Act):

- A. An employee who has been employed by the county for twelve months or more and has worked a minimum of 1,250 hours in the preceding twelve months (paid leaves such as holiday, vacation and sick leave are not considered hours worked), may be eligible for leave under the FMLA.
- B. The following are qualifying reasons for federal FMLA leave:
 - 1. The birth or adoption of the employee's child, or placement of the employee's foster child;
 - 2. The employee's serious health condition;
 - 3. The employee's spouse's, parent's, son's or daughter's serious health condition.
- C. All requests for FMLA require certification to be submitted with the request.
- D. An employee is entitled to up to twelve weeks of FMLA leave in a rolling twelve-month period.
 - 1. If the leave is taken for birth or adoption of a child, or placement of a foster child, and both parents are employed by King County, the aggregate total leave taken by both employees shall be twelve weeks.

2. For purposes of this subsection, a rolling twelve-month period is measured backward from the date an employee uses any FMLA leave. For instance, each time an employee takes family or medical leave, the remaining leave entitlement would be any balance of the twelve weeks which have not been used during the immediately preceding twelve months.
 3. When leave is taken after the birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if authorized by the employee's appointing authority;
 4. An employee may take leave intermittently or on a reduced schedule when medically necessary due to a serious health condition of the employee or a family member of the employee. When intermittent leave is needed to care for an immediate family member or the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the department's operation; and
 5. If an employee requests intermittent leave or leave on a reduced leave schedule, the appointing authority may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and that better accommodates recurring periods of leave than the regular position of the employee.
- E. Leave taken for any of the qualifying reasons must be recorded as FMLA leave, whether or not requested by the employee.
 - F. FMLA qualified leave shall run concurrent with use of sick leave, vacation leave, unpaid KCFML leave, donated leave, light duty assignment due to a disabling injury or illness, and/or workers' compensation time loss benefits.
 - G. An employee who has exhausted his or her sick leave may use accrued vacation leave during an FMLA qualified leave. Such use is at the employee's option and is not subject to approval by the appointing authority.
 - H. An employee who returns from FMLA leave within the time provided in this section is entitled, subject to bona fide layoff provisions, to:
 1. The same position he or she held when the leave commenced; or

2. A position with equivalent benefits, pay and other terms and conditions of employment; and
 3. The same seniority accrued before the date on which the leave commenced.
- I. In order for the leave to be qualified and counted toward the employee's FMLA entitlement, the request/provisional designation may be initiated by the employee, the employee's supervisor, Human Resources, division director, or department director.
 - J. Employee responsibilities include:
 1. Submit FMLA leave request form 30 days in advance of the leave, if possible, or as soon as the need for the leave is known, or no later than 2 business days following the employee's return to work;
 2. Submit a certification form within 15 business days to his or her supervisor or human resources. This certification must be from a healthcare provider or court order as appropriate. Recertification may be requested every 30 days during the FMLA absence.
 - K. The county shall continue its contribution toward health care benefits (medical, dental, vision) during any unpaid leave taken as FMLA. An employee may elect to self pay for other insured benefits.

14.4.5. King County Family and Medical Leave (KCFML):

- A. KCFML may be taken for an employee's own serious health condition; to care for a family member (defined as the employee's spouse or domestic partner, the employee's son or daughter, a son or daughter of the employee's spouse or domestic partner, the parent of the employee, employee's spouse or domestic partner or an individual who stands or stood in loco parentis to the employee, the employee's spouse or domestic partner) who has a serious health condition; or for the birth and care of a newborn or newly adopted child or placement of a foster child.
- B. To be eligible for KCFML to care for a family member other than the employee's child, an employee must have been employed by the county for twelve months at any time or more and worked a minimum of 910 hours (35 employee) or 1040 hours (40 hour employee) in the preceding twelve months (paid leaves such as holiday, vacation and sick leave are not considered hours worked).

- C. An employee may take a total of up to eighteen work weeks of unpaid leave for his or her own serious health condition and for family medical reasons, combined, within a rolling twelve-month period. The leave may be continuous, which is consecutive days or weeks, or intermittent, which is taken in whole or partial days as needed.
1. For purposes of this benefit, a rolling twelve-month period is measured backward from the date an employee uses any of his or her eighteen week KCFML entitlement. For instance, each time an employee takes family and medical leave, the remaining leave entitlement would be any balance of the eighteen weeks which have not been used during the immediately preceding twelve months. For example, if an employee has taken eight weeks of leave during the past twelve months, an additional ten weeks could be taken.
 2. If the leave is taken for birth or adoption of a child, or placement of a foster child, and both parents are employed by King County, the aggregate total taken by both employees shall be eighteen weeks.
- D. Intermittent leave is subject to the following conditions:
1. When leave is taken after the birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule if recommended by a health care provider and if authorized by the employee's appointing authority;
 2. An employee may take leave intermittently or on a reduced schedule when medically necessary due to a serious health condition of the employee or a family member of the employee; and
 3. If an employee requests intermittent leave or leave on a reduced leave schedule, the appointing authority may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and that better accommodates recurring periods of leave than the regular position of the employee. Certification from a health care provider is required and may need recertification every 30 days.
- E. Prior to using family or medical leave, any accrued compensatory time must be exhausted. The employee may choose to either use it as time off or receive a lump sum cash out.

- F. Use of accrued leave in conjunction with a family or medical leave shall be as provided in these guidelines.
- G. For purposes of this section, donated leave shall be considered unpaid leave and shall run after the use of accrued sick leave, and concurrently with the eighteen work week family and medical leave entitlement. To the extent possible, donated leave must be used prior to going to a non-pay status. Further, use of donated leave after the eighteen week entitlement has been exhausted will not extend the job protection rights described below.
- H. The county shall continue its contribution toward health care benefits (medical, dental, vision) during any unpaid leave taken as KCFML. An employee may elect to self pay for other insured benefits.
- I. An employee who returns from KCFML within the time provided in this section is entitled, subject to bona fide layoff provisions, to:
 - 1. The same position he or she held when the leave commenced; or
 - 2. A position with equivalent status, benefits, pay and other terms and conditions of employment; and
 - 3. The same seniority accrued before the date on which the leave commenced.
- J. Failure to return to work by the expiration date of a leave of absence may be cause for removal and result in termination of the employee from county service.

14.5. School Volunteer Leave

The appointing authority shall allow the use of up to three days of sick leave each year to allow employees to perform volunteer services at the school attended by the employee's child. Employees requesting to use sick leave for this purpose shall submit such request in writing specifying the name of the school and the nature of the volunteer services to be performed.

(KCC 3.12.225)

14.6. Donating Vacation Leave and Sick Leave Hours

A. Vacation leave hours.

- 1. Any employee eligible for leave benefits may donate a portion of his or her accrued vacation leave to another employee eligible for leave benefits. Such donation will occur upon written request to and approval of the donating and receiving employees' department director(s), except that requests for vacation donation made for the purposes of supplementing the sick leave benefits of the receiving employee shall not be denied unless approval would result in a departmental hardship for the receiving department.*
- 2. The number of hours donated shall not exceed the donor's accrued vacation credit as of the date of the request. No donation of vacation hours shall be permitted where it would cause the employee receiving the transfer to exceed his or her maximum vacation accrual.*
- 3. Donated vacation leave hours must be used within ninety calendar days following the date of donation. Donated hours not used within ninety days or due to the death of the receiving employee shall revert to the donor. Donated vacation leave hours shall be excluded from vacation leave payoff provisions contained in [KCC Chapter 3.12]. For purposes of this section, the first hours used by an employee shall be accrued vacation leave hours.*

B. Sick leave hours.

- 1. Any employee eligible for leave benefits may donate a portion of his or her accrued sick leave to another employee eligible for leave benefits upon written notice to the donating and receiving employees' department director(s).*
- 2. No donation shall be permitted unless the donating employee's sick leave accrual balance immediately subsequent to the donation is one hundred hours or more. No employee may donate more than twenty-five hours of his or her accrued sick leave in a calendar year.*
- 3. Donated sick leave hours must be used within ninety calendar days. Donated hours not used within ninety days or due to the death of the receiving employee shall revert to the donor. Donated sick leave hours shall be excluded from the sick leave payoff provisions contained in [KCC Chapter 3.12], and sick leave restoration provisions contained in [KCC Chapter 3.12]. For purposes of this section, the first hours used by an employee shall be accrued sick leave hours.*

- C. All donations of vacation and sick leave made under [KCC Chapter 3.12] are strictly voluntary. Employees are prohibited from soliciting, offering or receiving monetary or any other compensation or benefits in exchange for donating vacation or sick leave hours.*

- D. *All vacation and sick leave hours donated shall be converted to a dollar value based on the donor's straight time hourly rate at the time of donation. Such dollar value will then be divided by the receiving employee's hourly rate to determine the actual number of hours received. Unused donated vacation and sick leave shall be reconverted based on the donor's straight time hourly rate at the time of reconversion.*

(KCC 3.12.223)

14.7. Leave Donation – College Tuition Prepaid Program, Children of Deceased Employee

Notwithstanding KCC 3.12.190, if an employee dies while engaged within the scope of his or her employment, the Executive may implement a process providing a one-time opportunity to allow employees eligible for benefits to convert either accrued vacation or accumulated compensatory time hours, or both, to cash to benefit any minor children of the deceased employee. This process must conform to the following requirements:

- A. *The executive shall establish a forty-five-day period during which time employees may sign a written request, subject to approval by the Executive, to convert either accrued vacation or accumulated compensatory time hours, or both, to cash and to authorize a payroll deduction of the cash to benefit the minor children of the deceased employee. The hours must be in full-hour increments, with a minimum of four;*
- B. *The executive shall determine the maximum that any employee can convert to cash, but the maximum may not be greater than a total of forty by each employee;*
- C. *The value of the hours must be determined based on the regular hourly rate of the employee in effect at the time the approved conversion request is received by the county's payroll office;*
- D. *If employees elect to convert either accrued vacation or accumulated compensatory time hours, or both, to cash as set forth in this section, the Executive shall ensure the establishment of a Washington state college tuition prepaid program-guaranteed education tuition (GET) account with the state of Washington secretary of the treasury to benefit any minor children of the deceased employee;*

- E. *The cash resulting from converted accrued vacation or compensatory time hours, or both, net of all mandatory deductions, including, but not limited to, deductions for retirement plans and federal income tax and the Federal Insurance Contributions Act, must be transmitted to the Washington state college tuition prepaid program-guaranteed education tuition (GET) account established under subsection D of this section.*

(KCC 3.12.224)

14.8. Adjustment of Vacation and Sick Leave Balances – Change in Workweek

- A. *In the event the number of hours in the standard work week of a position occupied by a full-time regular employee, part-time regular employee, or term-limited temporary employee is increased, the sick leave and vacation leave accruals of such employee at the time of the increase shall be adjusted upward so as to insure that the equivalent number of sick leave and vacation leave days accrued does not change. (For example, if the standard work week of such a position is increased from 35 to 40 hours, and if at the time of such change the employee occupying the position had accrued seven hours of sick leave, the sick leave accrual of that employee would be adjusted upward to eight hours.) This section shall apply to all employees eligible for leave benefits occupying positions where the standard work week of the position was increased on or after July 1, 1991. After such increase, such employees shall accrue vacation and sick leave in accordance with the otherwise applicable provisions of KCC [Chapter] 3.12.*
- B. *Separate accounts shall be maintained for any vacation or sick leave accrued prior to an increase in the number of work-week hours. The “adjusted leave account” shall be used for leave accrued prior to an increase in the number of work-week hours. The “unadjusted leave account” shall be used for leave accrued subsequent to an increase in the number of work-week hours. Leave in the adjusted leave account shall be used first.*
- C. *In the event the number of work-week hours is reduced for any employee whose vacation and sick leave accruals have been adjusted upward under the terms of this section, the remaining hours in the adjusted leave account shall be reduced in the same proportion as the work-week hours are reduced. Under no circumstances shall the adjusted leave account be reduced by a greater proportion than the proportion of the previous upward adjustment. Any leave accrued in the unadjusted leave account shall not be affected by this reduction.*

(KCC 3.12.125)

14.9. Bereavement Leave

- A. *Employees eligible for leave benefits shall be entitled to three working days of bereavement leave a year due to death of members of their immediate family.*
- B. *Employees who have exhausted their bereavement leave shall be entitled to use sick leave in the amount of three days for each instance of death when death occurs to a member of the employee's immediate family.*
- C. *In cases of family death where no sick leave benefit is authorized or exists, an employee may be granted leave without pay.*
- D. *In the application of any of the foregoing provisions, holidays or regular days off falling within the prescribed period of absence shall not be charged.*

(KCC 3.12.210)

14.10. Administrative Leave with Pay

If the department director determines that circumstances exist that make the immediate removal of an employee from the workplace to be in the best interests of the county, an employee may be placed on administrative leave with pay for up to 30 calendar days. Such leave is not disciplinary, and is not subject to appeal. If the need for administrative leave exceeds 30 calendar days, the department director must receive approval from the Human Resources division director for an extension. All extension requests and approvals must be in writing prior to the end of the approved period. The Human Resources division director may grant an extension for an additional 30 calendar days (60 days total). The County Administrative Officer must approve any further extensions of administrative leave with pay. Administrative leave with pay will not normally exceed 90 calendar days.

14.11. Leave of Absence without Pay

If a leave of absence is taken in conjunction with a workers' compensation claim for which the employee is eligible for and receiving time loss benefits, no authorization for the leave is required under this section. Additionally, where a leave of absence is due to an employee's or a family member's medical condition or the birth of a child, the appropriate sections of these guidelines may also apply. All other leaves of absence without pay are administered as follows:

- A. An employee eligible for leave benefits may take a leave of absence without pay for thirty calendar days or less if authorized in writing by the employee's appointing authority. There will be no loss of county-provided health and insurance benefits during this period.

- B. *An employee eligible for leave benefits may take a leave of absence without pay for more than thirty calendar days if authorized in writing by the employee's appointing authority and the [Human Resources Director].*
- C. *Leaves of absence without pay shall be for periods not to exceed one year except that the [Human Resources Director] may, in special circumstances, grant an extension beyond one year.*
- D. *Other employee benefits as provided in this chapter shall not be provided to or accrue to the employee while on leave of absence without pay, except as provided in KCC 3.12.220.*
- E. *If a leave of absence without pay was granted for purposes of recovering health, the employee shall be required by the director to submit a physician's statement concerning the employee's ability to resume duties prior to return to work.*
- F. *An employee on leave of absence without pay may return from the leave before its expiration date if the employee provides the appointing authority with a written request to that effect at least fifteen days prior to resuming duties.*
- G. *Failure to return to work by the expiration date of a leave of absence without pay shall be cause for removal and shall result in automatic termination of the employee from county service.*
- H. *A leave of absence without pay may be revoked by the [Human Resources] director upon evidence submitted to the director by the appointing authority of the employee indicating that such leave was requested and granted under false pretenses, or that the need for such leave has ceased to exist.*

(KCC 3.12.250)

- I. When a leave of absence without pay is used in conjunction with paid leave time, all paid leave time must be used first.
- J. Leaves of absence without pay related to employee and family medical leaves are also governed by the appropriate provisions of these guidelines.

14.12 Military Leave of Absence

- A. Military leave will be administered in accordance with the following:
- *A leave of absence for active military duty or active military training duty shall be granted to eligible employees in accordance with applicable provisions of state and/or federal law; provided, that a request for such leave shall be submitted to the appointing authority in writing by the employee and accompanied by a validated copy of military orders ordering such active duty or active training duty.*
(KCC 3.12.260)
 - The appointing authority will grant, for a period not exceeding 15 workdays during each year, leaves of absence with pay to employees eligible for leave benefits for the purpose of taking part in active duty or military training. The employee must submit a written request for military leave to the employee's appointing authority and must attach a copy of the military documents that order the active duty.
 - For purposes of this section, "15 workdays" refers to the employee's working days and does not require an employee to take military leave for days that the employee is not scheduled to work even though the employee may be required to be engaged in active training.
 - In accordance with state law, the year period for determining the eligibility for 15 days of paid leave is from October 1 to September 30.
 - The appointing authority and the Human Resources Director will abide by applicable state or federal law in granting any military leave of absence for a period of more than 15 workdays.
 - Reemployment of employees returning from military leave is covered by state and federal law and these guidelines.

B. *Any employee eligible for leave and insured benefits who upon demand by the United States Government vacates his or her position with the county either to determine his or her physical fitness to enter, or to actually enter upon active duty or training in the Washington National Guard, the United States Armed Services, or the United States Public Health Service shall receive medical, dental and life benefits for the time period commencing with the beginning of an employee's military leave of absence and continuing until active duty has been completed. These employees shall continue to receive the medical, [vision,] dental and life benefits that they received prior to separation from county employment.*

(KCC 3.12 262)

C. For purposes of this section, “insured benefits” does not include accidental death and dismemberment (AD&D) or long-term disability (LTD) insurances.

14.13. Jury Duty

Any employee eligible for leave benefits who is ordered [to jury duty] shall be entitled to his or her regular county pay; provided, that fees for such jury duty are deposited, exclusive of mileage, with the [Finance and Business Operations Division, Department of Executive Services]. Employees shall report back to their work supervisor when dismissed from jury service.

(KCC 3.12.240)

Employees must contact their supervisor when released from jury duty for the day or at the end of the trial during regularly scheduled working hours and may be required to report to work.

14.14. Emergency Closure, Designation of First Responders and Mission Critical Employees

A. Continuity of business:

- Each department, division and/or agency shall address within its emergency response plan the continuity of operations in the event of a facility closure resulting from natural disaster, inclement weather, technological failure, hazardous materials release, act of war or terrorism, or other significant event where public and employee safety is of concern.
- Departments, divisions and other agencies should, to the extent possible, designate one or more alternative work sites should the primary worksite become inaccessible for any reason, and employees should be notified of the location(s) of such alternative work site(s).

- All agencies are encouraged to adopt procedures for communicating with employees at home and at work in case of an emergency or disaster situation that alters routine county operations.

B. Designation of first responders and mission critical employees:

Agency emergency plans must designate those employees and/or positions that are deemed essential for initial response to an emergency, and those critical to re-establishing provision of services in the event of an emergency. These designations will vary according to the nature of the emergency and should be outlined in the agency's emergency response plans. Further, it is understood that the determination of whether or not an employee is mission critical may change as circumstances of an emergency situation evolve in the hours, days or weeks following a critical incident. However, nothing in this policy shall restrict a department or division director or agency administrator from deploying his or her workforce as he or she deems appropriate to meet public needs during an emergency or critical incident. Furthermore, according to the provisions of the agency's emergency response plans, the authority to determine which employees are mission critical can be delegated through the incident command system to the agency's designated incident commander.

C. Closure of county facilities:

- Administrative offices and county operations will remain open during emergency situations that do not pose an immediate life, health, or safety risk to its occupants unless directed otherwise by the Executive or the respective department director. Department directors should make every reasonable effort to contact the Executive or Assistant County Executive prior to closing a department, facility or office.
- Evacuation or lockdown of county owned or leased facilities in the downtown core shall be conducted as necessary by the Department of Executive Services, Facilities Management Division. However, closures or evacuations of county facilities, other than for immediate life, health or safety issues, must be authorized by the Executive, his/her designee, or the respective department director if unable to contact the Executive's office.
- Evacuation and/or closure of offices and facilities in leased buildings, where management of such buildings is by other than King County, shall be conducted as required by the building or facility owner or director. If such evacuation or closure occurs, the responsible department or division director may direct employees to an alternative worksite as appropriate.

D. Pay for employees in case of facility closure:

1. If a facility is closed by order of the Executive, regular, provisional, probationary and term limited temporary employees scheduled to work will be paid their normal pay until such time as the facility is reopened, alternative worksites are arranged, or a reduction in force is implemented. If the shutdown extends for more than one week, the status of displaced workers may be reviewed by the Executive to determine whether a reduction in force due to either lack of funds or lack of work is in order. This applies to affected FLSA exempt as well as FLSA non-exempt. Only hours actually worked will be used to determine overtime eligibility for the week.
 - Employees who prior to a facility closure have previously requested and have been approved for time off (e.g., vacation, sick leave, compensatory time off, executive leave, leave of absence) will have hours deducted from their accruals as approved in accordance with established policies for their use.
 - Temporary (other than provisional, probationary and term limited temporary), administrative interns, and non-regular part time employees will be paid only for hours actually worked during a facility closure.
 - Employees designated as first responders and mission critical employees who are unable to report to work will have their time charged to vacation, compensatory time (FLSA non-exempt), executive leave (FLSA exempt) or leave without pay unless the department director or designee determines that regular pay is warranted and waives the charging of the time missed.
 - If the facility closes after the start of an employee's shift, employees who are scheduled to report to work but do not report to work and do not contact the appointing authority or designee prior to a facility closure are considered to have been absent without leave authorization and will be subject to leave without pay for the full day. However, the appointing authority may at his or her discretion authorize the use of vacation, compensatory time or executive leave for the absence as individual circumstances warrant.
2. When a department or division director or agency administrator closes operations in his or her agency during the work day or orders employees to leave the premises because of safety concerns,

employees (regular, provisional, probationary and term limited temporary) scheduled to work will be paid for the normally scheduled work day.

3. Continued closure of a facility outside the downtown core beyond the first day (or partial day) as described above must be approved by the Executive; otherwise, the facility will be deemed open.

E. Pay for employees where facilities remain open for business:

Where a department, office or facility remains open but conditions prevent an employee from reporting to work:

- The employee will notify his or her supervisor as soon as possible.
- The employee may request, and the supervisor may approve, the use of compensatory time, executive leave, vacation time, or leave without pay to cover absences resulting from a county emergency, critical incident, or inclement weather. Sick leave may not be used in such instances except where appropriate under sick leave provisions of the King County Code, these guidelines and respective collective bargaining agreements.

14.15. Organ Donor Leave

- A. *The appointing authority shall allow employees eligible for family leave, sick leave, vacation leave or leave of absence without pay who are voluntarily participating as donors in life-giving or life-saving procedures such as, but not limited to, bone marrow transplants, kidney transplants, or blood transfusions to take five days paid leave without having such leave charged to family leave, sick leave, vacation leave or leave of absence without pay provided that the employee shall:*
 1. *Give the appointing authority reasonable advance notice of the need to take time off from work for the donation of bone marrow, a kidney or other organs or tissue where there is a reasonable expectation that the employee's failure to donate may result in serious illness, injury, pain or the eventual death of the identified recipient.*
 2. *Provide written proof from an accredited medical institution, organization or individual as to the need for the employee to donate bone marrow, a kidney, or other organs or tissue or to participate in any other medical procedure where the participation of the donor is unique or critical to a successful outcome.*

B. Time off from work for the purposes set out above in excess of five working days shall be subject to existing leave policies contained in KCC [Chapter] 3.12 or in any applicable collective bargaining agreement.

(KCC 3.12.215)

15. PERFORMANCE APPRAISAL

15.1. Probationary Employee Performance Appraisal

Probationary employees will be evaluated in accordance with KCC 3.12.100 and these guidelines.

15.2. Regular Employee Performance Appraisal

- A. Following completion of probation, employee performance appraisals are conducted at least annually. Performance appraisals will be based upon individualized, position-specific performance elements. Evaluation standards should be developed in conjunction with employees and understood by supervisors and employees.
- B. Completed appraisal forms are to be filed in the employee's personal history file. A completed appraisal form is required in order for an employee to be eligible for a merit increase. The appraisals must meet the following criteria:
 - They must be written.
 - They must indicate clearly whether overall performance is satisfactory or unsatisfactory.
 - They must provide for employee feedback.
- C. Specific procedures for conducting regular employee performance evaluations are contained in the King County Merit Pay System Manual.

15.3. Appeal of a Regular Employee Performance Appraisal

- A. Within five working days after a copy of the performance appraisal form is given to the employee, the employee may request additional review and consideration by their division director (or, where the employee's supervisor is the division director, the department director). The employee should prepare a written request, which includes the following elements:
 - Identify the appraisal by date, the name of the evaluator, and the date the appraisal was received.
 - Specify the ratings or comments that the employee believes are incorrect.
 - State the ratings or comments the employee believes should be made on the appraisal.
 - Give facts substantiating each change requested.

- Keep a copy of the written request and send the original to the division (or department) director.
- B. Upon receiving the request, the division (or department) director will have 15 calendar days to meet with the employee. The division (or department) director will either sustain or change the performance appraisal, and notify the employee of the decision in writing. In case of a change to the appraisal, a copy of the revised appraisal is to be included with the decision.
- C. In the event that the issue is not resolved by the division director, the employee may, within 15 calendar days of the meeting with the division director, meet with the department director, who will notify the employee of the decision in writing. The department director's decision to sustain or change the performance appraisal will be final.

16. DISCIPLINE

16.1. Disciplinary Action

- A. The primary objective of any disciplinary action is to improve the performance, increase the efficiency, or correct the employee's behavior. Disciplinary action is primarily the responsibility of the appointing authority. It may include, but is not limited to, a written reprimand, reduction in rank or pay, suspension without pay, and/or discharge of the employee.
- B. Prior to implementing discipline, the appointing authority will consult with the service delivery manager and, where applicable, the Labor Negotiator to review the proposed disciplinary action. The appointing authority, through or in conjunction with the service delivery manager, will consult with the Human Resources Director prior to the suspension without pay, demotion or discharge of any career service or exempt employee in a regular position.

[Reference KCC 3.12.270]

16.2. Types of Discipline

The type and level of disciplinary action will be determined by the nature and severity of the behavior and/or performance deficiency that led to the disciplinary action. FLSA exempt personnel are not subject to unpaid disciplinary suspensions except in increments of full workweeks unless the infraction leading to the suspension is for a violation of a safety rule of major significance.

[Reference KCC 3.12.270]

16.3. Pre-Disciplinary Procedure

- A. The appointing authority must provide employees written notice and an opportunity to respond prior to the employee being suspended without pay, discharged, demoted or receiving a reduction of pay for disciplinary reasons.
- B. Verbal warnings may be issued by the supervisor to provide notice to the employee of the behavior or performance deficiency in question and give the employee an opportunity to correct the deficiency before issuing a written reprimand.

[Reference KCC 3.12.270]

16.4. Cause for Disciplinary Action

A career service employee may be disciplined by the appointing authority for any of the following causes, or for any other justifiable cause:

- 1. Dishonesty, including but not limited to dishonesty in securing appointment*
- 2. Incompetence*
- 3. Inefficiency*
- 4. Unauthorized absence, including patterns of continual tardiness*
- 5. Neglect of duty*
- 6. Insubordination*
- 7. Consumption of or being under the influence of alcohol or other drugs while on duty*
- 8. Conviction of a crime*
- 9. Disorderly conduct while on duty*
- 10. Negligent, reckless or knowing damage to or waste of public property*
- 11. Violation of any of the provisions of applicable federal or state law relating to political activities*
- 12. Negligent, reckless or knowing violation of any of the provisions of the personnel guidelines*
- 13. Violation of any lawful order, directive, or policy of a superior, including but not limited to the Executive, department directors and division [directors], or a violation of the Employee Code of Ethics.*

(KCC 3.12.270 A)

16.5. Written Notice

A. In any disciplinary action against a career service employee, pertinent information will be reduced to written form by the appointing authority and a copy provided to the employee and to the [Human Resources Director]. The written notice shall state the following:

- 1. The reason for discipline*
- 2. The facts supporting the discipline*
- 3. The form of discipline to be imposed*
- 4. The effective date of the discipline*

5. *Unless otherwise provided in an applicable collective bargaining agreement, the right of the employee to appeal any disciplinary action to appropriate authorities through the initiation of grievance procedures, as authorized by or approved under (KCC Chapter 3.12). In addition, unless otherwise provided in an applicable collective bargaining agreement, the employee can appeal the following disciplinary actions to the Personnel Board:*

- a. Suspension of more than 60 days*
- b. Reduction in rank or pay*
- c. Discharge*

B. Written notice of the discipline will be delivered to the career service employee or mailed to the employee's last known address by certified mail, return receipt requested. An employee shall be deemed notified of the disciplinary action on the date the notice was delivered to the employee or the date on the return receipt, as applicable.

(KCC 3.12.270 D and E)

17. GRIEVANCE PROCEDURE

17.1. Grievance Policy

The county recognizes the importance and desirability of settling grievances of career service employees promptly and fairly in the interest of continued good employee relations and morale. To accomplish this, every effort will be made to settle grievances at the lowest possible level of supervision. Employees will be unimpeded and free from restraint, interference, coercion, discrimination, or reprisal in seeking adjudication of their grievances.

(KCC 3.12.280)

17.2. Mutual Exclusivity

An employee who is covered by a collective bargaining agreement has access to either the grievance procedure described in these guidelines or to the grievance procedure contained in the employee's collective bargaining agreement. Except where otherwise provided in a collective bargaining agreement, selection of one process will preclude access to the other to resolve the grievance. A represented employee must choose the avenue of appeal upon completion of Step 1; the employee's choice is final.

17.3. Filing a Grievance

If a decision is not returned to the employee within the time limits specified in each step below, the employee may, after the time limit has passed, present the grievance to the county representative specified in the next step of this grievance procedure.

In addition, any of the steps of the grievance procedure and/or the time frames involved may be waived and/or extended by the parties. Grievances related to verbal warnings or written reprimands may not be pursued beyond Step 2.

Step 1—Supervisor/Division Director

The employee must present a written grievance to the employee's supervisor within 20 calendar days of the occurrence of the action being grieved. The written grievance must include the following information: nature of the grievance, identification of which provision of these guidelines has been violated, and the remedy sought.

The supervisor, in conjunction with the division director if applicable, will gather all relevant information and data and will meet with the employee within 14 calendar days in an attempt to resolve the matter. The supervisor will then provide a written response to the employee within seven calendar days of the meeting.

If the employee does not pursue the grievance to Step 2 within 14 calendar days of receiving the supervisor's written response, it will be presumed to be resolved.

Step 2—Department Director

If the employee is not satisfied that the decision of the supervisor and division director has resolved the grievance, then the employee may submit the written grievance notice to the department director.

The department director will, within 14 calendar days of receiving the grievance, give a written decision to the employee. If the employee does not pursue the grievance to Step 3 within 14 calendar days of receiving the written response, it will be presumed to be resolved.

Step 3—Human Resources Director

If the employee, after thorough evaluation, is not satisfied that the decision of the department director has resolved the grievance, then the employee may, within 14 calendar days of receiving the department director's decision, submit the written grievance notice, along with all letters, memoranda, and other written materials developed at Steps 1 and 2 to the Human Resources Director.

If the Human Resources Director determines that the issue meets the definition of grievance, the Human Resources Director will, within 20 calendar days of receiving the notice, meet with the employee to give the employee an opportunity to present the factors that the employee considers to be relevant to the issue. The Human Resources Director will evaluate all statements and materials and must render a decision within seven calendar days of the meeting. This decision will be final and binding, unless the grievance is related to one of the matters listed in Step 4. In this case, the employee may move to Step 4.

If an employee of the Human Resources Division files a Step 3 grievance, then the grievance will be filed with the County Administrative Officer rather than the Human Resources Director, who will then designate an individual other than the Human Resources Director to hear the grievance. Otherwise, all Step 3 procedures apply to employees of the Human Resources Division.

Step 4—Personnel Board

The board may only hear appeals that involve matters concerning examination, appointment or promotion, classification or reclassification, discharge, reduction in rank and/or pay, or suspension in excess of 60 calendar days. If the Personnel Board finds that the grievance is an appropriate subject for hearing, then further appeal will be in accordance with the rules of procedure established by the Personnel Board.

A. *In the case of an appeal by a career service employee to the board, written notice of appeal shall be filed by the employee with the chair of the board and the [Human Resources Director] within thirty calendar days of the employee having been notified of the disciplinary action as provided for by [KCC Chapter 3.12] or within ten days of completion of the grievance or appeal process contained in [these guidelines] or any applicable collective bargaining agreement. For appeals not involving disciplinary action, the applicable period shall be fourteen calendar days from the action from which the appeal is taken, or fourteen calendar days from the time the employee should reasonably have known of the action, whichever is longer. The written notice of appeal shall contain a statement of the following:*

- 1. The action or alleged action from which the appeal is taken;*
- 2. The grounds for appeal; and*
- 3. The relief requested.*

The board may only hear appeals which are within its jurisdiction, as set forth by Section 540 of the Charter.

B. *All decisions of the personnel board shall be final unless appealed to a court of competent jurisdiction within fourteen calendar days.*

C. *The personnel board or the court shall award a career service employee reasonable attorney's fees incurred in any appeal in which the employee is the prevailing party, provided, that the employee shall be considered the prevailing party only where the county has a written settlement offer in effect thirty calendar days prior to the hearing of the personnel board or court and the award obtained by the employee exceeds the terms of that settlement offer provided further, that such reasonable attorneys fees shall not exceed the actual fees paid by the employee.*

(KCC 3.12.290 (part))

18. LAYOFFS

In the event of a reduction in force due to lack of work, lack of funds or considerations of efficiency, layoffs shall be conducted at a department or division level. The order of layoff shall be conducted by class on the basis of merit. Where two or more career service employees within a class are of equal merit, county seniority shall determine the order of layoff as between those employees. Where there is an applicable collective bargaining agreement, the order of layoff shall be determined by the collective bargaining agreement. In lieu of laying off a career service employee, the [Human Resources] director may reassign such employee to a comparable, vacant position, when the director determines such reassignment to be in the best interests of the county.

(KCC 3.12.300)

Specific procedures for implementing a reduction in force are addressed in the King County Workforce Management Plan.

19. RESTORATION TO EMPLOYMENT

19.1. Restoration to Career Service

A career service employee who accepts a transfer or promotion to an exempt position prior to December 1, 1979, shall, upon separation from the exempt position, be allowed to re-enter career service at a position comparable in terms of responsibilities and salary or wage (including normal cost-of-living increases) to the career service position formerly held by the employee. A career service employee accepting such a transfer or promotion on or after December 1, 1979, shall have such a right to restoration; provided, that:

- 1. The right to restoration is exercised within four calendar years from the effective date of the transfer or promotion to an exempt position; and*
- 2. The former appointing authority, at his or her discretion, approves such restoration within the limits of available authorized positions; or*
- 3. A different appointing authority, having jurisdiction over comparable authorized positions, at his or her discretion approves such restoration within the limits of available authorized positions.*

(KCC 3.12.120 G)

19.2. Continuation of Career Service

A career service employee who accepts an appointment to an exempt position effective on or after January 1, 1996 and which position and appointment resulted from the reorganization of the executive branch as reflected in the creation of certain new positions contained in Attachment A to Ordinance 12013 shall retain his/her career service status and rights while holding such exempt position and have the restoration rights set forth in this section. This provision is not intended to provide the career service employee with a right to the exempt position. But, such employee, if selected for the exempt position, could be terminated from the position only for just cause.

(KCC 3.12.120 F)

19.3. Rehire

A career service employee who resigns in good standing may be rehired in the same classification or in a lower classification in the same classification series without written examination if the employee is rehired within two years after resignation and if the employee meets the current education, experience, and physical qualifications for the position. The employee must serve a probationary period. Benefits eligible employees who are rehired within two years may be eligible for restoration of vacation accrual rate and previous sick leave balances in accordance with KCC 3.12.190.M and 3.12.220.E.

19.4. Recall

A career service employee who is laid off due to lack of work or funds may be reemployed in his or her former classification, in a similar classification for which he or she is qualified, in a lower classification within the same classification series, or in any other classification deemed appropriate by the Human Resources Director. A laid-off employee's eligibility for recall will expire two years from the date of layoff, except where otherwise authorized in these guidelines. Should the person refuse referral to an employment interview or appointment to a position in his or her former classification or at a comparable rate of pay during the two-year recall period, then the employee will forfeit eligibility for recall unless the Human Resources Director determines there is good cause for the refusal.

Specific procedures for administering the recall program are addressed in the King County Workforce Management Plan.

19.5. Reemployment of Veterans

A. A regular career service employee who has taken a military leave of absence will, upon honorable discharge or other proof of having satisfactorily completed military service, be reemployed as he or she would have been if employment had not been interrupted by military service, or a position of like status, seniority and pay as provided by the Uniformed Service Employment and Reemployment Rights Act (USERRA). Federal law established deadlines by which employees returning from uniformed service must exercise their reemployment rights.

The requirement(s) for notice to King County are:

- If the employee served less than 31 days in the military, the employee must notify King County immediately upon receiving notice of discharge, and report to duty for the next regularly scheduled shift.
- If the employee served more than 30 days but less than 181 days in the military, application for reemployment must be served not later than 14 days after completion of the period of service.

- If the employee served more than 180 days, up to a maximum of five years in the military, the employee must give notice and application for reemployment within 90 days of discharge.
 - Employees who exceed five years in the military are not entitled to reemployment under this section. However, reemployment application deadlines may be extended for two years or more when an employee suffers service-related injuries that prevent him or her from applying for reemployment.
- B. If the employee is qualified to perform the duties of his or her former position, the employee will be restored to that position or a position of like seniority, status, and pay. If the employee is not qualified to perform the duties of his or her former position due to disability sustained during service, King County will make reasonable efforts to accommodate the employee's disability to the employee can perform in his or her former position. If, despite reasonable accommodation efforts, the employee is still not qualified for his or her former position, but is qualified to perform the duties of another position, the employee will then be offered employment in another position that will provide the employee with like seniority, status, and pay (not to exceed the top pay step of the range assigned to the position), or to the nearest approximation thereto, consistent with the circumstances of the case. If the employee is not qualified to perform the duties of his or her former position due to disability sustained during service and is not qualified to perform the duties of another position, but can become qualified with reasonable training, such training will be provided and the employee will then be offered employment on that basis.
- C. In no event will the county be obligated to reemploy the employee if the Human Resources Director has determined that the county's circumstances have so changed as to make it impossible, unreasonable, or against the public interest to do so.
- D. For career service employees who are laid off due to lack of work or funds and during the two-year recall period are involuntarily called up to active service the county shall grant, for a total period not to exceed five years, an extension of recall rights provided in these guidelines. The extension is administered as follows:
- The county shall extend the former employee's recall rights for the remaining time that they had left in the recall program after being called to serve in the military. That period runs from the date that the former employee reported back from the military.

- In order to be eligible for such an extension, the former employee must report back to the layoff/recall coordinator as follows:
 - If the former employee's military leave period is 30 days or less, the employee must report to the layoff/recall coordinator the next business day after the former employee's discharge and inform the coordinator that the employee is available for recall.
 - If the former employee's military leave period is 31-180 days, the employee must report to the layoff/recall coordinator within 14 days of discharge and inform the coordinator that the employee is available for recall.
 - If the former employee's military leave period is 180 days or more, the employee must to report to the layoff/recall coordinator within 90 days of discharge and inform the coordinator that the employee is available for recall.

20. TEMPORARY AND PART-TIME EMPLOYMENT

20.1. General Provisions

- A. *The [county] finds that both operational efficiency and fair and equitable employment practices are advanced by the use of regular, career service employees where appropriate. Therefore, it is the policy of King County to have ongoing, relatively stable, and predictable bodies of work necessary to the provision of services to the public performed by career service employees, and to minimize its use of part-time and temporary employees.*

(KCC 3.12A.010)

- B. *All appointments to term-limited temporary positions will be made by the appointing authority in consultation with the [Human Resources Director] prior to the appointment of term-limited temporary employees.*

(KCC 3.12.010 (part))

- C. Temporary and part-time employees are not eligible for leave or insured benefits except for term-limited temporary, provisional, and probationary employees, or where otherwise provided.

- D. *Effect of exceeding threshold hours: Part-time and temporary employees, other than probationary, provisional and term-limited temporary employees, who exceed the calendar year working hour thresholds set forth in the definitions contained in KCC [Chapter] 3.12 shall receive pay in lieu of benefits as provided in KCC [Chapter] 3.12. Provided, that exceeding the threshold hours does not confer career service status on any employee.*

(KCC 3.12A.040)

E. *Termination. Nothing in [KCC Chapter 3.12] shall restrict King County's ability to terminate part-time and temporary employees who exceed the calendar year working hour thresholds or term-limited temporary employees who exceed the calendar years threshold set forth in the definitions contained in KCC [Chapter] 3.12; provided, however, that if an employee seeks conversion of their position by appeal to the committee, termination of that employee for reasons related to the appeal shall be deferred until the conclusion of the appeal process described herein. If the employee's appeal is successful, the employee shall not be terminated but rather be assigned to a position as required by the appeal process described herein.*

(KCC 3.12A.060)

20.2. Benefit Offsets

Part-time and temporary employees, other than probationary, provisional and term-limited temporary employees, who exceed the calendar year working hours threshold defined in [KCC Chapter 3.12] shall receive compensation in lieu of leave benefits at the rate of 15% of gross pay for all hours worked, paid retroactive to the first hour of employment and for each hour worked thereafter. The employee will also receive a one-time only payment in an amount equal to the direct cost of three months of insured benefits, as determined by the [Human Resources Director], and, in lieu of insured benefits, an amount equal to the direct cost to the county for each employee for whom insured benefits are provided. Such additional compensation shall continue until termination of employment or hire into a full-time regular, part-time regular or term-limited position. Further, employees receiving pay in lieu of insured benefits may elect to receive the medical component of the insured benefit plan, with the cost to be deducted from their gross pay; provided, that an employee who so elects shall remain in the selected plan until termination of employment, hire into a full-time regular, part-time regular, or term-limited position, or service of an appropriate notice of change or cancellation during the employee benefits annual open-enrollment.

Part-time and temporary employees, other than probationary, provisional and term-limited temporary employees, who exceed the applicable threshold will also be eligible for cash in lieu of the bus pass benefit provided to regular employees. The value will be determined based on the average annual cost per employee as determined in the adopted budget, prorated to an hourly equivalent based on the employee's normal work week, and will be paid retroactive to the first hour worked and for each hour worked thereafter until termination of employment or hire into a full-time regular, part-time regular, or term limited position.

(KCC 3.12.040 C)

20.3. Administrative Interns

- A. Administrative interns are not eligible for leave or insured benefits, or for any cash in lieu thereof.
- B. Except where required by formal employment programs (such as the work training program administered cooperatively with accredited colleges and universities), hiring of administrative interns will be at the discretion of the appointing authority. Notwithstanding restrictions of formal employment programs, the number of hours worked by an administrative intern will not be limited, provided the administrative intern continues to meet the eligibility criteria; specifically, the administrative intern is enrolled full-time during the regular school year in a program of education, internship or apprenticeship.

20.4. Short-term Temporary Employment

- A. Hiring of short-term temporary employees must be authorized by the Human Resources Director prior to hire. A request for short-term temporary employee hire authorization must include, at a minimum, a description of the body of work to be performed, the regular designation of a classification that most closely resembles the work to be performed, the proposed salary pay or wage that will be paid, the funding source, the anticipated hire date, and the number of hours the employee is anticipated to work.
- B. Short-term temporary employees, as new county employees, start at the first step of the pay range for the classification they are entering. If it is necessary for recruitment to hire above step one, the department must receive the appropriate prior approval as provided in KCC 3.15.120.
- C. Short-term temporary employees are to be treated as FLSA non-exempt regardless of the classification that they are associated with.
- D. Appointing authorities are responsible for ensuring that no temporary employee exceeds the calendar year working hours threshold. In addition to providing benefit offsets to the affected employee, if a temporary employee exceeds the 910/1040 threshold, the hiring department must take one of the following actions:
 - Discontinue the work performed by the temporary employee and terminate his/her employment;
 - Reassign the work performed by the temporary employee to an existing career service employee(s) and terminate the employment of the temporary employee; or

- Request a term-limited temporary position to perform the work, if it meets the criteria of term limited temporary positions as defined in these guidelines, and upon approval of Human Resources Director, appoint the temporary employee to the TLT, if appropriate.
- E. Specific procedures covering request and authorization of short-term temporary employee hires, and for reporting instances where a temporary employee has exceeded the applicable threshold, will be developed and maintained by the Human Resources Director.

20.5. Term-Limited Temporary Employment

- A. All term-limited temporary positions must be authorized by the Human Resources Director prior to being filled. A request for term-limited temporary position authorization must include, at a minimum, a description of the body of work to be performed, the regular designation of a classification that most closely resembles the work to be performed, the proposed salary pay or wage that will be paid, the funding source, the anticipated hire and end dates of the project/position, and which of the following categories describe the body of work:
- Grant-funded projects
 - Information systems technology projects
 - Capital improvement projects
 - Miscellaneous projects
 - Seasonal positions
 - Temporary placement in regular positions (backfill)
- B. Specific procedures covering request and authorization of term-limited temporary positions will be developed and maintained by the Human Resources Director.
- C. Rate of pay upon hire of term-limited temporary employees will be as required under KCC 3.15.120.

20.6. Career Service Review Committee and Body of Work Review

- A. The Career Service Review Committee (CSRC) consists of the following three permanent members: the county Executive or his or her designee; the chief officer of the office of budget or successor organizational unit, or his or her designee; and the [Human Resources Director], or his or her designee; and one member representing the department whose body of work and/or employees are then under review.

(KCC 3.12A.020)

B. Annual Review

The Executive shall conduct an annual review as described herein. By March 1 of each year, beginning March 1, 1999, each executive department and administrative office shall prepare and submit to the committee a comprehensive report documenting its use of part-time and temporary employees, other than probationary and provisional employees, in the preceding calendar year.

Within 60 days of submission of the above reports, the committee shall make a factual determination as to whether an ongoing, relatively stable and predictable body of work on an annualized basis has been identified. If the committee determines that such a body of work exists, the committee may recommend:

- (1) The creation of any new part-time or full-time regular career service position(s); or*
- (2) The filling of an existing vacant career service position in which the work is being performed by a temporary or part-time employee(s); or*
- (3) The creation of a term-limited temporary employee position; or*
- (4) The cessation of the work.*

If the committee identifies such a body of work, but the committee does not make any of the recommendations described above, the department must discontinue the use of part-time or temporary employees to perform that work. If the committee recommends creation of a regular career service position, but the Executive does not recommend or the council does not create such a position, the department shall discontinue performance of the pertinent body of work by temporary or part-time employees.

[Except as provided in the appeal procedures below, any] regular career service position created as a result of this process will be filled by a competitive hiring process.

The reports of each department and of the committee and the records of their proceedings shall be considered disclosable public records and shall also be made available to the council upon request.

(KCC 3.12A.030)

20.7. Appeal Procedures

- A. Part-time and temporary employees, other than probationary and provisional employees, who exceed the calendar-year working-hour thresholds set forth in the definitions contained in K.C.C 3.12 may seek conversion of a body of work in which they perform into a part-time or*

full-time regular career service position by appeal to the committee. Conversion decisions shall be based on whether the work performed by the employee is an ongoing, relatively stable, and predictable body of work that is half time or more, even though the work was not perceived as such previously, and whether it should be performed by a regular part-time or full-time career service employee. The committee shall also decide, if the body of work does not warrant a career service position, whether the position should be converted to a term-limited temporary employee position. The committee shall determine whether the work performed by the employee shall

- (1) Remain outside career service as part-time or temporary,*
- (2) Be converted to a term-limited temporary employee position that receives benefits, or*
- (3) Be converted to a part-time or full-time regular career service position.*

The committee shall make its determination within 45 days of the employee's request. In the event of a tie vote by the committee, where half the committee finds that the body of work should be converted, the appeal shall be deemed to have prevailed. The committee shall make a recommendation to the Executive for recommendation to the council. The Executive's recommendation shall be submitted to the council if the Executive decides the body of work should be performed by a career service employee and that further position authority is required. If the council does not approve the additional position, the work shall promptly be discontinued and not performed by temporary or part-time employees.

If the committee finds that the work performed by the employee should remain part-time or temporary, the employee may appeal within ten days from the date of receipt of the committee's finding by filing a notice of appeal with the committee. The committee shall direct the appeal to be considered by a hearing examiner of the county or, at its option, the committee may direct the appeal be considered by an independent, neutral arbitrator who will make a final determination. The arbitrator shall be chosen by the director and the appellant, and shall be paid by the employing department or administrative office. The hearing examiner's or arbitrator's decision shall be limited to either upholding the committee's finding or overturning the committee's finding. The decision shall be based on whether the work performed by the employee is an ongoing, relatively stable, and predictable body of work and is half-time or more, under the same standards applicable to the committee, or on whether the work meets the definition of term-limited temporary position. Employees covered by a grievance procedure contained in a collective bargaining agreement may elect either to use the grievance procedure, if the applicable collective bargaining agreement permits it, or to use the appeal procedure described above, but not both procedures.

If the hearing examiner or arbitrator overturns the committee's findings, any new career service or term-limited temporary position must be absorbed by the department within its authorized position level, or within funds available for term-limited temporary position work, provided that the department may request additional position or budget authority. The appealing employee will be placed in the career service position as a provisional appointee, with insured benefits and leave benefits, until a competitive hiring process, which substantially takes into account and weighs the experience of the employee performing the tasks of the position, is completed. If the appealing employee is selected for the position, his or her start date will be the date of the provisional appointment for all purposes, including seniority and/or a probationary period, except that those employees covered by a collective bargaining agreement the date of the appointment shall be determined in accordance with the collective bargaining agreement or by the collective bargaining process. If the employee is placed in a term-limited temporary position, his or her start date will be the date of his or her appointment to the term-limited temporary position for all purposes, except for those employees covered by collective bargaining agreements, whose start date will be determined by the collective bargaining agreement or by the collective bargaining agreement process.

- B. *Appeal Procedure for Term-Limited Temporary Employees.* A term-limited temporary employee who exceeds his or her term may appeal to the committee to have the body of work converted to a career service position. The committee shall decide whether the body of work still warrants a term-limited temporary position designation or should be converted to a career service position. If a majority of the committee finds that the body of work should continue as a term-limited temporary position, the employee may appeal within ten days from the date of receipt of the committee's finding by filing a notice of appeal with the committee. In the event of a tie vote, the appeal shall be deemed to prevail. The appeal process shall be the same as for part-time and temporary employees (other than probationary and provisional employees), provided, however, if the employee prevails in the appeal, the employee shall be placed in a career service position, not a provisional appointment, and the employee shall not be required to serve a probationary period.

(KCC 3.12A.050)

20.8. Conversion of Short-term Temporary and Part-time Employees to Term-limited Temporary Positions

- A. When, subsequent to hiring a short-term temporary employee, circumstances change to the extent that the body of work will require more than the threshold hours in a calendar year, but will be limited in duration to less than three years and otherwise meets the requirements of a term-limited temporary, the employing agency may request creation of a term-limited temporary position. If approved by the Human Resources Director or designee, the agency may convert the temporary employee to the term-limited temporary position.
- B. The term-limited temporary position hire start date will be the initial date of hire as a short-term temporary performing that body of work. Benefits eligibility and calculation of applicable benefits should be based upon this adjusted service date and is applicable only if there is no break in service.
- Compensation for insured benefits should be at the full monthly direct cost of insured benefits, regardless of the employee's normal workweek during the period, for all months worked.
 - Compensation for bus pass eligibility will be calculated by applying the authorized per-hour rate to all hours worked.

- Affected employees will be credited with sick leave and vacation leave accruals that they would have earned had their initial hire as a short-term temporary performing that body of work had been as a term-limited temporary employee. Employees will be credited with the equivalent number of vacation leave days in consideration of paid holidays for which they would have been eligible. Employees who receive such credit for sick leave and vacation leave in this manner are subject to the provisions in the King County Code and these guidelines regarding their use.

21. PERSONNEL RECORDS MANAGEMENT

- A. Employee personnel files, records, and documents are the property of King County.
- B. The Human Resources Director or designee shall serve as the King County Records Custodian. He or she shall maintain countywide oversight authority for an employee's personnel file containing certain personnel related documents to ensure confidentiality and appropriate storage, retrieval and destruction of electronic and hard copy versions of personnel related documents are consistent with legal and county administrative requirements.
- C. Each department shall designate a department records custodian to implement these guidelines. Designees may be appointed as needed.
- D. The King County Records Custodian shall develop procedures to implement this policy, train department records custodians and designees, monitor implementation of this policy and conduct onsite audits as needed.

22. DEFINITIONS

A – B

Adjusted Service Date. The most recent date of hire into a regular position, as backdated for any prior eligible service that ended no more than two years before reemployment, or other time period required by law. The service date is adjusted for unpaid leaves of absence, including unpaid family leave, that exceed 30 calendar days. In this context, eligible service means employment in a regular position; however, if an employee moves from a term-limited temporary position into a regular position with no break in service, employment in the term-limited temporary position will be included when establishing the adjusted service date.

Administrative Intern. *Employees who are also enrolled full-time during the regular school year in a program of education, internship or apprenticeship.*

Alternative Work Schedule. An approved fixed flex, full flex or compressed work week.

Applicant. A person who has submitted a completed employment application for an advertised position within the publicized recruiting time period, and in the prescribed format.

Applicant Pool. A group of candidates whose qualifications have been evaluated utilizing job-related criteria.

Appointing Authority. *The county council, the Executive, chief officers of executive departments and administrative offices, or division [directors] having authority to appoint or to remove persons from positions in the county services.*

Appointment. The placement of a qualified eligible candidate in a position.

Authorized Absence. Any employee absence that has been approved by his or her supervisor.

Base Pay Rate. An employee's regular hourly rate of pay, which does not include premium, special duty, or overtime pay.

C

Candidate. *An applicant who has met the qualifications and has successfully passed the required examination for a classification.*

Career Service Position. *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 [KCC Chapter 3.12] 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.*

Charter. *The King County Charter, as amended.*

Child. *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: 1) under eighteen years of age; or 2) eighteen years of age or older and incapable of self care because of a mental or physical disability.*

Class or Classification. *A position or group of positions, established under authority of [KCC Chapter 3.12], 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.*

Classification Specification. *A document that identifies a job classification by title and describes the characteristic responsibilities and work of positions within the classification.*

Classify. *The act of assigning a position to its proper classification in accordance with the duties performed, and the authority and responsibility exercised.*

Classification Plan. *The arrangement of positions into classifications together with specifications describing each classification.*

Classification Series. Two or more classifications that have duties that are substantially similar in nature and character but differ in their level of difficulty, responsibility, and supervision received.

Compensatory Time. *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.*

Competitive Examination. A job-related examination which evaluates applicants as to their relative qualifications.

Compressed Work Week. A work week of fewer than five days in a seven-day period or fewer than ten days in a 14-day period.

Council. The Metropolitan King County Council.

County. *The county of King and any other organization that is legally governed by the county with respect to personnel matters.*

D

Demotion. The voluntary or involuntary movement of an employee from a position having a higher maximum pay step to a position having a lower maximum pay step.

Disability Release. Separation from employment when an employee is no longer able to perform the essential functions of available positions for which he or she is qualified, with or without accommodation. Employees who are separated from their employment through this process will have grievance/appeal rights consistent with the code and these guidelines, or with the employee's collective bargaining agreement, whichever is applicable.

Director. *The [director] of the human resources division.*

Discharge. An involuntary termination of employment.

Discipline. Suspension, discharge, demotion, reduction in rank or pay, written reprimand, or other actions as determined to be appropriate by the Human Resources Director for disciplinary purposes.

Domestic Partners. *Two people in a domestic partnership, one of whom is a county employee.*

Domestic Partnership. *A relationship whereby two people:*

1. *Have a close personal relationship;*
2. *Are each other's sole domestic partner and are responsible for each other's common welfare;*
3. *Share the same regular and permanent residence;*
4. *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;*
5. *Are not married to anyone;*
6. *Are each eighteen years of age or older;*
7. *Are not related by blood closer than would bar marriage in the state of Washington;*
8. *Were mentally competent to consent to contract when the domestic partnership began.*

Dual Employment. Employment in two or more county positions.

E

Employed at Least Half Time. 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 [Human Resources Director], in consultation with the department, is responsible for determining what hour threshold will apply.

Employee. *Any person who is employed in a career service position or exempt position.*

Employment List. A list that contains the names of candidates for a classification.

Examination. All tests that are applied to determine the eligibility of applicants for a position.

Executive. *The King County Executive, as established by Article 3 of the charter.*

Exempt Employee. *An employee who is 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.*

Exempt Position. *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.*

F

Fixed Flex. A work schedule divided into “core” time, during which the employee must be at work, and “flex-time bands” at either end of the core time, during which employees may adjust the times they begin and end their workday, subject to prior approval.

FLSA Exempt Employee. An individual who is designated by the Director as being employed in a bona fide executive, administrative, or professional capacity as defined by the State Minimum Wage Act (WMWA) and the Fair Labor Standards Act (FLSA), and who is therefore exempt from the overtime pay requirements of the FLSA and the WMWA..

FLSA Non-Exempt Employee. An employee who occupies a position that is covered by the FLSA and the WMWA overtime pay requirements.

Full Flex. A work week consisting of the hours (either 35 or 40) and days (five in a seven-day period) that would be worked by an employee on a regular schedule, but in which the daily hours worked may vary from day to day in order to meet the professional requirements of the position.

Full-time Regular Employee. *An employee employed in a full-time regular position and, for full-time career service positions, is not serving a probationary period.*

Full-time Regular Position. *A regular position which has an established work schedule of not less than 35 hours per week in those work units in which a 35 hour week is standard, or of not less than 40 hours per week in those work units in which a 40 hour week is standard.*

G – K

Grievance. *An issue raised by an employee relating to the interpretation of rights, benefits, or condition of employment as contained in either the administrative rules or procedures, or both, for the career service.*

Good Standing. Status of an individual upon leaving employment who was not terminated for cause or who did not resign in lieu of termination for cause.

Human Resources Director. The director of the Human Resources Division, or his or her designee.

Human Resource Service Delivery Manager (SDM). A position assigned to oversee and monitor the human resource management practices in executive agencies. The senior SDM reports directly to the Human Resources Division Director.

Immediate Family. *The 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.* This definition does not apply where a specific provision contains a different definition of immediate family.

L

Layoff. A reduction in force due to lack of work, lack of funds, or considerations of efficiency.

Leave Without Pay. Any absence of an employee from duty without compensation.

Loco Parentis (In). A person assuming the rights, duties, and responsibilities of a parent.

M – O

Medical Files. Health-related records and documents.

Merit (Basis of). *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 classifications.*

Merit Increase. An increase to an employee's base pay within the assigned pay range, based on demonstrated performance.

P

Part-time Employee. *An employee who is employed in a part-time position. Under Section 550 of the charter, part-time employees are not members of the career service.*

Part-time Position. *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 (KCC Chapter 3.12). Where the standard work week falls between thirty-five and forty hours, the [Human Resources Director], in consultation with the department, is responsible for determining what hour threshold will apply. Part-time position excludes administrative intern.*

Part-time Regular Employee. *An employee who is 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.*

Part-time Regular Position. *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 [Human Resources Director], in consultation with the department, is responsible for determining what hour threshold will apply.*

Pay Range. *One or more pay rates representing the minimum, maximum, and intermediate steps assigned to a classification.*

Personnel Board. *A five-member board, four of whom are appointed by the Executive subject to confirmation by a majority of the council, and one who is elected by secret ballot by career service employees. Refer to KCC 3.08*

Personnel File/Personnel History File. *A file containing employment-related documentation that is accumulated for each employee, including regular, temporary, and term-limited temporary employees.*

Position Description Questionnaire (PDQ). *A form used to describe the duties of a specific position.*

Position. *A group of current duties and responsibilities assigned by competent authority requiring the employment of one person.*

Probationary Employee. *An employee serving a probationary period in a regular career service position. Probationary employees are temporary employees and excluded from career service under Section 550 of the charter.*

Probationary Period. A period of time, as determined by the [Human Resources Director], 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.

Probationary Period Pay Increase. A within-range pay increase from one step to the next highest step upon satisfactory completion of the probationary period.

Promotion. The movement of an employee to a position having a higher maximum salary.

Provisional Appointment. An appointment made in the absence of a list of candidates certified as qualified by the [Human Resources Director]. Only the [Human Resources Director] may authorize a provisional appointment. An appointment to this status is limited to six months.

Provisional Employee. An employee serving by provisional appointment in a regular career service position. Provisional employees are temporary employees and excluded from career service under Section 550 of the charter.

R

Recall. The reemployment of a former employee, within the prescribed time, who was laid off because of a reduction in force.

Reclassify. Reassigning the classification of a position based on significant changes in the position's difficulty, tasks, duties, and/or responsibilities, or because of an amendment to the classification plan. Reclassifications may result in a higher, lower, or same pay range.

Regular Employee. An employee in a regular position.

Regular Position. 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.

Rehire. The reemployment of a former employee who voluntarily resigned or was laid off and not recalled within the prescribed time.

Reinstatement. The restoration of an employee to the previous position or equivalent position based on an agreement or settlement i.e. grievance, arbitration, lawsuit, etc.

Resignation. The voluntary termination of employment.

Retirement. Withdrawal from active service with a retirement allowance as provided by RCW 41.40.010(24). An employee who retires as a result of length of service is one who is eligible, applies for, and begins drawing a pension benefit from LEOFF, PERS or the City of Seattle Retirement plan (for county employees who were formally grandfathered continued participation in that plan) immediately upon terminating county employment.

S

Salary or Pay Rate. *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.*

Separation. Removal from a position or termination of employment as a result of disability release, discharge, resignation, retirement, reduction in force, or death.

Serious Health Condition. *An illness or injury, impairment or physical or mental condition that involves one or more of the following:*

- 1. 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;*
- 2. 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;*
- 3. In-patient care in a hospital, hospice or residential medical care facility or related out-patient follow-up care;*
- 4. 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;*
- 5. A permanent or long-term ailment for which treatment might not be effective but that requires medical supervision by a health care provider; or*
- 6. Any period of incapacity due to pregnancy or prenatal care.*

Short-term Temporary Employees. Employees who generally work less than 6 months, and in any calendar year work less than 910 hours in a work unit with a 35 hour work week, or 1040 hours in a work unit with a 40 hour work week. The 910/1040 hours threshold applies to the cumulative total of time worked as a temporary employee, regardless of movements between departments or divisions.

Special Duty Assignment. A temporary assignment of an employee to an existing higher-level classification when the higher-level duties and responsibilities comprise the majority of the work performed.

Suspension. An involuntary leave of absence without pay imposed by an appointing authority for disciplinary purposes.

T – Z

Temporary Employee. *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.*

Temporary Position. *A position which is not a regular position as defined in [KCC Chapter 3.12] and excludes administrative intern. Temporary positions include both term-limited temporary positions as defined in [KCC Chapter 3.12] 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 [KCC Chapter 3.12]. Where the standard work week falls between thirty-five and forty hours, the [Human Resources Director], in consultation with the department, is responsible for determining what hour threshold will apply.*

Term-limited Temporary Employee. *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 [Human Resources Director]. The [Human Resources Director] shall maintain a current list of all term-limited temporary employees by department.*

Term-limited Temporary Position. *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:*

- *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;*

- *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;*
- *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;*
- *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;*
- *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 [Human Resources Director], in consultation with the department, is responsible for determining what hour threshold will apply; and*
- *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 [Human Resources Director] before the appointment of term-limited temporary employees.*

Termination. Separation of employment as a result of discharge, resignation, retirement, reduction in force, or death.

Threshold Hours. The maximum number of hours that a Short-Term Temporary employee can work in a calendar year. These hours are less than 910 hours in a work unit in which a thirty-five hour work week is standard or less than 1040 hours in a work unit in which a forty-hour work week is standard.

Transfer. The movement of a career service employee from one position to another position which has the same or comparable job classification and pay.

Unauthorized Absence. The absence of an employee from duty without specific authorization.

Underutilization. The under representation of people of color, women and persons with disabilities when the workforce does not reflect the availability of workers in the relevant recruitment area.

Voluntary Demotion. An employee-initiated change in an employee's position to a position with a lower maximum pay step.

Written Reprimand. A written statement to an employee specifying a deficiency in the employee's performance and the necessary corrective action.