



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

December 16, 2003

Ordinance 14823

Proposed No. 2003-0419.2

Sponsors Sullivan and Phillips

1 AN ORDINANCE related to contracts; requiring
2 contractors with the county to provide benefits to domestic
3 partners of their employees equivalent with the benefits
4 provided to spouses of their employees; adding a new
5 chapter to K.C.C. Title 12 and prescribing penalties.
6
7

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 SECTION 1. Sections 2 through 6 of this chapter should constitute a new chapter
10 in K.C.C. Title 12.

11 NEW SECTION. SECTION 2. Purpose. The purpose of this chapter is to
12 protect and further a more just government by requiring that public funds be expended so
13 as to prohibit county contractors from discrimination in the provision of employee
14 benefits between employees with spouses and employees with domestic partners.

15 NEW SECTION. SECTION 3. Definitions. The definitions in this section apply
16 throughout this chapter unless the context clearly requires otherwise.

17 A. "Contract" means an agreement to perform services or provide tangible
18 personal property as defined in K.C.C. 4.16.010. that entails a legally binding obligation
19 of twenty-five thousand dollars or more. "Contract" does not include the following: a
20 contract between a contract-awarding authority and a public entity; a contract for the
21 purchase, lease or rent of real estate; or a collective bargaining agreement.

22 B. "Contract-awarding authority" means the county officer, department,
23 commission, employee or board authorized to enter into or to administer contracts on
24 behalf of the county.

25 C. "Domestic partner" means any person who is a domestic partner as defined in
26 K.C.C. 3.12.010 and is registered with the employer as the employee's
27 domestic partner or, in the absence of such an employer-provided registry, is registered as
28 a domestic partner with a governmental body in accordance with state or local law
29 authorizing the registration. Any internal employer registry of domestic partnership must
30 comply with the criteria for domestic partnerships specified by the executive by
31 administrative rule.

32 D. "Employee benefits" means: the provision of bereavement leave; disability,
33 life and other types of insurance; family medical leave; health benefits: membership
34 discounts; moving expenses; pension and retirement benefits: travel benefits; and other
35 benefits given to employees. However, "employee benefits" does not include benefits to
36 the extent that the application of the requirements of this chapter to such benefits may be
37 preempted by federal or state law.

38 NEW SECTION. SECTION 4. Nondiscrimination in benefits.

39 A. A contractor who has contracted with the county shall not discriminate in the
40 provision of employee benefits between an employee with a spouse and an employee
41 with a domestic partner.

42 B. A contractor who has contracted with the county does not discriminate in the
43 provision of employee benefits between employees with spouses and employees with
44 domestic partners, so long as the contractor:

45 1. Provides the same employee benefits to employees' spouses and domestic
46 partners; or

47 2. Provides no employee benefits to employees' spouses and domestic partners.

48 C. The executive may waive the requirements of this chapter where any of the
49 following applies:

50 1. The award of a contract or amendment to a contract is necessary in an
51 emergency, as "emergency" is defined in K.C.C. 4.16.050;

52 2. The contract is for a proprietary purchase under K.C.C. 4.16.040;

53 3. There are no contractors capable of responding to the county's requirements
54 that can comply with the provisions of this chapter;

55 4. The contractor, despite taking all reasonable measures to do so, demonstrates
56 it is unable to extend a particular employee benefit to domestic partners;

57 5. The requirements of this chapter are inconsistent with a grant, subvention or
58 agreement with a public agency; or

59 6. The county is purchasing through a cooperative or joint purchasing
60 agreement.

61 D. A request for a waiver of the terms of this chapter must be made to the
62 executive by the contract-awarding authority in a manner prescribed by the executive by
63 administrative rule.

64 E. A contract-awarding authority shall not execute a contract with a contractor
65 unless the contractor has agreed that the contractor will not discriminate in the provision
66 of employee benefits as provided for in this chapter.

67 F. All contracts awarded by the county shall contain provisions prohibiting
68 discrimination in the provision of employee benefits, including provisions containing
69 appropriate remedies for the breach of the contracts as prescribed by section 5 of this
70 ordinance.

71 **NEW SECTION. SECTION 5. Powers and duties of the executive.** The
72 executive shall:

73 A. Adopt public and administrative rules in accordance with this chapter
74 establishing standards and procedures for effectively carrying out this chapter;

75 B. Determine and impose appropriate sanctions or remedies, or both, for
76 violation of this chapter by contractors including, but not limited to:

77 1. Disqualification of the contractor from bidding on or being awarded a county
78 contract for up to two years;

79 2. Remedies allowable by contract including, but not limited to, liquidated
80 damages and termination of the contract;

81 3. Remedial action after a finding of noncompliance, as specified by rule; and

82 4. Other appropriate civil remedies and sanctions allowable by law;

83 C. Examine contractor's benefit programs covered by this chapter; and

84 D. Administer other requirements specified by this chapter or that are necessary
85 to implement the purposes of this chapter.

86 SECTION 6. Appeals. An aggrieved contractor may appeal a decision made by
87 the executive under section 5.B of this ordinance. An appeal must be submitted in
88 writing to the executive within ten working days of the decision to be appealed. The
89 executive shall consider the appeal. The executive shall issue a decision in writing to the
90 contractor within twenty days of the submittal of the appeal that contains findings upon
91 which the decision was made.

92 SECTION 7. Applicability. This ordinance applies to any contract awarded on
93 or after the earlier of:

94 A. The date the executive adopts public and administrative rules establishing
95 standards and procedures for implementing this chapter; or

96 B. April 1, 2004.

97 SECTION 8. Severability. If any provision of this ordinance or its application to

Ordinance 14823

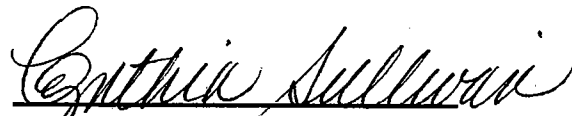
98 any person or circumstance is held invalid, the remainder of the ordinance or the
99 application of the provision to other persons or circumstances is not affected.

100


Ordinance 14823 was introduced on 9/8/2003 and passed by the Metropolitan King
County Council on 12/15/2003, by the following vote:

Yes: 8 - Ms. Sullivan, Ms. Edmonds, Mr. Phillips, Mr. Pelz, Mr. Gossett, Ms.
Hague, Ms. Patterson and Mr. Constantine
No: 5 - Mr. von Reichbauer, Ms. Lambert, Mr. McKenna, Mr. Hammond and
Mr. Irons
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

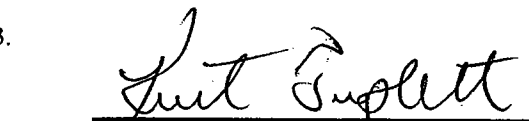

Cynthia Sullivan, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 26th day of December, 2003.


for Ron Sims, County Executive

Attachments None

RECEIVED
2003 DEC 26 PM 1:22
CLERK
KING COUNTY COUNCIL