

King County

Legislative Branch

Employee, Equipment, and Facilities

Policies

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Introduction

At the King County Legislative Branch we pride ourselves on being a great place to work. We are committed to maintaining a professional, safe, and respectful workplace for all our employees and the public. Employees can take pride in serving the more than two million residents of King County and making our community a better place for everyone. We are an inclusive organization that supports and values its employees. We support a diverse work group and are dedicated to promoting equity, fairness, justice, and opportunity for all. We strive to remove barriers that limit the ability of people to fulfill their potential. The work of the Legislative Branch can be intense, but we recognize that succeeding at work should not diminish your ability to have a healthy personal life.

At the Legislative Branch, we expect employees to be open minded and willing to try new things with a positive attitude. The Legislative Branch is a fast-paced environment, requiring flexibility and the ability to adapt as situations evolve. Finally, employees should have a willingness to learn and grow as they strive for excellence.

The policies in this manual are intended to be easy to read and serve as a resource for employees and managers by providing clear guidance on a variety of personnel topics. These policies apply to all Councilmembers, Council and Independent Agency employees, agents, contractors, and participants in Legislative Branch work, except when specified otherwise.

These policies are intended to supplement applicable federal, state, and local law and are not all-inclusive. They provide additional remedies and procedures and do not replace any other legal remedies or processes available. Nothing in this document alters the at-will status of employees of the Legislative Branch. For employees covered by an approved labor agreement, that labor agreement language and its procedures remain controlling.

Definitions

The following definitions and examples are intended to include and supplement those found in King County Code:

Central Staff – Includes all employees of the Council (excluding the Independent Agency staff) who are not district staff working directly for an individual Councilmember.

Chief Officer – Council Chief of Staff and Chief Legal Counsel.

Compensatory Time – Compensatory time, also known as comp time, is a type of leave available only to hourly employees to compensate for working more than their scheduled hours in one work week. Compensatory time is a voluntary alternative to overtime.

District Staff – Staff who work directly for an individual Councilmember; also referred to as "personal staff."

Employment and Administration Committee (EAC) – A committee of the Council tasked with overseeing employment and administrative matters for the Legislative Branch, such as approving job descriptions, establishing personnel policies, hiring chief officers and independent agency officers, and hearing appeals for disciplinary matters.

Hourly Employee – Hourly employees (also referred to as "overtime eligible employees") are those employees who, under the provisions of the Minimum Wage Act (MWA), must be paid (or given agreed upon compensatory time off in lieu of overtime pay) for all hours that they are required or permitted to work. Hourly employees are also entitled to overtime pay for all hours worked over 35/40 in a workweek. Hourly employees are required to complete and submit a time sheet for each pay period. The County uses the PeopleSoft system to track and record time.

Independent Agency Officers – The Hearing Examiner, Ombuds/Tax Advisor Office Director, County Auditor, Board of Appeals and Equalization Clerk/Executive Director, and Office of Law Enforcement Oversight Director.

Independent Agency Staff – Staff reporting to independent agency officers.

Intern – An employee who is gaining supervised practical experience within the Legislative Branch and may also be enrolled full-time during the regular school year in a program of education or a veteran.

Managers & Directors – Managers and directors as set per the Organization Chart adopted with the Organization Motion.

Overtime – Overtime is the hours worked in addition to those of the regular schedule and is available only to hourly employees. Any hours worked beyond 40 will be paid on the basis of time and one-half.

Salaried Employee – Salaried employees (also referred to as “exempt” employees) are those employees in executive, administrative or professional positions who are exempt from the provisions of the MWA. Salaried employees are expected to work the necessary time to meet established deadlines and respond quickly to emerging issues. This means that during periods of high demand, salaried employees may work well in excess of the regular workweek without additional compensation. Salaried employees, however, have more flexibility to structure their workdays and are not required to take deductions from pay or use leave for absences of less than one day.

Supervisor – A supervisor is the person directly overseeing the day-to-day work of employees.

Teleworking – An arrangement where an employee works one or more days each workweek from a remote location, usually the employee’s home, instead of commuting to a predetermined assigned county worksite. King County uses the terms “telecommute” and “telework” interchangeably. The Council also uses the term “hybrid” to mean an arrangement where employees are in their County-provided offices some of the time and teleworking some of the time.

King County Legislative Branch Code of Conduct

Audience: This Code of Conduct applies to “WE”: all Councilmembers, district staff, central staff, interns, independent agency officers, independent agency staff, agents, contractors, and participants of the Legislative Branch and its activities.

Moral Compass: *“Whatever affects one directly, affects all indirectly.”*
~Reverend Dr. Martin Luther King, Jr

Values: We are dedicated to having a culture that sustains and serves both us and those who come after us, and to achieve the goal of serving the residents of King County by holding the following values:

Professional development and positive encouragement.
Equitable treatment regardless of status or position.
Awareness of the individual and their life and work circumstances.
Communication and action guided by understanding privilege and power.
Effort to practice empathy.

Our Responsibility to Each Other:

1. We strive to recognize our biases and embrace and celebrate diversity of different backgrounds, workstyles, personalities, ideas, approaches, and solutions.
2. We value everyone’s time and are dedicated to being proactive and communicating in a timely manner on assignments and requests.
3. We facilitate an environment and space that create opportunities, promote openness, and provide access for staff’s professional journey.
4. We recognize and value all individual work contributions.
5. We strive to communicate with each other with recognition of differences in privilege and power and understanding their impact with each situation.
6. We are mindful of physical, mental, and emotional health, including non-visible disabilities, of each individual.
7. We embrace opportunities to learn from mistakes and allow room for growth and reevaluation.
8. We pursue thoughtful resolutions through curiosity, mindfulness, and patience.
9. We conduct ourselves with self-awareness and professionalism at all times.
10. We celebrate excellence and reward successes and accomplishments.
11. We treat others with respect, dignity, and civility.

12. We provide constructive feedback.

13. We are active listeners.

Addressing Concerns in the Workplace: Contact Legislative Branch Human Resources Manager.

Acknowledgement:

I _____, have read, understood, and will uphold the King County Legislative Branch Code of Conduct as a member of the legislative body.

Sign: _____ Date: _____

Employee Policies

Recruitment, Staffing, Hiring, & Discipline

Except as otherwise provided in the King County Code or an approved labor agreement, the following policies apply to recruitment, staffing, hiring, and discipline:

Employee recruitment. Hiring managers shall consult with their supervisor and the HR Manager before initiating a recruitment to establish an appropriate hiring process. For positions that report directly to the chief officers as set forth in the Organizational Motion, interview panels shall include at least two representatives from district staff.

Hiring decisions. Chief officers and independent agency officers may make hiring decisions and may extend an offer of employment to any person who has been selected through a full recruitment process. Chief officers and independent agency officers may also extend offers of employment to an eligible candidate who has applied for a legislative branch position in the prior six months for a current vacancy without undertaking a full recruitment process. Eligible candidates include those who meet the minimum qualifications and requirements for the vacancy and have interviewed for another position within the prior six months. Officers and independent agency officers may also appoint or extend the appointment of interns, and temporary or term-limited employees, for up to a total of the maximum period allowed by the King County Code or other applicable regulations.

Staffing assignments, reclassifications, scheduling, and leave. Employee-related decisions shall be implemented as follows for the following circumstances:

- 1. Reclassifications.** Chief officers and independent agency officers shall make decisions regarding reclassification, promotion to a higher step within the same classification and range, or withholding of a step increase for legislative branch employees who report to the respective chief officer or independent agency officer. Chief officers and independent agency officers should refer to the “King County Legislative Branch Class and Comp Framework” document for additional guidance.
- 2. Work schedule decisions.** Day-to-day work schedule decisions shall be made by direct supervisors, managers and their directors or officers. The chief officer and independent agency officer may increase or decrease the full-time-equivalent level of an employee on either a permanent or limited term duration within the budgeted appropriation and to the extent permitted by King County Code or other applicable regulations.
- 3. Leave carryover decisions.** The chief officers and independent agency officers may authorize the carryover of excess vacation leave under K.C.C. 3.12.190 because of cyclical workloads, work assignments or other reasons as may be in the best interests of the county and with appropriate documentation.

Performance evaluations. Chief officers and independent agency officers shall ensure that employees under their respective supervision are evaluated annually for their performance in

achieving job duties and goals. To allow sufficient time for processing any performance-related pay actions, evaluations should be completed by September 30 of each year and shall reflect the 12 months prior to the date of the evaluation. More frequent performance evaluations may be conducted as determined by managers.

Evaluations should incorporate and augment, not substitute for, regular employee feedback regarding work performance and standards of conduct. These evaluations shall be maintained in employee personnel files. While the contents of performance evaluations are typically exempt from release in a public records request, the legislative branch does share personnel files (including performance evaluations) with other branches of King County government upon request when a legislative branch employee is seeking employment in that branch.

Employee performance evaluations shall be an element of a comprehensive approach to employee performance that also includes employee development. Evaluations may be considered in determining compensation, promotions and discipline. To promote professional development and employee growth, the evaluation should include performance or work-related goals.

Employee discipline. When administering employee discipline:

1. Chief officers, directors, and independent agency officers shall provide oral and written expectations and counseling regarding employee performance issues as they may arise;
2. Chief officers, directors, and independent agency officers shall, when appropriate for employees who report to each respectively, issue either written reprimands or performance improvement plans, or both, regarding employee performance issues that persist, following an oral or written statement of expectations or counseling;
3. The chief officers and independent agency officers shall make decisions regarding suspension without pay or termination of an employee;
4. The decision of the chief officer or independent agency officer to suspend an employee without pay for ten working days or less is final;
5. An employee subject to a chief officer's or independent agency officer's suspension without pay for more than ten working days or termination decision may, within five business days, request a hearing before the employment and administration committee to mitigate or change the decision. A hearing is requested by delivering a written notice of appeal to the clerk of the Council. A decision by the committee to mitigate, modify, or reverse a decision of a chief officer or an independent agency officer must be based upon a preponderance of the evidence;
6. Following a committee decision on a suspension without pay of more than ten working days or termination hearing decision, an employee may, within five business days, appeal the decision to the Council. If the employment and administration committee mitigates, modifies, or reverses a decision of a chief officer or

independent agency officer, the chief officer or independent agency officer may appeal the decision to the full Council. An appeal is requested by delivering a written notice of appeal to the clerk of the Council;

7. The decision of the full Council to suspend without pay or terminate an employee is final; and
8. A written disciplinary action may not be issued before review by Council's legal counsel or the civil division of the office of the prosecuting attorney. For the purpose of this section, "written disciplinary action" includes written reprimands, performance improvement plans, decisions regarding suspension without pay or termination of an employee, or written expectations and counseling regarding employee performance issues that form the basis for discipline. It does not include informal, routine coaching or counseling that is in writing but not disciplinary in nature.

Settlement Agreements

The Chair of the Council, in consultation with the Employment and Administration Committee, may approve a settlement agreement with a current or former employee in accordance with County risk management code.

Work Schedules

Unless otherwise provided for in applicable collective bargaining agreements, King County Council employees shall ordinarily work a 35-hour workweek, Monday through Friday, with the full Council and committees meeting as defined in the Council's adopted rules. Some work groups within the legislative branch may operate on a 40-hour workweek according to their collective bargaining agreements.

Managers will work with employees to set regular schedules that best meet the needs of the public, the Council, the workgroup, colleagues, and the employee. Managers and employees may vary schedules occasionally as agreed upon in advance. In those cases where an employee is teleworking, the schedule will reflect that arrangement. Schedules will conform to applicable labor agreements.

Telework and Work Location

The regular work location for Legislative Branch employees is the King County worksite designated for each employee by their chief officer or independent agency head (see policy under "Equipment and Facilities," below). Employees may arrange to work remotely through telework.

The Council recognizes telework as a means of retaining productivity while:

- Promoting the health, safety, and wellbeing of its employees;
- Attracting and retaining a diverse and talented work force that reflects our community;
- Reducing operational costs without sacrificing quality of service or employee productivity; and
- Reducing its carbon footprint.

The Council supports teleworking as a work arrangement that strengthens the resiliency of our workforce and connectivity to the public. At the same time, because of the breadth and depth of the Legislative Branch services and responsibilities, teleworking levels may vary across work groups.

Councilmembers will establish teleworking rules and practices for the district staff who report directly to them. For all other Legislative Branch staff, the following rules apply.

To telework, an employee must first agree on a telework schedule with their manager that ensures the employee will be able to meet the requirements of their job. This will set the days and times when the employee will be at their Legislative Branch workspace and when the employee will be teleworking from another site.

Employees must maintain a high level of public service and balance the expectation of productive work with personal or household responsibilities during the teleworking workday. Employees are expected to maintain a workspace with an internet connection where they can reliably perform work and remain available and responsive during scheduled work hours. Any County-provided equipment needs to be kept secure and used only for County business. Employees must assure that their workspace allows them to preserve confidentiality as appropriate. All public records requirements remain in force regardless of the worksite or equipment used for County business.

Directors are responsible for ensuring that all departments have on-site coverage available as necessary.

The Council recognizes the value of in-person and on-site meetings and interactions, especially for collegiality and morale. To be approved, telework plans must include regular days when the employee will be on-site at their workspace. The Council also recognizes that the Legislative Branch has specific and unique needs and timelines for completing its work and complying with meeting guidelines.

Out-of-State Work Location (one-time or temporarily)

Because King County is a public employer funded with taxpayer dollars, King County employees are expected to live in or near the region they serve. In addition, teleworking from out of state requires the application of state-specific payroll taxes and employment law. Thus, as a general rule Legislative Branch employees are required to live within Washington state and within a reasonable distance from their regularly assigned county worksite. (A “reasonable distance” is determined on a case-by-case basis.)

However, in alignment with the Council’s flexible telework policy, employees who wish to telework from a location outside Washington state for intermittent, limited time periods may do so. Employees are strongly encouraged to work with their supervisors to ensure that business needs and any in-person work requirements will be met while the employee is teleworking from out of state.

Occasionally a situation may arise when an employee needs to telework from a location

outside Washington state on a long-term, continuous basis. While there is no definitive guideline for what constitutes “long-term, continuous” telework, King County estimates that continuous out-of-state telework for more than 30 days might trigger certain tax obligations. Every situation will be evaluated on a case-by-case basis, though there are four specific scenarios where long-term, continuous out-of-state telework may be approved:

1. The employee is a member of a military family, where a military spouse is an active service member transferring to another state.
2. The employee must care for seriously ill family members, such as a spouse, child, sibling, parent, grandparent, or other family member as defined in King County Code 3.12.010.
3. The employee has a rare skillset that meets business needs and cannot be found within the state.
4. The employee is a victim of violence or stalking and must leave the state as part of a protective or restraining order, or to escape victimization.

To be approved for long-term, continuous out-of-state telework, an employee must first get approval from their supervising chief officer, independent agency officer, or councilmember. A committee comprised of the Council Chief of Staff, Chief Legal Counsel, HR Manager, and the supervising Independent Agency Officer (if the request involves an independent agency employee) will then review the request to ensure consistent application across the branch.

Unfortunately, because of the County’s Worker’s Compensation policy, the County cannot approve requests to telework from international locations, locations within U.S. Territories, or the states of North Dakota, Ohio, and Wyoming.

General Remote Work Provisions

In all cases where an employee works from a location other than their Legislative Branch-provided workspace, the following conditions must be met and maintained:

1. An employee's director may suspend or alter an authorization to work remotely for performance or other reasons.
2. All remote work schedules and conditions must comply with applicable labor agreements.

Wage and Salary Administration

Except as otherwise provided, eligible Legislative Branch employees will automatically receive a step increase to the next higher step in their assigned salary range on January 1st of each year.

Eligibility Notes

- To be eligible for a step increase on January 1, employees must have performed the duties and responsibilities of their position in a satisfactory manner and been employed in their current classification range and step before October 1 of the prior year unless otherwise specified by collective bargaining agreement.

- Councilmembers, district staff, and term-limited temporary staff, as well as contract, temporary and interns are not eligible for automatic step increases.
- Employees who are at the top step of their salary range are not eligible to receive an additional step increase.

Employee Resource Groups

Employee Resource Groups (ERGs), also known as Affinity Groups, are voluntary, employee-led groups that actively provide mutual support and work to address racism and other forms of oppression. They are a vital component of the Legislative Branch that connect employees with each other.

The Legislative Branch is committed to supporting the growth and development of all ERGs. All Legislative Branch employees, from line staff to directors, may choose to participate in an ERG. Legislative Branch ERGs are formed around protected classes or common interests and are a tool for employees to build fellowship, leadership opportunities, and an inclusive environment where all are valued, included and empowered to succeed.

Establishing a formal employee resource group

The success of an Employee Resource Group most often depends on a small nucleus of dedicated and interested employees. It takes commitment from these individuals to ensure the group organizes itself in such a way as to guarantee continuity. If an ERG would like to receive support from the Equity & Social Justice section, or other Legislative Branch resources, it must establish itself formally by:

1. Establishing a group of at least three employees interested in joining the ERG. Not all three employees need to be named, if they select a single point of contact with the ESJ section.
2. Notifying the Equity & Social Justice Director and reviewing the guidelines for formal ERGs established by the ESJ Director.
3. Preparing a mission statement for the ERG, as well as the goals of the group.
4. Establishing the process for selection of a lead or co-leads of the group.

Employee Resource Group Operating Principles

1. ERG participants must be employed by the Legislative Branch. Legislative Branch employees may also join an agency or Executive Branch ERG in accord with the rules of those groups.
2. Membership in an ERG is entirely voluntary and open to all in the category that is the focus of the ERG.
3. The formation of the ERG must rely on volunteers and efforts must stem from a grassroots nature. No one may pressure any employee into joining.
4. Meetings may be held before or after work and during the workday.
5. ERGs are encouraged to collaborate to the maximum extent feasible to facilitate understanding among ERGs and to maximize resources for the benefit of each group.

6. ERGs should be a safe space and ERGs should establish an expectation that conversations are expected to remain confidential, unless the members otherwise agree explicitly. However, public records act rules apply to all written communications among ERG members using County resources.
7. Members of the Council's Equity and Social Justice section may attend ERG meetings only if invited by the ERG's lead or co-leads and will do so in their official capacity. They may share what they hear and discuss with Legislative Branch leadership as appropriate, such as if there is a violation of personnel policies, keeping in mind the purpose of ERGs and the need for safe spaces and candid discussion within the group.
8. Activities of ERGs and ERG members must comport with the Legislative Branch's personnel policies.

The role of the Council's Equity and Social Justice Section in ERGs

The ESJ section shall provide support to formally established ERGs, including:

- Establish guidelines to use as a resource.
- Technical assistance.
- Coordinate and convene ERG representatives as needed and provide consultation on advancing the County's Equity and Social Justice goals.
- Facilitate connections among ERGs within the Legislative Branch and in other organizations to support ERG success.
- Support and/or facilitate ERG activities, including but not limited to hosting Legislative Branch wide educational events and trainings.
- Attend meetings as requested by lead.

Compliance with Policies & Laws

Employee Resource Groups must comply with all applicable policies and laws. If an ERG is not in compliance, the Council may deny the Employee Resource Group any and all benefits of affiliation.

Employee Assistance Resources

King County provides a variety of resources to help employees understand their benefits, navigate difficult situations, and plan for their financial future through the Balanced You program. In particular, the Employee Assistance Program (EAP) and Making Life Easier Program (MLE) are resources always available to employees.

Generally, the EAP helps with work-related problems, such as workplace stress and co-worker conflict. This program provides coaching and consulting to employees on a confidential basis.

The MLE program generally provides help with problems that are not directly work-related, such as personal counseling, child and adult/elder care services, and legal and financial service. The MLE is available to help any eligible employees along with anyone else who lives in the same house as an eligible King County employee.

Leave

Employees may earn and use a variety of leave. Most leave balances and forms can be found by logging into PeopleSoft with your account.

Regular Leave

King County provides a variety of regular leave benefits as described in K.C.C. chapter 3.12, including:

1. Vacation leave as described in K.C.C. 3.12.190;
2. Sick leave and time off for medical and family reasons as described in K.C.C. 3.12.220;
3. Bereavement leave as described in K.C.C. 3.12.210; and
4. A variety of other leaves described in K.C.C. 3.12.

Supplemental/Executive Leave

1. Supplemental leave is a leave available only for salaried employees in those limited or special cases when their job responsibilities require them to work substantially in excess of a standard work week. Supplemental leave is prospective and is not intended to compensate salaried employees for extra hours previously worked. Determinations regarding eligibility for supplemental leave are within the sole discretion of the personnel identified in Section 4 below.
2. Salaried employees may be eligible to receive a maximum of ten days of supplemental leave per calendar year.
3. Supervisors should recommend supplemental leave for qualifying employees to authorizers listed in section 4, below. Supplemental leave recommendations shall be submitted in writing and include the number of days a description of the work to be performed, and factors contributing to it being substantially in excess of standard work.
4. Supplemental Leave may only be authorized as follows:
 - a. By the Chair of the Council for the chief officers and independent agency officers
 - b. By the appropriate chief officer or independent agency officer for central and independent agency staff; and
 - c. By the appropriate Councilmember for district staff.
5. Supplemental leave shall be available for use immediately upon award and must be used within the calendar year. Supplemental leave may not be rolled over beyond December 31 of the calendar year in which the award was made.
6. Awards of supplemental leave may be used for any reason.

7. Supplemental leave has no cash-out value and may not be transferred or donated. Additionally, supplemental leave must be used or forfeited prior to separation from employment or transfer to another agency, office or branch of King County government.

Donated Leave

In certain circumstances, it may be possible for comprehensive leave-eligible employees to donate sick or vacation leave and receive leave to cover a hardship when available leave is insufficient. Short-term temporary employees and interns are not eligible to participate in the donated leave program.

Donated leave can only be used for an FMLA/KCFML qualifying reason—for example, a serious health condition for the employee or an eligible family member, or to bond with a new child. To learn more about FMLA and KCFML, contact Human Resources or visit the county's leave administration website: [Taking leave - King County](#).

There are two programs to request or donate leave:

- Employee-to-Employee Medical Donation enables donations directly to another eligible employee
- Emergency Medical Donation Fund enables donations to a central fund

There are limitations on receiving donated leave.

- Donations are intended to first be used for a prolonged absence—i.e., a minimum of three consecutive days—and can be used intermittently thereafter (under the conditions described above).
- Donated leave can only be used after an employee has fully exhausted all accrued leaves (e.g. vacation, sick, benefit time, banked holidays, compensatory time).

There are also limitations on donating leave to others.

- Employee-to-Employee Medical Donation—Up to 25 hours of sick leave can be donated annually. Vacation donations cannot exceed donor's vacation balance.
- Emergency Medical Fund—Annual donations up to 25 hours of sick leave and a maximum of 80 hours vacation time unless a committee comprised of the Council Chief of Staff, Chief Legal Counsel, and HR Manager approves more.

In all cases:

- Donations are strictly voluntary. Employees are prohibited from soliciting, offering or receiving monetary or any other compensation or benefits in exchange for donated leave.
- Donations must be approved by both the donor's and recipient's managers.
- A donation is permanent. Once received, donated leave remains with the recipient

(no reversion). Donated hours remaining after separation, retirement or death of the recipient will expire and not be returned to the original donors.

- Leave received from donations cannot be donated to another employee.
- Donated leave cannot be cashed out for any reason (not for termination, separation, or retirement).

As part of the Employee Giving Program, employees can donate vacation and compensatory time to non-profit organizations (there is a minimum of four hours and a maximum of 40 hours per calendar year).

Overtime and Compensatory Time

The King County Council encourages supervisors to take steps to ensure that hourly (non-exempt) employees do not work outside their regularly scheduled work hours without authorization and compensation for the additional time worked. However, supervisors may require any of their employees to temporarily perform service in excess of the regular workweek or workday when necessary.

When hourly employees are needed to perform work in excess of their regular workweek or workday, the hourly employee may receive authorization from their supervisor to adjust their regular schedule to compensate for a longer day or be authorized overtime or compensatory time.

Accrual of Compensatory Time or Overtime

1. All hours worked in excess of the regular 35-hour work week must be authorized in advance by an employee's supervisor.
2. An employee is not required to accept compensatory time in lieu of overtime pay unless the employee agrees in writing (via email) to this arrangement before the employee performs the overtime work.
3. Approval of a request to work overtime or to accrue compensatory time in lieu of overtime pay is at the discretion of the employee's supervisor.
4. If compensatory time is requested, it will accrue at the rate of straight time for hours worked beyond 35 in a work week, and at time and one-half for all hours worked beyond 40 in a work week.
5. Pay for work beyond an employee's 35-hour work week will be at the straight time hourly pay rate until the employee has actually worked 40 hours in a work week.

Use of Compensatory Time

1. Compensatory time may not be used before it is accrued.
2. Employees must obtain their immediate supervisor's written approval prior to using any accumulated compensatory time.

3. Accrued compensatory time may be used for any reason through an employee's normal "request for absence" process.
4. An employee's accrued compensatory time balance may not exceed 70 hours at any time. Requests that would result in an accrual in excess of 70 hours shall be converted to overtime pay.
5. Compensatory time must be used during the calendar year in which it is accrued unless this is not feasible due to work demands.
 - a. The chief officers and independent agency officers, as appropriate, may approve the carryover of a maximum of 35 hours of accrued compensatory time.
 - b. Compensatory hours that have been carried over must be used within the first quarter of the new calendar year.
 - c. Employees will be paid on the final paycheck in December for all accrued compensatory time not carried over.
 - d. Employees are encouraged to use their compensatory time to provide time away from the workplace. Pay for unused hours should occur only in limited cases.
6. Employees will be paid for all hours of accrued compensatory time upon separation from employment or transfer to another county department.
7. All pay for accrued compensatory time will be at the employee's regular hourly pay rate in effect at the time of payment.

Professional Development

The Legislative Branch recognizes the importance of employee professional development by encouraging and supporting employee participation in job-related training and professional development.

Subject to available resources and authorization by an employee's director, eligible job-related training and professional development may include:

- Professional association dues, trainings and conferences;
- Courses and training developed, coordinated and/or administered by King County's Employee Learning and Development program;
- Courses and trainings opportunities provided by vendors, institutions, or trainers outside of King County's system;
- Continuing education to sustain a degree or designation necessary to an employee's job (e.g., Continuing Legal Education); and
- Other training authorized by an employee's manager.

The Legislative Branch is also committed to providing regular trainings on matters that affect all

employees, including:

- Ethics;
- Open public meetings;
- Public records retention and production;
- Equity and social justice; and
- Respectful workplace, including policies and procedures against harassment and discrimination (at employee onboarding and for all employees at least every two years).

The Legislative Branch Human Resources Manager, in consultation with other managers, chief officers, independent agency officers, and the Chair of the Council, shall develop a comprehensive training program on topical and recurrent issues, ensuring that employees are trained regularly on essential matters.

Temporary Assignment Outside of Job Classification

There are two instances where employees may be assigned to work outside of their job classification:

- **Working-out-of-classification:** This is an assignment where an employee is assigned some or all the duties of a higher-paid classification for a period of less than thirty calendar days. Employees working out-of-classification may not be required to perform all the responsibilities of the higher-level classification, and therefore may continue to perform some of the responsibilities of their base position. If a working-out-of-classification assignment exceeds twenty-nine consecutive calendar days, the assignment shall be converted to a special duty assignment.
- **Special Duty Assignment:** This is an assignment to backfill a regular position when the position is vacant, the incumbent in the position is on a leave status or the incumbent is temporarily assigned to another position. This assignment is for more than thirty calendar days.

A Legislative Branch employee may be eligible for additional compensation when assigned to fill a position on a temporary basis or perform duties expected of a higher classification. If authorized, the additional compensation will be no less than 5% of their base pay and will not exceed the top step of the new pay range the employee is assigned to. Compensation for temporary assignment may not be assigned retroactively.

Authorization for temporary assignments and additional compensation may be authorized as follows:

- The Chair of the Council and the Employment and Administration Committee for the chief officers and independent agency officers.
- The chief officers and independent agency officers for employees under their respective supervision.

When the temporary assignment begins and ends, the appropriate authority shall provide

written notification to the Human Resources Manager and the employee.

The appropriate authority may revoke the temporary assignment and additional compensation at any time if the employee is not performing the duties satisfactorily.

Interns

The Legislative Branch encourages the development of students and veterans through the hiring of interns to achieve Legislative Branch operational needs. For payroll purposes, interns are classified as - Temporary (STT) employees.

- The hiring of interns is a decision to be made by managers, in consultation with the chief of staff or independent agency director based on operational need, appropriation authority and availability of resources (office space, computers, equipment and management support). Councilmembers may also hire interns within budgetary constraints and within the restrictions described in the “Short-Term Temporary Employees” section below.
- Rates of pay shall be based on the job duties and at least Washington State minimum wage.
- Interns anticipated to work more than an average of 30 hours per week are eligible for benefits as required by the Affordable Care Act.

Short-Term Temporary Employees

As is suggested by their title, Short-Term Temporary (STT) employees’ work is temporary and short-term in nature. Work performed by STTs should typically be completed in under six months if working full time, or within a year if working less than half-time. Work performed by STTs may include support for peak workloads, short-term needs, project-related or seasonal work, or backfill.

STTs are not comprehensive leave-eligible and do not receive the same benefits as appointed employees. In addition, there are restrictions on the number of hours that STTs can work. Interns/STTs cannot exceed the following thresholds for hours worked in a year:

- 910 hours for a 35-hour standard workweek
- 1040 hours for a 40-hour standard workweek

STTs who exceed these restrictions on hours or are hired into permanent positions with substantially similar bodies of work must receive retroactive payment for benefits per King County Code 3.12.040(C).

KCC Human Resources monitors STT hours to ensure compliance with these and other payroll guidelines and will work with managers to take appropriate steps to minimize disruption to staffing.

Lactation Accommodation

The Legislative Branch provides a reasonable amount of time for nursing mothers to express breast milk or breastfeed their infants.

- Managers and supervisors shall provide an employee a reasonable amount of time to express milk or breastfeed their infants during the workday. The frequency and duration of the breaks and the duration may vary.
- Hourly employees may use their paid break periods or accrued leave for time needed to express milk or breastfeed their infants during the workday; employees will not be paid for time during any additional breaks beyond State law prescribed paid break periods.
- Nursing mothers may request an adjusted work schedule, subject to approval by their manager or supervisor, to address their individual needs, *e.g.*, the meal break may be temporarily modified or the beginning and/or ending of the workday may be temporarily adjusted.
- As necessary, employees may work with their manager or the Human Resources Manager to determine an appropriate private space to use for this accommodation.

Media Contacts

In the event that central staff outside of the Communications team are contacted by the news media regarding Council business, they should consult with the Director of Communications, who can refer the matter to the appropriate committee chair or Councilmember. Independent agencies may consult with Councilmembers, Council staff, and legal counsel as appropriate.

Social Media

The King County Council recognizes that social media can be a helpful tool to connect county government with the public it serves. It can also pose a variety of risks and challenges. The purpose of this policy is to provide guidance for staff, share best practices, and outline special considerations for Councilmembers, chief officers, and independent agency officers.

Definitions

“Social media” can include social networking sites (Facebook, LinkedIn, NextDoor); micro-blogging sites (X, Tumblr, Snapchat); video- and photo-sharing sites (Instagram, YouTube, Pinterest, Flickr); discussion boards (Google Groups, Reddit); and similar platforms. This policy is concerned with two types of social media use: *official use*, which is produced on behalf of the Council or a legislative branch agency; and *personal use*, which is an individual employee’s (including Councilmember’s) use of social media in their personal capacity, separate from any position they hold with the County.

“Posts,” “Posting,” “Comments” and “Commenting” include not only words, but also images, memes, graphics, and reactions such as but not limited to likes, thumbs up/thumbs down, shares, retweets, etc.

Social Media Use Generally

The legislative branch has designated staff who are responsible for posting to its official social

media sites. Staff should never speak as the official agent of the King County Council or a legislative branch agency unless they are specifically assigned to do so. Even on personal social media, staff should be careful not to give the impression that they are posting in an official capacity when referring to the workplace or to the activities of King County government.

Please do not use a County email address when creating a personal social media account or when using social media in a personal capacity. If you identify yourself as a County employee when making personal social media posts or have photos or other information in your posts or in your profile that could cause someone to reasonably believe that you are a County employee, you should include a disclaimer in your profile that your comments are your own and not representative of King County government.

While most social media sites have privacy and security settings that allow users to control what people see, staff, councilmembers, chief officers, and independent agency officers should not assume that their personal posts are private or anonymous. Please be judicious about mixing personal and professional social networks to avoid any conflicts, misunderstandings, or subjecting your personal posts to public disclosure.

Councilmember Social Media

Councilmembers' individual social media accounts—typically used for the purpose of communicating with constituents or sharing information about county business—are considered the official property of King County and should be created using a King County email address. The Council's Communications Director can assist newly elected councilmembers with setting up their social media accounts.

Councilmembers are responsible for understanding the laws and policies that regulate their social media usage, including the First Amendment, election laws that prohibit the use of county assets for campaigning, and public disclosure laws. Councilmembers should consult legal counsel if they have questions related to appropriate use of social media.

To comply with the Public Records Act, the King County Council uses an application called ArchiveSocial to retain social media posts and messages in the event of a public records request. ArchiveSocial is automatically activated on all official Councilmember social media accounts. Councilmembers may wish to include a notice on their official account that the content is subject to the Public Records Act, and all posts and comments are archived for public disclosure purposes.

After a councilmember leaves office, they may not continue to represent themselves as a member of the King County Council on social media. In addition, social media contacts (i.e., friends or followers) acquired while in office cannot be transferred to a personal or campaign account after a councilmember leaves office; this is considered a violation of RCW 42.52.180. The Director of Communications will work with outgoing councilmembers to wind down any accounts created with a King County email address.

Special Guidance for Chief Officers, Independent Agency Officers

Chief officers and independent agency officers who serve in an investigatory or quasi-judicial role are in a unique position with respect to personal social media use. Because the nature of their work requires both the appearance of and actual neutrality and objectivity, it is critical that their personal social media usage does not undermine their credibility or weaken the effectiveness of their office. In addition, some social media posts made in a personal capacity may violate ethics codes or other professional codes of conduct and negatively impact the workplace.

In addition to following the general guidelines above, these officers must also:

1. Minimize any confusion or conflation of their personal social media account with an official county account by omitting their official title, information that would enable a reasonable person to be able to ascertain their role in County government, or hyperlinks to the agency on their personal social media accounts. Official titles and other professional information may be included on social media sites used in a professional capacity, such as LinkedIn.
2. Include a clear disclaimer on their personal page(s) that the views expressed therein are personal and not reflective of their office or County government.
3. Consider making personal social media accounts private so that they are not visible to everyone searching the internet.
4. Refrain from posting on their personal social media during regular office hours, or during work time that occurs outside of regular office hours, to avoid the appearance of an abuse of county resources.
5. Adhere to all codes of conduct and legislative branch policies, giving special consideration to whether a personal post creates an appearance of bias, impropriety, or a conflict of interest in their professional roles.
6. Be mindful of personal posts that express opinions about individuals or groups who may be the subject of the agency's review, though personal social media posts may express opinions on all political candidates and subjects consistent with RCW 41.06.250.

The list above is not exhaustive; there may be other circumstances that require a careful consideration of how personal social media posts might be disruptive to the workplace or received poorly by the public we serve. When balancing a director or officer's right to free speech with potential disruption to the workplace, the "workplace" should be broadly construed to include all legislative branch employees, other county staff and partners, and the community that the agency serves. The Council may, but is not required to, look to the Executive Branch's Social Media Handbook for guidance on the use of social media. For questions about social media activity, contact the Chief of Staff or the appropriate legal counsel in the Prosecuting Attorney's Office.

Travel

Except as otherwise noted for Councilmembers, the Legislative Branch uses the county-wide

travel policies and systems adopted by the Executive. For more information on the King County Travel policy, see [Travel Services for King County Employees](#).

Ethics

General Familiarity & Compliance with County Ethics Code

All King County employees and elected officials must be familiar and comply with the King County Code of Ethics, K.C.C. chapter 3.04. In the event an employee identifies any issue of possible concern, the employee shall promptly seek advice from their supervisor, the appropriate chief officer or independent agency officer, legal counsel, or shall seek an advisory opinion from the board of ethics.

Conflicts of Interest

Very generally, a conflict of interest occurs when an employee has a personal or financial interest in any matter that comes before the employee in the course of their employment and job responsibilities as a county employee. These interests could influence, or appear to influence, an employee's professional judgment and affect official decision-making. Some examples of common conflicts of interest include:

- Seeking or receiving economic gain for personal or family use through access to privileged information or official position;
- Possessing a financial interest in a firm or organization that does business or seeks to do business with the County and not disclosing that interest;
- Participating in or seeking to influence the selection of persons, firms, or organizations doing business with the County when having a financial interest in the outcome;
- Entering into a business relationship outside county government with any employee for whom an employee has supervisory responsibility, or with someone an employee deals within an official capacity as a county employee;
- In some circumstances, working with or hiring family members presents a conflict of interest. It is generally permissible for two relatives to work in the same department, agency, or division, as long as there are no business or job-related conflicts of interest. It is not permissible for one relative to supervise or make employment-related decisions about the other relative.

[King County Code 3.24.030\(C\)](#) requires all non-elected legislative branch employees to obtain prior written authorization from their supervising chief officer, independent agency officer, or councilmember before engaging in outside employment or accepting any compensation or thing of value in exchange for services performed outside of King County government.

Central Staff Obligations

1. **Undue Influence on Legislation.** Central staff shall not seek to influence the passage or rejection of any matter under consideration by the Council or any committee of the Council.

2. **Objectivity.** All staff assigned to perform legislative and policy analysis shall conduct objective, nonbiased analyses on legislation and work items to which the staff is assigned. Staff of the legislative branch, including Councilmembers, shall not unduly influence or restrict objective and impartial legislative, policy, fiscal or program analysis conducted by administrative or legislative services staff.
3. **Confidentiality.** Councilmembers directly or via their district staff may request central staff to perform work and keep the nature of the work confidential. The work may be shared with legal counsel, the appropriate director, the chief of staff, the clerk, and the code reviser. Central staff shall apprise the appropriate director of the requested work and time required to perform it. Central staff, directors, legal counsel and the chief of staff must maintain the confidential nature of any request unless otherwise instructed.

To facilitate meeting management, central staff may inform the appropriate committee chair or council chair whether and how many confidential amendments have been drafted for any piece of legislation being considered at an upcoming meeting, if requested by the meeting chair. Central staff may only inform the appropriate chair or council chair on the number of amendments drafted and may not provide any additional information (e.g., amendment sponsorship, subject matter, etc.).

Legislative Branch Independent Agencies

As outlined in the King County Charter and King County Code, no county employee – including individual councilmembers – shall attempt to interfere with or influence the programmatic work of the legislative branch independent agencies. However, the independent agencies operate under the auspices of the legislative branch and must comply with the policies herein.

Ethics Code Violations

For questions about ethics violations or to determine if a conflict of interest exists, consult the [County's Ethics Manual](#), a supervisor, the chief of staff, or legal counsel for guidance. If a Legislative Branch employee believes that a violation of the ethics code has occurred, they may report it to the Chief of Staff or legal counsel, who may confer on the matter or employ informal or formal resolution procedures, including the procedures outlined in the branch's anti-discrimination/anti-harassment policies below. Legislative branch ethics violations can also be investigated by the King County Ombuds Office.

Anti-Harassment & Anti-Discrimination Policy

I. General Policy

The Legislative Branch is committed to providing a respectful, productive, inclusive, and equitable work environment for *everyone*. The Legislative Branch prohibits:

- discrimination or harassment of, or inappropriate conduct toward, anyone on the basis of sex, race, color, national origin, religious affiliation, disability, sexual orientation, gender identity or expression, age except by minimum age and retirement provision, status as a family caregiver, military status or status as a veteran who was honorably discharged or who was discharged solely as a result of the person's sexual orientation or gender identity or expression (KCC 3.12.180); harassment or inappropriate conduct, as defined in Section III below, that is directed towards other employees, including but not limited to coworkers, supervisors and supervisee, councilmembers, agents, and contractors;
- sexual harassment; and
- retaliation against anyone who reports a potential violation of this policy or participates in any process related to investigating or resolving a report made under this policy.

II. Application

This policy applies to all Councilmembers, employees, agents, and contractors of the Legislative Branch. Additionally, anyone meeting with or appearing before the Council or Legislative Branch agency, or attending any Council or Legislative Branch event, is expected to comply with this policy. This policy is intended to promote and maintain a respectful environment for everyone, including the general public. Members of the public should expect high standards of conduct from their elected officials and employees. Likewise, the Council expects the public to treat its employees with respect and general courtesy.

This policy is intended to promote and maintain an environment that is free of discrimination, harassment, and retaliation for everyone, including the general public. The Council retains the authority to discipline or take appropriate corrective action for any conduct that is deemed unacceptable or inappropriate, regardless of whether the conduct rises to the level of unlawful discrimination, harassment, or retaliation.

This policy is supplemental to other procedures available under federal, state, and local laws.

Employment

The Council will recruit, hire, train, and promote individuals without regard to race, color, creed, religion, national origin, sex, pregnancy, age, marital status, sexual orientation, gender identity or expression, disability, or veteran status and based upon their qualifications and ability to do the job. Except as required by law, all personnel-related decisions or provisions such as compensation, benefits, layoffs, return from layoff, County-sponsored training, education, tuition assistance, and

social and recreational programs will be administered without regard to race, color, creed, religion, national origin, citizenship, sex, pregnancy, age, marital status, sexual orientation, gender identity or expression, disability, or veteran status.

Nondiscrimination

Except as otherwise required or set by law:

1. Councilmembers, central staff, and independent agencies will conduct the business of the Council without regard to race, color, creed, religion, national origin, sex, pregnancy, age, marital status, sexual orientation, gender identity or expression, disability, or veteran status, and
2. The Council will make its programs, services, and facilities available only to organizations or government agencies that assure the Council that they do not discriminate against any person because of race, color, creed, religion, national origin, sex, pregnancy, age, marital status, sexual orientation, gender identity or expression, disability, or veteran status.

III. Definitions & Examples

The following definitions and examples are intended to include and supplement those found in [King County Code chapter 12.18, Fair Employment Practices](#):

- A. “Disability” means a sensory, mental, developmental, or physical impairment that: (1) is medically recognized or diagnosable; (2) exists as a record or history; or (3) is perceived to exist, whether or not it actually exists. A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, limits the ability to work generally or work at a particular job, or limits any other activity.
- B. “Discrete Adverse Employment Action” means, in the case of discrimination, an action that substantially affects the terms, conditions, or privileges of employment. It includes discipline, discharge, layoff, and a failure to hire or promote.
- C. “Discrimination” occurs when an employer takes a discrete adverse employment action against an employee, and the employee’s protected status was a substantial factor in the employer’s decision.
- D. “Harassment” means unwelcome conduct that can take many forms, including but not limited to innuendoes, suggestive or insulting noises, facial expressions, vulgar language, nicknames, slurs derogatory comments, cartoons, jokes, offensive gestures or touching, and deliberately misgendering someone. Harassing behavior violates this policy when:
 - (1) The conduct is severe and pervasive and has the purpose or effect of creating an environment that a reasonable person would find intimidating, hostile, or offensive;

- (2) Enduring the conduct becomes, either explicitly or implicitly, a condition of continued employment; or
 - (3) The conduct otherwise unreasonably affects an individual's employment opportunities.
- E. "Inappropriate conduct" is conduct that may not rise to the level of unlawful discrimination, harassment, or retaliation but nonetheless sends a negative message or results in a hostile, derogatory, or negative environment. Inappropriate conduct can be either verbal or nonverbal and includes slights, insults, and other conduct that a reasonable person would find offensive.
- F. "Protected status" includes an employee's sex, age, creed, disability, ethnicity, marital status, national origin, race, color, religion, pregnancy, gender, gender identity or expression, genetic information, sexual orientation, veteran or military status, use of a service animal, and any other status protected by federal, state, or local law.
- G. "Retaliation" means taking an adverse action against someone because that person made a good-faith report of a possible violation of this policy or participated in any process related to investigating or resolving a report under this policy. Retaliation is strictly prohibited.
- H. "Sexual harassment" is a specific type of harassment and a form of discrimination. It includes unwelcome sexual advances, requests for sexual favors, displays of sexually-oriented materials, and other verbal or physical conduct of a sexual nature. Sexual harassment violates this policy when:
 - (1) The conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment or interferes with a person's performance;
 - (2) Enduring the conduct becomes, either explicitly or implicitly, a condition of continued employment; or
 - (3) The conduct otherwise unreasonably affects an individual's employment opportunities.

IV. Expectations, Reporting, & Duties

The Council intends this policy to be a call to service to promote a safe and respectful environment. Employees are expected to act professionally, courteously, and in accordance with this policy at all times. Employees may expect to be treated professionally, courteously, and in accordance with this policy at all times. Supervisors, including Councilmembers, are expected to model appropriate behavior and strive to cultivate and maintain a work environment that is free from discrimination, harassment, sexual harassment, inappropriate conduct, and retaliation.

Nothing in this policy is intended to change the at-will status of employees, but employees may

expect the Legislative Branch to:

- Enforce this policy promptly and fairly;
- Allow them to participate in the process as a complainant or witness, including directly addressing the Employment and Administration Committee or presenting evidence in any procedures relating to or affecting them;
- Inform them as to the outcome, disposition, and remedy or disciplinary action associated with any complaint or process relating to them;
- Provide training, coaching, and counseling that promotes a respectful workplace and helps them resolve workplace conflict; and
- Empower them to act in good faith under this policy without fear of retaliation of any kind.

This policy is intended to promote and maintain a respectful environment for everyone, including the general public. Anyone may file a complaint or make a report of possible violations of this policy using the procedures provided below. The procedures and remedies provided in this policy are in addition to all other federal, state, and local processes provided by law. Employees may use the procedures set forth in this policy or use other federal, state, and local procedures such as those of the federal Equal Employment Opportunity Commission, the state Human Rights Commission, or the county Office of Civil Rights. Use of an external process or procedure does not preclude an employee's use of the internal process or procedure.

If a Legislative Branch employee, contractor, or agent believes that they have been the subject of inappropriate, discriminatory or harassing conduct based on a protected status, or that they have been subjected to retaliation for reporting such conduct, they should report the conduct either verbally or in writing to their supervisor, the Chief of Staff, the Human Resources Manager, or their Independent Agency Director (if applicable).

If an employee is concerned that they or another King County Council employee has been subjected to treatment in violation of this policy and the employee wants to have a confidential discussion about their concerns, they may contact the Employee Assistance Program at 206-477-0631 or 206-477-0632, or Making Life Easier at 1-888-874-7290. These resources offer comprehensive programs and services that help King County employees and their families to be healthy and safe.

Supervisors, including Councilmembers, must take action if they observe or learn of possible violations of the branch's anti-discrimination and anti-harassment policies or receive a complaint or concern from an employee regarding such allegations by promptly reporting the potential violation to the Chief of Staff or the Human Resources Manager—or if the Chief of Staff or HR Manager are the subject of the potential violation, to the Chair or a Vice Chair of EAC. Supervisors who fail to comply with this duty may be subject to censure or discipline, up to and including discharge.

If a supervisor or Councilmember is unsure whether the conduct qualifies as a violation of the

anti-harassment/anti-discrimination policies or is a lesser violation of the Legislative Branch Code of Conduct or general expectations of professionalism in the workplace, they should consult with the Chief of Staff or Human Resources Manager.

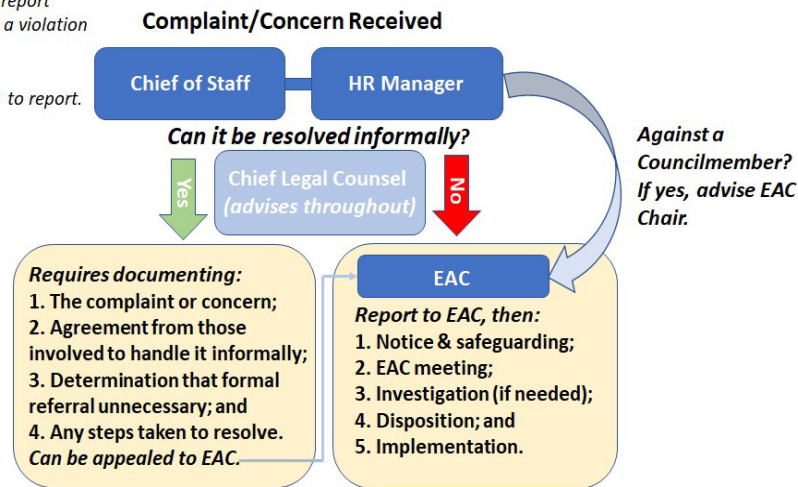
Members of the public or those not employed by the legislative branch are not expected to know the internal supervisory structure of the Legislative Branch, and they may report any potential violation of this policy to any Councilmember or employee of the Legislative Branch, who shall then report that potential violation to the Chief of Staff or the Human Resources Manager—or if the Chief of Staff or the HR Manager are the subject of the potential violation, to the Chair or a Vice Chair of EAC for further action pursuant to this policy.

Respectful Workplace Process

(simplified)

Supervisors/Directors/Managers/
Councilmembers must report
behavior that could be a violation
of the policy.

Others are encouraged to report.



V. Procedures

The Council's paramount interest under this policy is to ensure a respectful, productive, inclusive, and equitable work environment for everyone. Discrimination, harassment, retaliation, and inappropriate conduct based on a protected status undermine the integrity of the employment relationship, are unacceptable, and will not be tolerated at the Legislative Branch. Anyone may file a complaint or make a report of possible violations of this policy using procedures provided in this policy. The procedures and remedies provided in this policy are in addition to all other federal, state, and local processes provided by law.

A. Roles

Except as otherwise specifically noted or in the case of a conflict of interest—such as one of them being the subject of a complaint—the Chief of Staff shall work with the Chief Legal Counsel and/or the Human Resources Manager to make initial determinations, report to the Council Chair, EAC and the Council, conduct investigations, implement dispositions, document actions, and carry out other duties associated with this policy or as directed by EAC or the Council. If a complaint or conflict involves an employee of an independent agency, the Chief of Staff will work with the supervising Independent Agency Officer in addition to the appropriate legal counsel or the HR Manager to move toward resolution.

Except in the case of a conflict of interest (such as the Chief Legal Counsel being the subject of a complaint), the Chief Legal Counsel shall advise the Chief of Staff, the Independent Agency Officer if applicable, the Human Resources Manager, EAC, the Council, and others acting pursuant to this policy.

B. Initial Determination: Informal Resolution v. Formal Investigation

Once a report of an alleged violation is received by the Chief of Staff, Independent Agency Officer, or the Human Resources Manager, then the Chief of Staff and the Human Resources

Manager shall, with advice from the Chief Legal Counsel or Prosecuting Attorney's Office as appropriate, promptly determine whether the complaint or concern can be addressed without formal investigation and referral to EAC. In the case of a conflict of interest involving the Chief of Staff or the Human Resources Manager, this initial determination shall be made by the Chair or a Vice Chair of EAC.

C. Informal Resolution

There are many minor incidents, misunderstandings, and interpersonal conflicts that can be resolved through discussion with the persons involved, without a formal investigation. Informal resolution is encouraged and intended to resolve conflicts with a minimum amount of intervention, if those involved agree. Employees are encouraged to work with their supervisors to resolve conflicts and concerns with the minimum amount of intervention needed. Independent agency staff should first consult with their supervising Independent Agency Officer and central staff with the Chief of Staff to share concerns or ask for help with conflict resolution.

All supervisors should follow best practices and document the steps taken to resolve any conflict or complaint. In the case of a harassment or discrimination complaint that can be resolved informally and without referral to EAC, then the following shall also be documented in writing:

1. The complaint or concern;
2. The agreement of those affected by the complaint or concern to handle the matter informally;
3. The determination that no formal investigation or referral to EAC was necessary, and the reasons for that determination; and
4. Any steps taken to resolve the complaint or concern.

The Chief of Staff, Independent Agency Officer, or the Human Resources Manager shall notify the complainant of the determination and any steps taken to resolve the complaint or concern. If a complainant or person affected by the complaint or concern is not satisfied with the resolution, they may request a formal investigation.

D. Formal Investigation

If it is determined that informal resolution is not appropriate and further investigation and referral to EAC are necessary, or when a complainant or affected person is dissatisfied with informal resolution and requests a formal investigation, then a formal investigation shall commence.

1. **First Step: Notice & Safeguarding.** If it is determined that further investigation and referral to EAC are necessary, then the Chief of Staff or Human Resources Manager shall:
 - a. Immediately notify each member of EAC that a matter to be referred to EAC is pending and that a briefing on it will be provided in executive session at the next

EAC meeting. If the complaint or concern involves a Councilmember's personal staff or an independent agency employee, then the Councilmember or independent agency officer employing that staff member shall also be advised as long as there is no conflict of interest;

- b. Take steps to safeguard employees, preserve records, and facilitate investigation even prior to EAC being able to meet and act upon a matter referred under this policy. In cases of a more serious nature, these steps may include separating affected employees pending completion of the investigation or resolution of the matter; and
- c. Inform parties accused of a violation of the policy and of the referral to EAC, and advise them that they may participate in the process, review evidence and statements submitted in support of the allegation, and have opportunities to refute the allegations or offer an explanation or mitigating circumstances, including an opportunity to make a presentation to EAC directly.

- 2. Second Step: EAC Meeting.** Upon notification of a complaint or concern being referred to EAC, then the chair of EAC shall promptly schedule an EAC meeting to consider the matter. If the complaint or concern involves a member of EAC, the chair may direct that the involved member does not attend or participate in that portion of the EAC meeting at which the complaint or concern will be considered. Where appropriate, the chair may direct that the complainant and accused violator be separated or that any other steps be taken that are necessary to immediately safeguard employees, preserve records, prevent retaliation, or assist with an investigation.

If the referred matter alleges violations of this policy by the chair of EAC, then a vice chair shall act as chair. To preserve confidentiality, the members shall meet in executive session. After being briefed by the Chief of Staff or Human Resources Manager, the EAC will decide whether further investigation is warranted.

- 3. Third Step: Investigation.** If EAC believes further investigation is necessary, then it may direct the Chief of Staff or Human Resources Manager—with advice from the Chief Legal Counsel—to conduct a prompt and thorough investigation to determine whether a violation of this policy has occurred based on all facts and circumstances, the nature of the allegation, and the context in which the alleged incidents occurred. As appropriate and with the approval of EAC, an outside investigator may be retained. In the case of allegations of violations of this policy by a Councilmember, only the Chief of Staff, Human Resources Manager, Chief Legal Counsel, or other person selected by EAC may be involved in the investigation or work with an outside firm on the investigation.
- 4. Fourth Step: Disposition.** Upon completion of the investigation, the Chief of Staff or Human Resources Manager shall report back to EAC on the findings of the investigation and make preliminary recommendations on what action should be taken, including mediation of the matter; a recommended response to the complaint or concern; and

any recommended corrective and/or preventive measures such as discipline, training, counseling, and monitoring. Ultimately, EAC will provide guidance to the Chief of Staff or the Human Resources Manager on the appropriate response to the complaint, which may include a final written disposition or other findings, conclusions, and any actions to be taken in response. The Chief of Staff or Human Resources Manager will implement the EAC's final recommendations and ensure that the disposition is appropriately maintained in personnel files (see Implementation section below).

If EAC intends to recommend censure or other disciplinary action against a Councilmember to the full Council, it must do so in the form of a motion to be considered and acted upon by the full Council at the second full Council meeting following the EAC recommendation. No recommendation of censure or disciplinary action to the full Council shall be made unless EAC has first contracted with an independent law firm or other outside investigator to perform an investigation and make a report that includes findings of fact.

5. Fifth Step: Implementation. Once EAC has issued its final disposition, then the Chief of Staff or the Human Resources Manager—or the Chair or Vice Chair of EAC or their designee, in the case of conflict of interest—shall:

- a. Implement the actions set forth in the final disposition of EAC, including any discipline and any corrective or preventive measures. If any discipline is appealed to the full Council, the discipline shall not be imposed until the appeal is decided, but corrective or preventive measures may be enforced even while an appeal is pending;
- b. Inform the employee who raised the complaint or concern, the accused employee, and any supervisor who received the report of a complaint or concern, of the results of the final disposition;
- c. For a reasonable period of time, monitor for repeat behavior or retaliation against any person involved in the filing or investigation of a complaint or concern;
- d. Maintain all records related to the matter; and
- e. In the case of a disposition related to an independent agency employee, that independent agency's director shall (except in the case of a conflict of interest) work with the Chief of Staff and Human Resources Manager to implement actions, notify employees, and monitor as appropriate.

D. Councilmember Conduct

The Council notes the power disparity between staff and elected officials and intends that all serious allegations in which violations may have occurred by Councilmembers be handled by other Councilmembers, starting with referral to EAC. If a report of an alleged violation by a Councilmember is received, then the Chief of Staff or the Human Resources Manager shall promptly and appropriately determine whether the complaint or concern can be addressed

through informal resolution or whether it instead requires formal investigation and referral to EAC. Under all circumstances and regardless of referral, they shall notify the Chair of the Council of the report. If the allegation applies to the Chair of the Council, then the Chief of Staff shall alert one of the Council Vice Chairs. The informal resolution and formal investigation apply to Councilmembers, with specific additional provisions as noted above.

VI. Confidentiality & Records

Every effort will be made to treat all reports and procedures undertaken pursuant to this policy as confidential, but confidentiality cannot be guaranteed and disclosure may be required by law. Allegations of illegal conduct will be reported to the appropriate authority. All records associated with this policy shall be kept by the Human Resources Manager.

VII. Outside Assistance & Remedies

The Council recognizes that those experiencing or witnessing a potential violation of this policy may wish to use a process outside of the Council, and this policy is supplemental to other procedures and resources available under federal, state, and local laws.

In addition, the Council recommends use of the Employee Assistance Program. [King County's Employee Assistance Program \(EAP\)](#) is a free county resource that provides county employees with counseling and coaching around work related concerns and problems, including workplace stress and conflict with co-workers. EAP also provides general workplace coaching and counseling. EAP can listen, provide general advice, explain policies and options, and assist with complaints. EAP may also work to resolve complaints where appropriate. EAP endeavors to keep all matters confidential to the extent permitted by law. Use of EAP does not preclude use of any internal Council procedure.

VIII. Remedies & Disciplinary Action

The Council's paramount interest under this policy is to ensure a respectful, productive, inclusive, and equitable work environment for everyone. In cases where a violation of this policy may have occurred, the Council will work to first ensure the safety of anyone negatively affected and to stop any further behavior that could be a violation. The Council recognizes that workplace interactions and relationships can be complex and that misunderstandings can occur. The Council also recognizes that intentional violations require different responses than unintentional violations or misunderstandings.

Where appropriate, behavior should be corrected and good behavior modeled as an example. Counseling and coaching should be considered as appropriate remedies for interpersonal conflict. The remedy and disciplinary action should be commensurate with the nature of the violation, and repeated violations by the same person should be considered in determining an appropriate response. The Council does intend to penalize those persons whose violations are intentional or serious, and violations of this policy may lead to censure or discipline, up to and including discharge.

IX. Appeals

At any time, a complainant who is dissatisfied with the way their complaint is being handled may take their concerns directly to the Employment and Administration Committee or the full Council for review and further disposition. EAC shall follow the procedures set forth in the policy. Any affected party dissatisfied with an informal resolution must first complete a formal investigation by EAC before appealing to the full Council. The full Council may review and resolve an appeal as it directs by motion. To preserve confidentiality, and to the extent permitted by law, the members shall meet in executive session.

X. Training & Distribution of Policy

The Council's paramount interest under this policy is to ensure a respectful, productive, inclusive, and equitable work environment for everyone, and training is key. All new employees will receive training on this policy as a distinct unit apart from any other new employee training. All employees will undergo refresher trainings on this policy at least every two years.

Supervisors shall receive training that emphasizes their specific obligations under this policy, and all supervisors shall undergo refresher training at least every two years. Supervisor training will specifically include instruction on how to handle a complaint promptly, effectively and in way that respects the vulnerability and privacy of the individual reporting the incident, the application and limitations of confidentiality, and the legal duties required of the Council as an employer.

New Councilmembers will receive a separate training on this policy that emphasizes the unique role they have as elected officials and supervisors. All Councilmembers shall undergo a refresher training on this policy that emphasizes the unique role they have as elected officials and supervisors at least every two years, and the training shall also include those elements required in training for supervisors.

In addition to covering the specifics of this policy, all trainings will include instruction on how to build a healthy and respectful workplace culture and prevent discrimination and harassment.

Copies of this policy shall be provided to all Councilmembers and employees and be posted prominently on the Council's public website.

Exit Interview

It shall be the policy of the Legislative Branch to conduct optional exit interviews to identify reasons employees leave and identify opportunities to improve as an employer.

HR shall conduct exit interviews for employees as soon as possible after receiving notification of an employee's decision to leave. Any issues raised within the exit interview that may require action beyond the authority of the manager will be reported to the appropriate chief officer or independent agency head and the Chair of the Employment and Administration Committee.

EQUIPMENT & FACILITIES

Offices & Workspaces

The Council strives to provide all staff with workspace that is functional and conducive to the successful completion of their work. The following guidelines are used by the Chief of Staff to allocate available office space in a consistent manner.

1. Councilmember and staff (District) Offices: Space becomes available when a new member of the Council is elected or appointed. When a member leaves the Council, the member's office space becomes available for allocation using the methods listed below. New members do not retain the rights to space previously allocated to the members' predecessor or district.
2. Central Staff offices: Office space becomes available when vacated.

District Offices

1. Councilmember offices
 - a. Each Council district shall have one Councilmember office.
 - b. Allocation of available Councilmember offices is based on seniority with the Council. Tie breakers are as follows:
 - i. Priority given to the chair and vice-chairs of the Council;
 - ii. Flip of a coin
2. District staff offices:
 - a. Each district shall have one reception desk and three staff offices. Of the staff offices allocated to each district, one office will have an external window.
 - b. District staff office space is allocated based on Councilmember seniority. Tie breakers are the same as used for Councilmember office allocation.

Central Staff

Based on supervisor's recommendation, available office space is assigned by the Chief of Staff using the following criteria (these criteria are unranked and are considered as a whole.):

1. Supervisory responsibility,
2. Ongoing need for strict confidentiality,
3. Level of position,
4. Seniority,
5. Proximity to other members of a staff team; and
6. Type of position (full-time or part-time) and length of assignment.

Independent Agency Staff

Space allocations for independent agencies will be coordinated between the Council Chief of Staff or the Chief Operating Officer and the agency director/officer.

Intern Space

Intern space is allocated on a first-come, first-served basis. Most of the intern spaces are in open work areas. The Council has limited spaces for interns, but every effort will be made to accommodate District needs. When considering an intern, check with the Chief Operating Officer to determine what space is available before you hire. Please provide a beginning and an end date. While attempts will be made to locate interns as close to the district office as possible, no assurances can be made. It may be necessary for interns to share workspaces.

Use and Return of Equipment

Because the legislative branch operates in a hybrid working environment, appropriate equipment shall be issued to employees so that they may perform county work remotely. All equipment is taxpayer-provided and remains the property of King County. Employees are trusted to use this equipment for their work duties only, not personal use. Equipment must be returned upon request or when employment ends. An employee may be liable for the costs of equipment that is not returned. Questions about the proper use of County resources may be directed to your supervisor. For additional information please see the [Acceptable Use Policy](#).

Mobile Devices

Mobile devices, such as wireless communication devices and tablets may be issued by the County to Legislative Branch employees with a demonstrable business need to enhance their accessibility to members, staff and the public.

County-issued mobile devices are for County business use and subject to the Acceptable Use Policy.

Managers are authorized to determine business need for County issuance of a mobile device. In addition to demonstrating business need, managers must consider budgetary constraints prior to authorization. The Council's Chief Operating Officer shall administer issuance and management of mobile devices, which may include changes to service plans related providers, data, telephony and other services. Employees should keep their personal use of County-issued mobile devices to a minimum.

Councilmember mobile devices shall be charged to the general Council budget. All costs of personal staff mobile devices shall be charged to the district's budget. All other employee mobile device charges shall be charged to the corresponding budget to the employee.

Application of the Public Records Act

[Washington's Public Records Act](#) applies to any record created or used for work, regardless of the medium, technology, or device used. Employees have a duty to preserve public records and provide them upon request, irrespective of whether the device is County-issued or their personal device.

Acceptable Use of Information Assets

Employees of the Legislative Branch shall ensure that King County information assets are used appropriately for King County business. Employees shall use these information assets to increase productivity, facilitate the efficient and effective performance of their duties, and meet the daily operational and business requirements of the County.

Employees shall refrain from using King County information assets for prohibited uses at all times, including during breaks or outside of their regular business hours. Prohibited use of information assets is subject to disciplinary action. Prohibited uses include:

- Private or personal for-profit or unauthorized not-for-profit activities;
- Any political activity;
- Any solicitation for any purpose except those officially sanctioned by King County such as the Employee Giving Program;
- Creating, accessing, displaying or transmitting sexually explicit, indecent, offensive, harassing or intimidating, obscene, pornographic, defamatory, libelous material or material that could reasonably be considered discriminatory, offensive, threatening, harassing, or intimidating, except as a necessary part of bona fide work related activities;
- Creating, accessing, or participating in online gambling;
- Any activity that endangers the public; and
- Any activity that could reasonably be construed as a violation of the law, King County Employee Code of Ethics, or policies.

Employees may use King County information assets for minimal personal use, provided that the use is not prohibited and provided the use has the appearance of professionalism, even if it is not used in a public setting.

The Legislative Branch reserves the right to limit or restrict access to data intensive websites and resources based on the operational needs of the County.

Employees are expected to maintain the privacy and confidentiality of information to which they have access, and they are not guaranteed personal privacy for any activity in which they engage utilizing County information assets. This includes legitimate county purposes, minimal personal use, violations of acceptable use or any other use. Employees should be aware that all activity undertaken on any King County Information Assets, including legitimate County purposes, minimal personal use, violations of acceptable use or any other purpose, is subject to monitoring, recording and intervention by the management for the purpose of System update, maintenance, security and compliance with countywide and Organization-specific policies and standards. Employees expecting privacy for their minimal personal use should use a different means of communication.

¹ A definable piece of information, information processing equipment, information system or mobile device (including devices for mobile telephony, text messaging or data transmission), that is recognized as "valuable" to the County and is not easily replaced without cost, skill, time.

Vehicle Use

Reimbursement for the use of privately-owned vehicles in connection with county business shall be allowed at the current rate per mile prescribed by county ordinance. In lieu of such reimbursement, King County Councilmembers who would otherwise be eligible to be permanently assigned to a county vehicle may, at their individual option, be compensated monthly for the use of privately owned vehicles used in connection with county business. To implement this alternative, the Chief of Staff or their designee shall periodically ascertain the average monthly costs to the motor pool for the maintenance and operation of equivalent vehicles within the fleet. Ninety percent of that figure shall be the maximum allowable compensation.

The County Council encourages the use of County vehicles to meet occasional, short-term transportation needs for official Council business and authorized day travel as authorized in K.C.C. 3.24. The Legislative Branch participates in the King County Motor Pool, making vehicles available as needed.

Use of County vehicles is preferred over personal vehicles use for official county business. Personal vehicle usage, including mileage and parking reimbursement is subject to pre-authorization by an employee's manager and subject to normal authorizations and charge-back to the appropriate budget.

Notes regarding Parking Validation:

1. Parking validation for the authorized use of Goat Hill Garage may be used in lieu of reimbursement.
2. Parking validation is intended to provide employees driving personal vehicles with occasional, short-term usage of the Goat Hill Garage when necessary in the performance of their duties and should not be used for all day parking in the Garage.

Occasional overnight usage is permitted when an employee is required to attend a meeting, event or other business that is away from the employee's normal place of work, or outside an employee's normal scheduled workday.

Except where reasonably necessary to accommodate an employee's meals, other physical needs and approved breaks, County vehicles may not be used for personal business.

It is the responsibility of all employees who use the vehicles to ensure that they are kept clean and filled with gas.