

1 Sponsored by: Councilmembers Ryan Mello, Jani Hitchen, and Dave Morell
2 Requested by: Pierce County Executive/Human Resources Dept.
3
4
5

6 **ORDINANCE NO. 2023-39**

7
8
9

10
11 **An Ordinance of the Pierce County Council Relating to Title 3 of the Pierce**
12 **County Code (PCC), "Personnel"; Amending Chapters 3.08,**
13 **"Definitions," 3.12, "Code of Ethics," 3.14, "Whistleblower**
14 **Protection," 3.15, "Workplace Safety and Violence**
15 **Prevention," 3.32, "Classification Plan," 3.40, "Personnel**
16 **Board Appeals," 3.52, "Working Conditions," 3.68, "Sick**
17 **Leave," 3.69, "Humanitarian Catastrophic Sick Leave," 3.70,**
18 **"Shared Sick Leave Program," 3.72, "Vacation Leave," 3.76,**
19 **"Leave of Absence with Pay," 3.80, "Leave of Absence**
20 **Without Pay," 3.81, "Military Service," 3.92, "Reimbursement**
21 **of Expenses," and 3.98, "Domestic Partnership Benefits";**
22 **Renaming Chapter 3.16 PCC, "Equal Employment**
23 **Opportunity," Adopting a New Chapter 3.18 PCC, "Diversity,**
24 **Equity, and Inclusion"; and Directing the Human Resources**
25 **Director to Update the Administrative Guidelines to**
26 **Incorporate Changes Authorized by this Ordinance.**

27
28 **Whereas,** Title 3 the Pierce County Code (PCC), "Personnel," addresses Pierce
29 County's various personnel and employment practices and establishes the foundation
30 for the County's Personnel Management System; and
31

32 **Whereas,** the Pierce County Human Resources Director has recommended
33 changes to Title 3 PCC to the Pierce County Executive; and
34

35 **Whereas,** the Pierce County Executive desires to promote sound, effective and
36 fair employment practices; and
37

38 **Whereas,** Title 3 PCC authorizes the Human Resource Director to promulgate
39 and periodically amend the Administrative Guidelines which are the established
40 operating procedures necessary to implement Title 3 PCC consistent with Code,
41 Charter, and state and federal law; and
42

43 **Whereas,** amendments and additions to the Pierce County Code require Council
44 approval; **Now Therefore,**
45

46 **BE IT ORDAINED by the Council of Pierce County:**



1
2 Section 1. Pierce County Code (PCC) Chapters 3.08, "Definitions," 3.12, "Code
3 of Ethics," 3.14, "Whistleblower Protection," 3.15, "Workplace Safety and Violence
4 Prevention," 3.32, "Classification Plan," 3.40, "Personnel Board Appeals," 3.52,
5 "Working Conditions – Conflict of Interest," 3.67, "Family and Medical Leave," 3.68,
6 "Sick Leave," 3.69, "Humanitarian Catastrophic Leave Bank," 3.70, "Shared Sick Leave
7 Program," 3.72, "Vacation Leave," 3.76, "Leave of Absence with Pay," 3.80, "Leave of
8 Absence Without Pay," 3.81, "Military Service," 3.92, "Reimbursement of Expenses,"
9 and 3.98, "Domestic Partnership Benefits" are hereby amended, Chapter 3.16 PCC,
10 "Equal Employment Opportunity," is hereby renamed, and new Chapter 3.18 PCC,
11 "Diversity, Equity, and Inclusion," is hereby adopted, as shown in Exhibit A, which is
12 attached hereto and incorporated herein by reference.

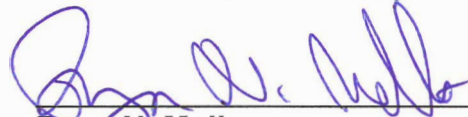
13
14 Section 2. The Human Resources Director shall update the Administrative
15 Guidelines accordingly.


16
17
18 ADOPTED this 10th day of October, 2023.

19
20 ATTEST:

21 **PIERCE COUNTY COUNCIL**
22 Pierce County, Washington

23
24 
25 **Denise D. Johnson**
26 Clerk to the Council

27
28 
29 **Ryan N. Mello**
30 Council Chair

31 
32 **Bruce Dammeier**
33 Pierce County Executive
34 Approved Vetoed _____, this
35 24th day of October,
36 2023.

37 Date of Publication of
38 Notice of Public Hearing: September 20, 2023

39 Effective Date of Ordinance: November 3, 2023
40



Only those portions of Title 3 that are proposed to be amended or necessary for context are shown. Remainder of text, tables, maps, and/or figures is unchanged.

Title 3

PERSONNEL

Chapter 3.08

DEFINITIONS

"New Sections"

Note: The Section numbers and titles shall also be inserted chronologically in the Table of Contents for Chapter 3.08.

3.08.102 Diversity.

Diversity encompasses the range of similarities and differences each individual brings to the workplace, including, but not limited to, job experience, education, age, national origin, religion, race, physical ability, gender, and sexual orientation.

3.08.104 Equity.

A workplace has equity when employees are intentionally, purposefully, and consciously provided access to learning, power, and resources so that all people have an opportunity to succeed in the workplace.

3.08.160 Inclusion.

An inclusive workplace values individual and group differences, establishing a culture where all individuals can be and feel welcomed, respected, supported, valued, and empowered to participate.

Chapter 3.12

CODE OF ETHICS

3.12.020 Definitions.

"Lobby" and "lobbying" each mean lobbyists' attempt to influence, by communicating with Councilmembers or Council staff of Pierce County Council, to develop, adopt, modify or reject legislation, or attempt to influence, by communicating with the Executive or Executive staff, to approve or veto adopted legislation, or part thereof, presented to ~~him or her~~ them.

For purposes of this Chapter, the terms "lobby" and "lobbying" do not include any of the following:

1. The act of communicating with the members of an association or organization by that same association or organization;



2. Communications or other actions made by a person related to a quasi-judicial proceeding before the Council;
3. Communications or actions made by a person related to proposed motions to confirm or reject appointments by the Executive;
4. Communications or actions made by a person related to proposed motions to exercise the Council's power of confirmation or removal;
5. Communications or other actions related to proposed employment actions concerning legislative branch employees;
6. Communications or other actions by any County employee acting within the scope of ~~his or her~~ their employment with the County; or
7. Communications or other actions by representatives of labor organizations related to existing or proposed collective bargaining agreement(s) with the County or other legislation which could affect specific existing or proposed collective bargaining agreements.

3.12.030 Ethical Standards and Prohibited Practices Enumerated.

- E. Beneficial Interests in Contracts Prohibited.
1. Pursuant to RCW 42.23.030, no County personnel may be beneficially interested, directly or indirectly, in a contract, sale, lease, purchase, or grant that may be made by, through, or under the supervision of the personnel, in whole or in part, or which may be made for the benefit of ~~his or her~~ their office.
 2. County personnel may not accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in the aforementioned contract, sale, lease, purchase, or grant.
 3. County personnel may not participate in a transaction involving the County in their official capacity with a person or business with which the individual is associated.

3.12.060 Hearing Officer.

- A, The "Hearing Officer" shall be appointed by the Commission to receive written complaints of alleged violations of this Ethics Code, and to investigate the complaints within a reasonable amount of time in order to determine whether there is probable cause to believe that a violation of this Code has occurred, all as set forth in PCC 3.12.080.
- B. The Hearing Officer shall be selected by the Ethics Commission by majority vote for a one-year contract. The Hearing Officer's contract may be renewed by a majority vote of the Commission. The Hearing Officer shall be a member in good standing with the Washington State Bar Association, shall have been licensed to practice law in the State of Washington for a minimum of five years, and shall have prior investigative or judicial experience. If an individual with prior investigative or judicial experience is unavailable to serve, this requirement may be waived. Because of its sensitive position, the Hearing Officer must avoid even the appearance of a conflict of interest. Therefore, the Hearing Officer shall be bound by the same restrictions as are set forth in PCC 3.12.070 for members of the Ethics Commission.
- C. The Hearing Officer shall be compensated for the time devoted to the performance of ~~his or her~~ their official duties at a rate to be negotiated between the Ethics Commission and the Hearing Officer, subject to the approval of the Executive. The Hearing Officer shall



1 be reimbursed for reasonable and necessary expenses incurred in the performance of his
2 or her their official duties.

- 3 D. Whenever a Hearing Officer selected under this Code is either temporarily or
4 permanently unable to perform the duties of this position, or if there exists the
5 appearance of or an actual conflict of interest with the duties, the Commission shall
6 select a temporary replacement or permanent successor in the manner provided for in
7 subsection B.

8
9 **3.12.070 Ethics Commission.**

- 10
11 D. Members of the Commission shall be appointed to 3-year terms. Members shall serve
12 until his or her their successor is appointed or for 60 days following the expiration of the
13 term, whichever is sooner.
- 14 E. No member of the Commission, during his or her their tenure, shall:
- 15 1. Hold or campaign for elective office;
 - 16 2. Be an officer of any political party or political committee;
 - 17 3. Make contributions, or permit their name to be used in support of, or in opposition
18 to, any candidate for County office;
 - 19 4. Lobby or employ or assist a lobbyist.
- 20 F. No person shall be eligible for appointment to more than two consecutive 3-year terms,
21 except as provided in PCC 3.12.070 G.
- 22 G. An individual appointed to fill a vacancy occurring other than by the expiration of a term
23 of office shall be appointed for the unexpired term of the member he or she succeeds
24 they succeed, and shall be eligible for appointment to two consecutive full 3-year terms
25 thereafter. Any vacancy occurring on the Commission shall be filled within 60 days in
26 the manner in which that position was originally filled. A vacancy shall not impair the
27 powers of the remaining members to exercise all the powers of the Commission.

28
29 **3.12.080 Enforcement Procedures.**

- 30
31 B. Upon receipt of the above-described complaint, the Hearing Officer shall conduct such
32 investigation of the allegations contained therein as he or she deems they deem
33 necessary and appropriate in order to make an initial determination as to whether
34 probable cause exists to believe that a violation of this Ethics Code has occurred.
- 35 C. If the Hearing Officer is satisfied that there is no probable cause to believe that a
36 violation of this Ethics Code has occurred, he or she they shall:
- 37 1. So notify the complainant and any elected official who is the subject of the
38 complaint in writing. When the subject of the complaint is not an elected official,
39 the Hearing Officer may, in his or her their discretion, notify the subject of the
40 complaint. Written correspondence shall be deemed received within three days of the
41 postmarked date;
 - 42 2. Prepare written findings and conclusions regarding the complaint stating the factual
43 basis for the findings and legal basis for the conclusions;
 - 44 3. File the findings, conclusions and a notice of no probable cause with the Ethics
45 Commission;
 - 46 4. If he or she believes they believe a criminal act of a type not covered by the Ethics
47 Code was committed, submit his or her their file to the appropriate law enforcement
48 authorities;



- 1 5. Take no further action other than as specified above.
- 2 D. In the event complainant believes that the Hearing Officer did not fairly review ~~his or~~
- 3 ~~her~~ ~~their~~ complaint prior to determining no probable cause, complainant may file, by
- 4 ~~mailing~~ ~~sending~~ to the Ethics Commission, a request for reconsideration with the Chair
- 5 of the Commission. A sworn statement that the Hearing Officer did not make a fair
- 6 review because of reasons of conflict of interest, bias or prejudice must be attached to
- 7 the request for reconsideration.
- 8 1. The statement must set forth facts and reasons for the belief that the conflict of
- 9 interest, bias or prejudice exists.
- 10 2. The statement shall be postmarked no more than 20 calendar days after complainant
- 11 is deemed to receive notice of the Hearing Officer's original finding of no probable
- 12 cause.
- 13 3. The Chair shall determine whether the statement establishes that a conflict of
- 14 interest, bias, or prejudice exists. If, in the Chair's determination the statement does
- 15 not establish that a conflict of interest, bias or prejudice exists, the complainant shall
- 16 be so informed and no further action shall be taken. If the Chair determines the
- 17 statement provides sufficient facts which, if true, establish that a conflict of interest,
- 18 bias, or prejudice exists, the Chair shall refer the request for reconsideration and the
- 19 statement to the Commission.
- 20 4. If the Chair refers a request for reconsideration to the Commission, the Commission
- 21 shall then review the original complaint, the statement, any other written materials
- 22 which were considered by the Hearing Officer, and the Hearing Officer's findings
- 23 and conclusions, to determine if probable cause exists. If the Commission finds that
- 24 probable cause does exist, the Commission shall:
- 25 a. Prepare and file its own written findings and conclusions;
- 26 b. Proceed as set forth in PCC 3.12.080 F.
- 27 5. Should it appear to the satisfaction of four members of the Commission at any time
- 28 that any of the statements presented to it pursuant to this Section are presented in bad
- 29 faith or solely for the purpose of harassing a respondent or prolonging the
- 30 investigation, the Commission shall order the complainant submitting them to pay to
- 31 the Commission and the respondent the amount of reasonable expenses which the
- 32 filing of the statement caused it to incur, including reasonable attorney's fees, and
- 33 shall declare no violation has occurred.
- 34 E. If the Hearing Officer find probable cause to believe an Ethics Code violation has
- 35 occurred, ~~he or she~~ ~~they~~ shall:
- 36 1. Prepare written findings and conclusions regarding the complaint stating the factual
- 37 basis for the findings and the legal basis for the conclusions;
- 38 2. File the findings and conclusions and a notice of probable cause with the Ethics
- 39 Commission;
- 40 3. Submit ~~his or her~~ ~~their~~ file to the appropriate law enforcement authorities if ~~he or she~~
- 41 ~~believes~~ ~~they~~ believe a criminal act of a type not covered by the Ethics Code was
- 42 committed;
- 43 4. Take no further action other than as specified above and maintain confidentiality
- 44 regarding the complaint, the investigation and findings.
- 45 5. The Hearing Officer may determine that there is probably cause for some violations
- 46 of the Ethics Code, but no probable cause for other alleged violations. To the extent
- 47 that the Hearing Officer finds no probably cause, the Hearing Officer shall proceed
- 48 under PCC 3.12.080 C. regarding the alleged violations.



- 1 F. Upon receipt of the Hearing Officer's findings of probable cause, the Commission may
2 choose between the three courses of action as follows:
3 1. Refer the matter to the office of the Pierce County Prosecutor for criminal
4 prosecution; provided, that upon a determination that the proof beyond a reasonable
5 doubt necessary for criminal conviction is not available, the office of the County
6 Prosecutor may refer the matter back to the Commission for proceedings consistent
7 with the civil burden of proof; e.g., a simple preponderance of the evidence; or
8 2. Find:
9 a. that the complaint presents a violation of the Ethics Code, but that any violation
10 that may have occurred does not constitute a material violation because it was
11 inadvertent and de minimus, or has been cured, and after consideration of all
12 circumstances, further proceedings would not serve the purposes of this Chapter,
13 and
14 b. Dismiss the complaint; or
15 3. Retain the matter for its own formal investigation with a view toward the ultimate
16 imposition of a civil penalty or penalties in the event it is determined an actual
17 violation has occurred.
- 18 G. Should the Commission decide to retain the matter for its own formal investigation
19 pursuant to PCC 3.12.080 F.3., the Commission shall notify, in writing, the complainant,
20 and the respondent, of its decision to pursue a formal investigation by way of holding a
21 hearing to determine if a violation has occurred.
- 22 H. Such hearings shall be open to the public, except the Commission may hold executive
23 sessions pursuant to the requirements of RCW 42.30.110(1)(f) and (i).
- 24 I. 1. Hearings shall be conducted in accordance with procedures adopted by the
25 Commission. Hearings conducted by the Commission shall be informal with
26 technical rules of evidence not applying to the proceedings except the rules of
27 privilege recognized by law. The respondent may be represented by legal counsel
28 and/or by ~~his or her~~ their bargaining representative and may present and cross-
29 examine witnesses and give evidence before the Commission. The Commission may
30 call witnesses on its own motion and compel the production of any documents or
31 materials, including electronic, paper, or other evidence needed. To that end the
32 Ethics Commission shall issue subpoenas and subpoenas duces tecum at the request
33 of the Commission or the person complained against. All testimony shall be under
34 oath administered by a member of the Commission. The Commission may adjourn
35 its hearing from time to time in order to allow for the orderly presentation of
36 evidence.
37 2. Upon motion of respondent or upon its own motion, the Commission may
38 temporarily stay or permanently suspend its investigation when, in its informed
39 discretion, the manifest needs of justice and fairness will be better served thereby.
40 3. Commission shall prepare an official record of the hearing, including all testimony
41 which shall be recorded manually or by mechanical device, and exhibits; provided,
42 the Commission shall not be required to transcribe such records unless an individual
43 entitled to knowledge of the contents of the record presents a request accompanied
44 by payment of the cost of transcription.
- 45 J. Within 30 calendar days after the conclusion of the hearing, the Commission shall, based
46 upon a preponderance of the evidence, make and fully record, in its permanent records,
47 finding of fact, conclusions of law, and an order containing the final disposition
48 including where appropriate the civil sanction(s) imposed. A copy of the findings,



1 conclusions and order shall, within a reasonable time thereafter, be served via email with
2 confirmation of receipt or by certified mail to the complainant and to the respondent at
3 addresses provided by both persons to the Commission or by personal service.

4 K. Any person found, by final written order of the Commission, to be in violation of this
5 Code of Ethics may seek judicial review of the Commission's decision in the manner and
6 form as provided by RCW 42.17A.755(6) (Laws of Washington, 2010 C204 s. 1003).

7 L. If no appeal is perfected within the 30 calendar days following the date of service on
8 Respondent of the Commission's final order, and voluntary compliance with the order
9 does not occur, the County Prosecutor shall petition in Superior Court for enforcement
10 of the Commission's order in a manner patterned after that which is currently provided
11 for enforcement of orders entered by the State Public Disclosure Commission in RCW
12 42.17A.760 (Laws of Washington, 2010 C204 s. 1003).

13
14 **3.12.110 Miscellaneous Administrative Provisions.**

15 It shall be the responsibility of all elected or appointed officials to distribute this Code of
16 Ethics to each employee under his or her their official authority. Distribution must be made
17 within 90 days of the adoption hereof. Each employee receiving a copy shall initial a list
18 indicating receipt of the Code. The Human Resources Department shall be responsible for
19 maintaining the lists as public documents. The responsibility for making the Ethics Code
20 available shall be continuous, including providing notice of the Code to all new employees and
21 to require written indication of receipt.

22 -----
23 *Chapter 3.14*

24
25 ***WHISTLEBLOWER PROTECTION***

26
27
28 **3.14.010 Definitions for the Purpose of Chapter 3.14.**

29 A. "Improper governmental action" means any action or proposed action by a County
30 officer or employee that is undertaken in the office or which is related to an employee's
31 performance of his or her their official duties, and that:

- 32 1. Violates any state or federal law or County ordinance; or
33 2. Constitutes an abuse of authority; or
34 3. ~~Creates a~~ Is of substantial and specific danger to the public health or safety; or
35 4. ~~Results in~~ Is a gross waste of public funds.

36 "Improper governmental action" excludes personnel actions, including but not
37 limited to: employee grievances, complaints, appointments, promotions, transfers,
38 assignments, reassignments, reinstatements, restorations, re-employments, performance
39 evaluations, reductions in pay, reprimands, dismissals, suspensions, demotions, alleged
40 violations of Civil Service laws, or alleged violations of Title 3 PCC, alleged violations
41 of the Pierce County Administrative Guidelines, alleged violations of agreements with
42 labor organizations under collective bargaining, or any action that may be taken under
43 Chapters 41.14, 41.56, or 49.60 RCW. Complaints pertaining to such alleged violations
44 should be addressed according to the applicable complaint processes for those matters.
45 A properly authorized County program or activity does not become an "improper
46 governmental action" because an employee or auditing official dissents from the County
47 policy or considers the expenditures unwise.
48



- 1 B. "Retaliatory action" means: (1) any unwarranted adverse change in a County
2 employee's employment status, or the terms and conditions of employment including
3 denial of adequate staff to perform duties, frequent staff changes, frequent and
4 undesirable office changes, refusal to assign meaningful work, unwarranted and
5 unsubstantiated letters of reprimand or unsatisfactory performance evaluations,
6 demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension,
7 dismissal, or any other disciplinary action taken on account of, or with motivation from
8 the employee's action protected under ~~Section PCC 3.14.030~~, or (2) hostile actions by
9 another employee that were encouraged by a supervisor or senior manager or official.
10 C. "Emergency" means a circumstance that if not immediately changed may cause damage
11 to person or property.
12

13 **3.14.020 Whistleblower Policy – Purpose.**

14 Unless prohibited by law, County employees are encouraged to report improper
15 governmental action in good faith in accordance with the procedures set forth in this Chapter, to
16 the Pierce County Human Resources Director, the Prosecuting Attorney, the County Council, the
17 Pierce County Executive, the Pierce County Ethics Commission, or the Pierce County Sheriff.

18 These entities shall forward the complaint to the Pierce County Human Resources Director
19 for evaluation and action as appropriate. Reports of improper governmental action may also be
20 made to the Tacoma Police Department, or the State Auditor for allegations of violations of City
21 of Tacoma laws or State statute as appropriate. To assist such reporting, PCC 3.14.030 provides
22 County employees protection from interference and retaliatory action, for reporting and
23 cooperating in the investigation, and/or prosecution of improper governmental action in
24 accordance with this Chapter.
25

26 **3.14.030 Reporting Improper Governmental Action – Employee Protection.**

- 27 A. Every County officer or employee shall have the right to ~~report, in~~ make a good faith
28 ~~report of improper government action in~~ report of improper government action in accordance with the procedures set forth in this
29 Chapter, ~~information concerning improper governmental action~~. Provided, however,
30 that except in the case of an emergency, an employee shall submit a written report to the
31 Pierce County Human Resources Director, or one of the entities listed in ~~Section PCC~~
32 3.14.020, before an employee provides information about an improper governmental
33 action to a person or entity not listed in ~~Section PCC~~ 3.14.020. No emergency exists
34 under this subsection where prompt attention and reporting by the employee could have
35 avoided the perceived need to report immediately to a person not listed in ~~Section PCC~~
36 3.14.020. An employee who fails to make a good faith attempt to follow this policy
37 shall not receive the protections of this Chapter.
38 B. The Pierce County Human Resources Director shall promulgate procedures for reporting
39 improper governmental action to Pierce County officials and shall cause a copy of the
40 procedures along with a summary of the protections against retaliatory action to be
41 permanently posted so that all employees will have reasonable access to them. A copy
42 of the same shall be made available to any employee upon request.
43 C. Limitations. This Section does not authorize a County officer or employee to report
44 information that is subject to an applicable privilege against disclosure by law (e.g.,
45 RCW 5.60.060, Privileged Communications), unless lawfully waived, or to make
46 disclosure where prohibited by law. An employee's reporting of ~~his or her~~ their own
47 improper action does not grant an employee immunity from discipline or termination
48 insofar as ~~his or her~~ their improper action would be cause for discipline. Employees



1 shall elect which complaint process applies and shall not submit duplicative complaints.
2 If a duplicate complaint is filed with another agency, Pierce County may decline to
3 investigate the complaint filed under this Chapter.

- 4 D. Retaliatory Action Prohibited. It is unlawful for any County official or employee to take
5 retaliatory action against an employee because ~~he or she~~ they (or another acting pursuant
6 to ~~his or her~~ their request):
- 7 1. Provided information in good faith in accordance with the provisions of this Chapter
8 that an improper governmental action occurred; or
 - 9 2. Cooperated in a lawful investigation related to improper governmental action; or
 - 10 3. Testified in a proceeding or prosecution arising out of a complaint of improper
11 governmental action.
- 12 E. Confidentiality. The identity of any person filing a complaint under this Chapter shall be
13 treated as confidential to the extent possible under law unless the employee authorizes
14 the disclosure of his or her identity in writing.
- 15 F. Employee Protection. No County officer or employee shall use ~~his or her~~ their official
16 authority or influence, directly or indirectly, to threaten, intimidate or coerce an
17 employee for the purpose of interfering with that employee's right to disclose
18 information concerning an improper governmental action in accordance with the
19 provisions of this Chapter.
- 20 G. Penalty. Any County officer, or employee who ~~shall~~ engages in retaliatory action is
21 subject to discipline up to and including suspension without pay, demotion, or discharge
22 in addition to any penalties which might be imposed by an administrative law judge
23 pursuant to state law.
- 24 H. Retaliation Notice. If a County officer or employee feels that ~~he or she~~ they have
25 been retaliated against for reporting improper governmental action, ~~he or she~~ they shall
26 file written notice with the Human Resources Department Director in accord with
27 ~~Chapter 44, Washington Laws, 1992 (Chapter 42.41 RCW)~~ Chapter 42.41 RCW and as
28 stipulated set forth in Section PCC 3.14.040. Upon receipt of such report, the Human
29 Resources Department Director shall cause an appropriate response to be filed in accord
30 with ~~Chapter 44, Washington Laws, 1992~~ Chapter 42.41 RCW.

31 32 **3.14.040 Reporting Procedures.**

33 Unless prohibited by law and except in cases of emergency, the following procedures shall
34 be followed:

- 35 A. Reporting Improper Governmental Action. If an employee desires to file a complaint
36 within Pierce County government, the complaint shall be submitted in writing on the
37 appropriate complaint form to the Pierce County Human Resources Director or other
38 County entity listed in PCC 3.14.020. Such complaint form may be submitted either in
39 person, via email, or by mail, may be signed or unsigned, and shall specify the
40 inappropriate governmental action alleged. Complaint forms shall be provided by the
41 Human Resources Department and shall be available through the Human Resources
42 Department webpage, the office of the County Executive, and at each departmental
43 timekeeper location. Forms shall be provided via U.S. Mail, or email, from the Human
44 Resources Department upon the request of the employee.
- 45 1. Where the employee reasonably believes the improper governmental action involves
46 the Human Resources Director, the employee may submit the complaint form
47 directly to the County Executive.



12. In order to be investigated under this Chapter, a complaint of improper governmental action must be submitted within one year after the occurrence of the asserted improper governmental action.
23. The Human Resources Director or County Executive, as the case may be, entity with whom the complaint was filed shall take prompt action to determine if a prima facie complaint has been appropriately filed and, if so, to investigate or to cause an investigation into the complaint to be initiated by referring the complaint to the an appropriate authority.
34. The Pierce County authority to whom the complaint of improper governmental action was referred shall ensure that the complainant is sent a timely response.

B. Reporting Retaliatory Action.

1. An employee alleging retaliatory action for exercising their rights under this Chapter must file a written complaint with the Pierce County Human Resources Director or Pierce County Executive, if complaint involves the Pierce County Human Resources Director. The written complaint ~~may be in the form of a letter or memorandum and must:~~
 - a. ~~Must~~ Specify the alleged retaliatory action;
 - b. ~~Must~~ Specify the relief requested; and
 - c. ~~Not later~~ Be submitted no more than 30 calendar days after the occurrence of the alleged retaliatory action, the complaint must be delivered to the Human Resources Director or to the Pierce County Executive, if the complaint involves the Pierce County Human Resources Director.
2. Pursuant to RCW 42.41.040(3), the County must respond to the charge of retaliation within 30 calendar days after receipt of the charge and request for relief, unless additional time is agreed to by the employee.
3. Upon receipt of ~~either~~ the response from the County or after the last day upon which the County could respond, the employee may request a hearing to establish that a retaliatory action occurred and to obtain appropriate relief as defined in RCW 42.41.040. The request for a hearing shall be delivered to the Human Resources Director within 15 calendar days of delivery of the response from the County or within 15 calendar days of the last day on which the County could respond.
4. Within five working days of receipt of the request for a hearing, the County shall apply to the State Office of Administrative Hearings under the provisions of RCW 42.41.040(5). The hearing and determination therefrom shall comply with the provisions of RCW 42.41.040(6) through (9).

Chapter 3.15

WORKPLACE SAFETY AND VIOLENCE PREVENTION

3.15.030 Responsibilities.

A. Department Directors, Managers and Supervisors' Responsibilities:

1. Provide this policy and educational opportunities to their employees about workplace safety and violence prevention and make workplace safety and violence prevention training and education programs available to all employees.
2. Immediately notify Risk Management (798-7462), the Human Resources Department (798-7480) and their appropriate director of any incidents involving unsafe acts and/or acts of violence.



3. Notify the Pierce County Security Operations Center. The number can be found on the Facilities Department internal website under Security Management/Personal Security. The Security Operations Center number is located under Contact information.
4. Address employee workplace safety concerns and ensure that such concerns are investigated. Safety concerns, and any other situation where an employee has been subjected to or threatened with an unsafe act and/or an act of violence, should be reported to the Human Resources Director, ~~Labor Relations Manager or Human Resources Deputy Director~~ or designee.
5. Take immediate steps to diffuse or mitigate any situation that has potential to escalate into an unsafe act and/or an act of violence.
6. Forward a copy of the protective or restraining order to the Human Resources Department.
7. Notify appropriate law enforcement agencies about persons who violate a granted protective or restraining order and require the violator to leave the premises immediately.

Chapter 3.16

EQUAL EMPLOYMENT OPPORTUNITY POLICY

Note: The Chapter name shall also be revised in the Table of Contents for Title 3.

"New Chapter"

Note: The Chapter number and title shall also be inserted chronologically in the Table of Contents for Title 3.

Chapter 3.18

DIVERSITY, EQUITY, AND INCLUSION

Sections:

3.18.010 Policy.

3.18.020 Responsibilities.

3.18.030 Noncompliance.

3.18.010 Policy.

Pierce County is dedicated to creating an inclusive work environment. Pierce County embraces and celebrates the unique experiences, perspectives, and cultural backgrounds that each employee brings to the workplace. Pierce County strives to foster an environment where employees feel respected, valued, and empowered. All Pierce County employees are at the forefront of promoting and sustaining an inclusive workplace and helping to create more equitable outcomes in the community.

- A. Pierce County embraces diversity in all facets including, but not limited to, age, ethnicity, gender, gender identity or expression, language differences, nationality or national origin, family or marital status, physical, mental, and developmental abilities, race, religion or belief, sexual orientation, skin color, social or economic class,



1 education, political affiliation, military service, caste, and other characteristics that make
2 our employees unique.

3 B. Pierce County strives to be a fair organization that advances opportunity and justice for
4 all.

5 C. Pierce County values individual and group differences. Pierce County seeks to be an
6 organization where everyone feels welcomed, respected, supported, valued, and
7 empowered to fully participate and belong.

8 D. Pierce County reaffirms its commitment to equal employment opportunity and a
9 workplace free from discrimination as outlined in Chapter 3.16 PCC and other relevant
10 laws and policies.

11
12 **3.18.020 Responsibilities.**

13 This policy applies to all employees, volunteers, agents, contractors, departments, and offices
14 of Pierce County.

15 All Pierce County employees are responsible for creating a culture of dignity and respect.
16 Everyone is expected to exhibit conduct that reflects inclusion during work, at work functions on
17 or off the work site, and at all County events.

18 A. Employee Responsibilities:

- 19 1. Adhere to this policy and related diversity, equity, and inclusion principles in their
20 day-to-day work and their interactions with colleagues, partners, and members of the
21 public. Employees are strongly encouraged to utilize the strategies and tools
22 provided through the County's diversity, equity, and inclusion program.
- 23 2. Participate in Human Resources training opportunities focused on diversity, equity,
24 and inclusion with supervisory approval.
- 25 3. Report to their supervisor or senior management any received or witnessed instances
26 of apparent discriminatory treatment in accordance with Chapter 3.16 PCC.

27 B. Additional Manager/Supervisor Responsibilities:

- 28 1. Ensure all employment-related decisions are free from discrimination in accordance
29 with Chapter 3.16 PCC.
- 30 2. Foster a culture within their teams that supports diversity, equity, and inclusion.
- 31 3. Address behavior inconsistent with this policy, other policies, or applicable laws.
- 32 4. Take appropriate action and elevate to management or Human Resources as
33 warranted.

34 C. Human Resources Responsibilities:

- 35 1. Develop and implement a diversity, equity, and inclusion program that includes, but
36 is not limited to:
 - 37 a. Employee training opportunities.
 - 38 b. Recruitment and retention strategies designed to promote employee diversity.
- 39 2. Update the administrative guidelines as necessary to ensure advancement of
40 diversity, equity, and inclusion.
- 41 3. Develop procedures to support this policy.

42
43 **3.18.030 Noncompliance.**

44 Noncompliance may result in disciplinary action, up to and including termination of
45 employment.
46 -----
47



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

Chapter 3.32

CLASSIFICATION PLAN

3.32.010 Scope of Classification Plan.

All employment positions which do not have their salary set by State law or Charter language, shall be part of a comprehensive classification plan established by the Human Resources Director which provides for the grouping of positions into a system of classifications; the description and minimum requisite qualifications of positions in class specifications; assignment to a salary range; rules and procedures which provide for maintenance of the plan in a current status. Each employment position shall be classified by the Human Resources Director and allocated or reallocated in accordance with the character, difficulty and responsibility of its designated duties, internal equity, and external market. The Human Resources Director may add, delete, or revise the classification pay plan with the written approval of the Executive within budgeted funds, excluding elected officials and employees of the Council.

Chapter 3.40

PERSONNEL BOARD APPEALS

3.40.050 Written Notice of Disciplinary Action.

In any disciplinary action against a Career Service employee, other than verbal reprimand (oral warning), pertinent information shall be reduced to written form by the Appointing Authority. A copy shall be filed with the Human Resources Director and a copy shall be delivered personally to the Career Service employee personally, via email with confirmation of receipt, or mailed to the employee's last known address by certified mail, return receipt requested. The employee shall be deemed notified of the disciplinary action upon personal notification, confirmation of receipt via email, or five days after mailing of such notification. Notice of the disciplinary action shall state the following:

- A. The cause for discipline;
- B. The reasons and/or facts supporting the cause;
- C. The form of discipline to be imposed;
- D. The effective date of the discipline (if applicable); and
- E. The right of the Career Service employee to appeal to the Personnel Board within five working days of notification of the action, a disciplinary action resulting in:
 - 1. a suspension of more than 20 working days,
 - 2. demotion, or
 - 3. dismissal.

3.40.090 Notice of Hearing.

At least ten calendar days prior to hearing, the Personnel Board shall mail send notice of the time and place of hearing to the parties. Notice to counsel or the party's representative of record shall constitute notice to the party.



Chapter 3.52

WORKING CONDITIONS

3.52.020 Conflict of Interest.

- B. A conflict of interest shall be deemed to exist when any employee has the authority or practical power to directly supervise, appoint, remove, discipline, or is responsible for auditing the work of or where other circumstances exist which would reasonably place the employee and an individual ~~he/she supervises~~ they supervise in a situation of actual or potential conflict. A conflict is presumed to exist if an employee supervises one of the following relatives: mother, father, son, daughter, brother, sister, husband, wife, aunt, uncle, niece, nephew, grandfather, grandmother, grandson, granddaughter, daughter-in-law, son-in-law, father-in-law, mother-in-law, sister-in-law, brother-in-law, stepbrother, stepsister, stepson, stepdaughter, stepmother and stepfather, domestic partner or a like relative of the domestic partner.

3.52.033 Pay Deductions.

- A. It is the County's policy for all employees whether or not they are members of the Career Service that no improper deductions shall be made from an employee's pay. In the event an improper deduction is made from an employee's paycheck, the employee shall immediately bring the error to the attention of the timekeeper. If the discrepancy is not resolved by the timekeeper, the employee shall submit a written request for review to the Human Resources Department.
- B. When the County determines that an employee was overpaid wages, the employee will be served a written notice of the amount of the overpayment, the basis for the claim, a demand for payment within 20 calendar days of the date on which the employee received the notice, and the rights of the employee under this Section.
 - 1. The notice may be delivered to the employee in person, ~~via email with confirmation of receipt, or be mailed by mail~~ to the employee at ~~his or her~~ their last known address by certified mail, return receipt requested.
- C. Within 20 calendar days after receiving the notice that an overpayment has occurred, the employee may request, in writing, to the Human Resources Department that the County review its finding that an overpayment has occurred. The employee may choose to have the review conducted through written submission of information challenging the overpayment or through a face-to-face meeting with the employer. If the request is not made within the 20-day period as provided in this subsection, the employee may not further challenge the determination of overpayment and has no right to further agency review, an adjudicative proceeding, or judicial review.
- D. Upon receipt of an employee's written request for review of the overpayment, the County shall review the employee's challenge to the overpayment. Upon completion of the review, the employer shall notify the employee in writing of the employer's decision regarding the employee's challenge. The notification ~~must~~ may be sent via email with ~~confirmation of receipt or~~ mailed to the employee at ~~his or her~~ their last known address by certified mail, return receipt requested.



- 1 E. If the employee is dissatisfied with the employer's decision regarding the employee's
 2 challenge to the overpayment, the employee may request an adjudicative proceeding to
 3 the Pierce County Personnel Board, pursuant to Chapter 3.48 PCC and ~~Section 3.48.020~~
 4 ~~(Step 4) of these the~~ Administrative Guidelines.
- 5 1. The employee's application for an adjudicative proceeding must be in writing, state
 6 the basis for contesting the overpayment notice, and include a copy of the employer's
 7 notice of overpayment. The application must be served on and received by the
 8 Human Resources Department within 28 calendar days of the employee's receipt of
 9 the employer's decision following review of the employee's challenge. The
 10 employee must serve the Human Resources Department **via email with confirmation**
 11 **of receipt** or by certified mail, return receipt requested.
 - 12 2. For represented employees, any dispute relating to the occurrence or amount of the
 13 overpayment shall be resolved using the procedures contained in the collective
 14 bargaining agreement or this procedure, but not both.
- 15 E. If the employee does not request an adjudicative proceeding within the 28-day period,
 16 the amount of overpayment provided in the notice shall be deemed final and the County
 17 may proceed to recoup the overpayment from the employee's regular paycheck or by
 18 other collection action.
- 19 F. Where an adjudicative proceeding has been requested, the Personnel Board shall
 20 determine the amount, if any, of the overpayment received by the employee.
- 21 G. If the employee fails to attend or participate in the adjudicative proceeding, upon a
 22 showing of valid service, the presiding or reviewing officer may enter an administrative
 23 order declaring the amount claimed in the notice sent to the employee after the
 24 employer's review of the employee's challenge to the overpayment to be assessed against
 25 the employee by a payroll deduction and subject to collection action by the County.
- 26 H. Failure to make an application for a review by the County as provided in subsections C.
 27 and D. of this Section or any adjudicative proceeding within 28 calendar days of the date
 28 of receiving notice of the employer's decision after review of the overpayment shall result
 29 in the establishment of a final debt against the employee in the amount asserted by the
 30 County, which shall be collected as a payroll deduction or by other collection action.

31
 32 **Chapter 3.68**

33
 34 **SICK LEAVE**

35
 36
 37 **3.68.050 Payment Upon Separation.**

- 38 A. **Unused accrued sick leave for e**Eligible employees who have completed 13 accruable
 39 pay cycles and who are separated from service due to death, retirement or disability,
 40 shall ~~have the option, upon written agreement, to be paid for unused accrued sick leave~~
 41 **be calculated and disseminated** as follows:
- 42 1. Twenty-five percent of up to the first 75 days at the employee's base hourly rate of
 43 pay plus longevity, if any, for unused accrued sick leave days.
 - 44 2. Fifty percent of up to the next 75 days (76 through 150) at the employee's base
 45 hourly rate of pay plus longevity, if any, for unused accrued sick leave days.
 - 46 3. Seventy-five percent of up to the next 50 days (151 through 200) at the employee's
 47 base hourly rate of pay plus longevity, if any, for unused accrued sick leave days.



- 1 B. In no event shall such compensation for employees exceed 200 days. District court
- 2 judges' compensation is further limited according to RCW 3.34.100.
- 3 C. Effective January 1, 2008, eligible employees who have completed 13 accruable pay
- 4 cycles and who are separated from employment in "good standing" for reasons other
- 5 than death, retirement, or disability shall ~~have the option, upon written agreement, to be~~
- 6 compensated for ten percent of the employee's unused accrued sick leave available at the
- 7 date of separation not to exceed 200 days, at the employee's base hourly rate of pay plus
- 8 longevity, if any. Compensation for sick leave in any form is not allowable for
- 9 employees who are separated from employment in any status other than in good
- 10 standing.
- 11 D. Eligible employees are considered to be retired for purposes of sick leave payment on
- 12 separation and early retirement for medical insurance when they have received and have
- 13 provided a written confirmation notice form the Department of Retirement Systems that
- 14 indicates that they have met the required qualifications for service retirement under their
- 15 State of Washington Retirement System and have elected to receive either a lump-sum
- 16 payment in lieu of retirement or elected to receive a service or disability retirement
- 17 benefit.

18 -----

19 *Chapter 3.69*

20

21 ***HUMANITARIAN CATASTOPHIC LEAVE BANK***

22

23

24 **3.69.020 Permissible Uses of Humanitarian Catastrophic Leave.**

25 Subject to the limitation of available hours in the employee's Humanitarian Catastrophic

26 Leave bank, leave drawn from the humanitarian catastrophic leave bank shall be paid, in

27 accordance with these regulations at the employee's regular straight time base rate of pay for the

28 following conditions:

- 29 A. A catastrophic medical condition, illness or injury which incapacitates the employee
- 30 from performing ~~his or her~~ their work; or
- 31 B. Absence for medical or dental care directly related to a catastrophic medical condition,
- 32 illness or injury; or
- 33 C. Absence because of catastrophic medical condition, illness or injury to those relatives
- 34 living with and dependent upon the employee.
- 35 D. Definitions:
- 36 1. "Catastrophic medical condition, illness or injury" shall be defined as: A physician
- 37 certified death imminent case or a medical condition, illness, or injury which is of an
- 38 extraordinary or severe nature, which requires a physician's ongoing care, and which
- 39 has caused, or is likely to cause, the employee to: (a) be incapacitated and unable to
- 40 work in excess of five working days; or (b) otherwise be required to terminate
- 41 County employment due solely to the absence of any available leave.
- 42 Notwithstanding the above, Catastrophic leave will not be approved if, based on the
- 43 physician's certification and consideration of the employee's condition, the employee
- 44 is not expected to return to County employment.
- 45 2. "Relatives living with and dependent upon the employee" means an employee's
- 46 spouse with whom the employee resides and those persons listed and approved as
- 47 dependents on the employee's medical insurance beneficiary designation form at the
- 48 time of application for benefits under this Section.



- 1 E. Abuse and misuse of catastrophic leave are grounds for disciplinary action, up to and
2 including discharge. The employee is required to keep the employer informed of any
3 changes in medical status and/or limitations. The employer has the right at any time to
4 require the employee to provide certification from a physician attesting to such medical
5 condition, illness or injury.
6

7 **3.69.030 Qualifying for Use of Humanitarian Catastrophic Leave.**

8 Use of Humanitarian Catastrophic Leave is limited to the available leave hours established
9 by Pierce County for employees as specified in this Chapter. This program is designed to create
10 a bank of leave hours for Pierce County employees to cover catastrophic medical conditions,
11 illnesses or injuries after an employee has exhausted all other accrued leave.

- 12 A. In order to qualify for Humanitarian Catastrophic Leave pay, the employee must first
13 exhaust available sick leave benefits provided pursuant to Chapter 3.68 PCC, all
14 vacation leave available to the employee pursuant to Chapter 3.72 PCC, compensatory
15 time earned, personal holidays, and/or accrued furlough, and any applicable leave of
16 absence with pay as specified in Chapter 3.76 PCC. Upon exhaustion of the benefits
17 referred to above, the employee, or the employee's guardian or legal representative, in
18 the event the employee is incapacitated or otherwise physically incapable of making the
19 request for Humanitarian Catastrophic Leave shall make a written request, upon forms
20 available from the Pierce County Human Resources Department, to the employee's
21 department director for Humanitarian Catastrophic Leave. Upon receipt by the
22 department director, the catastrophic leave request shall be forwarded to the Human
23 Resources Department.

24 ~~1. Approval for leave shall be made by the Human Resources Director or designee and~~
25 ~~the employee's department director or elected official, or that person's designee. In~~
26 ~~the event of a tie in the vote, the Executive or the Executive's designee shall cast the~~
27 ~~tie-breaking vote.~~

28 ~~21. The following shall be committee should considered the following matters when~~
29 ~~determining whether to approve a leave request pursuant to this Chapter:~~

- 30 a. The nature of the medical condition, illness or injury;
31 ~~b. Any history of unauthorized use of sick leave by the employee requesting leave;~~
32 ~~eb. The likelihood that the employee will be medically able to return to work;~~
33 c. Such other factors as may be relevant to evaluation of the request.

34 ~~2. Approval for leave shall be made by the Human Resources Director or designee after~~
35 ~~review with the Department Director and the County's EEO/ADA Officer.~~

36
37 **3.69.060 Method of Payment.**

38 Employees participating in the Humanitarian Catastrophic Leave Program shall be paid,
39 subject to available leave hours, according to the employee's normal pay ~~period cycle~~, in
40 accordance with the employee's regular straight time base hourly rate of pay. Humanitarian
41 Catastrophic Leave balances may not be cashed out as provided in Section 3.68.050. When an
42 eligible employee ceases to be an eligible employee of Pierce County any unused Humanitarian
43 Catastrophic Leave shall revert to Pierce County.
44
45



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

Chapter 3.70

SHARED SICK LEAVE PROGRAM

3.70.040 Permissible Uses of Shared Sick Leave Bank.

Subject to the limitation of available hours in the sick leave bank and the employee's individual available hours, leave drawn from the Shared Sick Leave bank shall be paid in accordance with these regulations at the employee's regular straight time base rate of pay, plus longevity if any, for the following conditions:

- A. A catastrophic medical condition, illness or injury which incapacitates the employee from performing ~~his or her~~ **their** work; or
- B. Absence for medical or dental care directly related to a catastrophic medical condition illness or injury; or
- C. Absence because of a catastrophic medical condition, illness or injury to those relatives living with and dependent upon the employee.

3.70.080 Criteria for Approval.

- A. Approval for Shared Sick Leave shall be made by the Human Resources Director or the Human Resources Director's designee, and the employee's department director or elected official, or that person's designee. In the event of a tie in the vote the Executive or the Executive's designee shall cast the tie breaking vote.
- B. Realizing the importance and urgency of the Shared Sick Leave request, the County will attempt to decide within three working days of receipt of the completed formal leave request whenever possible.
- C. The following matters should be considered when determining whether to approve a request for Shared Sick Leave:
 - 1. The nature and seriousness of the medical condition, illness, injury or impairment;
 - 2. Whether the request qualifies for participation in Pierce County's Shared Sick Leave Program according to the Administrative Guidelines;
 - 3.. Any misuse of sick leave by the employee requesting leave;
 - 4. The likelihood that the employee will be medically able to return to work;
 - 5. Such other factors as may be relevant to the evaluation of the leave request as determined by the County.
- D. If there are insufficient donated hours in the leave bank to cover all approved Shared Sick Leave requests, the available hours will be distributed equally among the approved employees for the applicable pay ~~period~~ **cycle**. Any shared leave payment is subject to the availability of donated hours.

Chapter 3.72

VACATION LEAVE

3.72.020 Eligible Employees.

- A. Employees occupying regular part-time positions shall be entitled to a pro-rata portion of vacation benefits based on hours compensated exclusive of overtime pay.



- 1 B. Employees occupying a regular full-time position are eligible to accrue vacation leave
2 benefits.
- 3 C. The actual number of pay status hours reported in a pay cycle for an eligible employee
4 must be at least 70 percent of their standard number of hours for the pay cycle to be
5 considered an accruable pay cycle for earning vacation leave.
- 6 D. One twenty-sixth of the eligible employee's yearly accruable vacation leave shall accrue
7 upon the completion of each accruable pay cycle and shall be available for use once
8 accrued.
- 9 E. 1. Superior Court court reporters and judicial assistants in regular full-time positions
10 shall be entitled to such paid judicial leave as ~~his or her~~ their judge and shall take
11 their judicial leave when the judge schedules their judicial leave. The Superior
12 Court Administrator shall be entitled to paid judicial leave in an amount less than or
13 equal to a Superior Court Judge, as determined by the Superior Court. Superior
14 Court, court reporters and judicial assistants shall not be subject to the other accrual
15 or use provisions of this chapter and no pay off for unused vacation will be made
16 upon termination.
- 17 2. The District Court Administrator shall be entitled to paid judicial leave in an amount
18 less than or equal to a District Court Judge, as determined by the District Court. The
19 District Court Administrator shall not be subject to the other accrual or use
20 provisions of this Chapter and no pay-off for unused vacation will be made upon
21 termination.
- 22 E. The pro-rata number of vacation hours accrued per pay cycle by regular part-time
23 employees shall be calculated by dividing the employee's standard bi-weekly hours by
24 ten.

25
26 **3.72.030 New Employees.**

27 Vacation leave will not be payable to new eligible employees until they have completed 13
28 accruable pay cycles of employment. If they are separated prior to completion of the 13 pay
29 cycles, no payment is due. Employees who separate on the last day of the 13th accrued pay
30 cycle shall be eligible for payment of accrued vacation leave on separation providing such
31 payment shall be accomplished during the 14th pay ~~period~~ cycle.

32
33 **3.72.040 Vacation Carry-Over.**

34 Eligible employees may carry over a maximum balance of vacation leave of 45 days per
35 calendar year into the next calendar year. However, upon retirement or separation from County
36 service, employees shall be paid for a maximum of 60 days accrued ~~annual~~ vacation leave. Any
37 accrued vacation leave above the maximum carry-over will be forfeited without compensation if
38 not used before the end of the calendar year unless exception is granted under the provisions of
39 PCC 3.72.050. A day of vacation leave is calculated by dividing the authorized standard bi-
40 weekly hours by ten.

41 -----
42



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

Chapter 3.76

LEAVE OF ABSENCE WITH PAY

3.76.030 Bereavement Leave.

In the event of a death of a family member of a regular full-time or regular part-time employee, including those serving the initial probationary period, three working days off to a maximum of 24 hours with pay shall be granted to grieve the loss of a family member, attend the funeral, or complete burial arrangements for each death which occurs. A regular part-time employee shall receive a pro-rata share of bereavement leave based on the employee's standard hours in a work week. The family members to whom this Section applies are spouse, domestic partner, parent, foster parent, sibling, child, foster child, grandparent, or grandchild of the employee and like relatives of the spouse/domestic partner of the employee, or other person with whom the employee had lived "in loco parentis," and like relatives of the spouse/domestic partner of the employee. Family members also include biological, adopted, step, in-law or foster members. For purposes of this Chapter, "in loco parentis" shall mean those persons who had day-to-day responsibility to care for and financially support the employee on a long term basis, when the employee was a child. Proof of such relationship may be required. A biological or legal relationship is not necessary. An additional three days of other accrued leave, per occurrence, may be used for bereavement purposes where the employee is required to travel out-of-state to attend the funeral or complete the final arrangements. Such leave may be authorized by the department director or designee in writing. (See also PCC 3.76.035, Use of Accrued Leave for Bereavement Purposes.) Bereavement leave may be used up to 14 calendar days prior to or up to 30 calendar days after the death of the eligible family member at the employee's option, or when authorized for a different time frame by the Human Resources Director due to extenuating circumstances such as when funeral/memorial services are planned more than 30 days after the death.

Chapter 3.80

LEAVE OF ABSENCE WITHOUT PAY

3.80.010 Permissible Uses.

The following types of leaves of absence without pay and benefits may be granted or implemented:

- A. Recovering from physical or mental illness or injury or maternity;
- B. Sabbatical leave, which shall mean work, education or other experience which reasonably adds to the skills or understanding of employees and is related to the employee's present or future County position or class;
- C. Personal growth and experience leave or other reason if granting the leave would in the best interest of the County;
- D. Recovering from an on-the-job injury under PCC 3.80.040;
- E. Military Leave – Military leave shall be granted in accordance with Chapter 3.81 PCC;
- F. Family Leave in accordance with Chapter 3.67 PCC, or Family Medical Leave in accordance with Washington State Paid Family Medical Leave Act requirements (Title 50A RCW);



- 1 G. To run for or take public office under PCC 3.80.070;
- 2 H. Seasonal leave – for business purposes ~~within the Human Services Department~~ under
- 3 PCC 3.80.055;
- 4 I. Other unpaid leaves as set forth in this Chapter.

5
6 **3.80.020 Limitation.**

7 A leave of absence without pay may be granted or implemented as set forth in this Chapter
8 for up to one year.

- 9 A. A department director may approve a leave of absence without pay for such reasons up
10 to a maximum of 30 calendar days.
- 11 B. A leave of absence without pay in excess of 30 days under Subsections B. and C. of
12 PCC 3.80.010 may be granted after the employee has worked for Pierce County for at
13 least 26 accruable pay cycles. However, a leave of absence without pay may be granted
14 to employees with less than 26 accruable pay cycles upon the recommendation of the
15 department director and approval of the Human Resources Director if they consider the
16 leave to be in the best interest of the County. Leaves of absence without pay in excess
17 of 30 days under subsections A., D., E., and F. may be approved without regard for
18 completion of 26 accruable pay cycles. All leaves of absence without pay in excess of
19 30 days require the approval of both the department director and the Human Resources
20 Director.
- 21 C. Employees requesting a leave of absence without pay under the provisions of PCC
22 3.80.010 A., B., C., and F. must have exhausted all accrued vacation, accrued
23 compensatory time, accrued personal holiday, accrued furlough days, ~~or accrued sick~~
24 ~~leave (if appropriate usage)~~ prior to utilizing any approved leave of absence without pay,
25 except if employee is on State PFML. (See PCC 3.52.040 A.3.d regarding furlough
26 leave.)

27
28 **3.80.050 Unpaid Leave for Maternity Reasons.**

29 Unpaid leaves granted in compliance with WAC 162-30 for sickness or disability may extend
30 for up to 60 days after the birth of the infant. Extensions beyond 60 days shall require the filing
31 of a physician's certificate stating the need for additional leave due to sickness or disability and
32 must include ~~a prognosis for recovery and~~ an expected date the employee will be released to full
33 duties.

34
35 **3.80.065 Domestic Violence Leave.**

36 Employees requiring reasonable leave under the Domestic Violence Leave Act (pursuant to
37 Chapter 49.76 RCW; Chapter 296-135 WAC) may elect to use sick leave or other paid time off,
38 compensatory time, or unpaid leave for the activities listed in PCC 3.13.030 A.1.f, pursuant to
39 the following procedures;

- 40 A. Employees requesting such leave shall give advance notice according to their
41 departmental leave request policy. If the employee is unable to request leave in advance
42 due to an emergency or unforeseen circumstance due to the domestic violence, sexual
43 assault or stalking, the employee or ~~his or her~~ their designee must give oral or written
44 notice no later than the end of the first day the employee takes such leave; and
 - 45 B. The employee must provide timely written verification that;
46 1. The employee or the employee's family member is a victim; and
47 2. The leave was taken for one of the activities in PCC 3.13.030 A.1.f.
- 48



1 **3.80.070 Leave of Absence Without Pay to Run for or Take Public Office.**

- 2 A. Employees or officers may be candidates for and serve if elected or appointed as non-
3 County officials in unpaid or token payment positions provided loss of time is
4 reasonable and is such as to not require a substitute. Such employees shall take vacation
5 leave or leave of absence without pay when performing ~~his or her~~ **their** elected or
6 appointive duties.
- 7 B. Employees or officers will be permitted to announce and run as candidates for paid
8 elective or appointive office. Reasonable loss of time will be permitted provided such
9 loss does not require a substitute and the employee uses leave of absence without pay or
10 vacation leave when campaigning activities are during work hours. If elected to a paid
11 elective or appointive position, the employee shall be required to resign or be terminated
12 if ~~his or her~~ **their** paid elected or appointive position requires the hiring of a substitute to
13 replace the employee while on leave of absence without pay performing the elected or
14 appointive duties.
- 15 C. All political activity by County employees shall be in compliance with applicable laws.

16
17 **3.80.100 Unpaid Leave Due to Reduction of Hours.**

18 Department Directors, with the advice and approval of the Human Resources Director, may
19 reduce an employee's hours either permanently or temporarily, in whole or in part, and may
20 implement temporary salary reductions for FLSA exempt employees, as needed due to lack of
21 work, reorganization, budget reduction, loss of federal, state or grant funding that supports the
22 position or program, greater efficiencies in the delivery of program or department services, or for
23 other reason as determined by the County. The ability to reduce hours does not derogate from the
24 County's authority to abolish positions and/or lay off employees. Such reduction of hours may be
25 implemented as follows:

- 26 A. Unpaid Standby Leave Status: An employee may be placed in Unpaid Standby Leave
27 Status when the Department reasonably expects the ability to return the employee to
28 partial or regular work within a defined period of time. Unpaid Standby Leave Status
29 shall be for a consecutive block of time with an expected return to work date. However,
30 while on Unpaid Standby Leave Status, an employee shall be available for work offered
31 by the County and may be returned to work in a full or part time capacity sooner than
32 the expected return date. Unpaid Standby Leave Status may be extended or changed to
33 another status. If an employee accepts regular employment with another employer while
34 on Unpaid Standby Leave Status, ~~he/she~~ **they** must notify the supervisor and will be
35 separated from Pierce County employment.
- 36 B. Unpaid Economic Furlough: An employee may be designated for Unpaid Economic
37 Furlough hours on a daily, weekly, or pay cycle basis, to result in an established
38 temporary regular work schedule that is less than their standard hours. Unpaid
39 Economic Furlough will not result in the discontinuance of benefits as otherwise
40 provided in section 3.80.030.
- 41 C. Notice to Employees: Employees will be given advance written notice of their reduction
42 of hours. If feasible, at least two weeks' notice shall be provided. Except in cases of
43 emergency, employees will be provided at least one-day notice. Reduction of hours
44 shall not be subject to the Administrative Guidelines grievance or appeal process.
- 45 D. Order of Unpaid Leave: In the event a Department implements Unpaid Standby Leave
46 Status as a reduction of hours for Career Service employees, the Human Resources
47 Director shall determine the order of reduction within the affected department or
48 business function, by utilizing the criteria for determining order of layoffs as set forth in



1 the Administrative Guidelines, Section 3.30.030.A. Unpaid Economic Furlough may be
2 implemented by the Department Director with advice and approval from the Human
3 Resources Director according to the business needs of the Department.

- 4 E. Use of Accrued Leave: If the reduction of hours is not due to budget reductions as
5 determined by the Finance Director or the loss of federal or state funding that supports
6 the position or program, the employee may use appropriate accrued leave in an amount
7 to bring the employee up to ~~his/her~~ their standard scheduled daily hours.

8
9 *Chapter 3.81*

10
11 *MILITARY SERVICE*

12
13
14 **3.81.055 Active Duty Differential Payment.**

15 If, on or after July 1, 2004, a regular full-time or regular part-time employee of the County
16 has been mobilized under Title 10 or 32 of the United State Code for a period exceeding 30 days,
17 the employee may receive from the County the difference between the employee's base pay and
18 the employee's military pay plus allowances, if the military pay and allowances are lower than
19 the County base pay. If, during a period for which the employee seeks differential pay, the
20 employee receives any pay from the County, the amount received will be deducted from the
21 differential payment, if any, for the same pay ~~period~~ cycle.

22
23 **3.81.070 Employment Status.**

24 No member of the Uniformed Services shall be discharged from employment or
25 discriminated against because of the performance of military duties for which ~~he or she~~ is they
26 are ordered to serve.

27
28 *Chapter 3.92*

29
30 *REIMBURSEMENT OF EXPENSES*

31
32
33 **3.92.060 Expenses Requiring Prior Authorization.**

34 Reimbursement for travel expenses incurred for travel, seminars, and for convention and/or
35 education purposes shall be allowed only when authorized in advance by the following elected
36 officials in their respective offices: Executive, Presiding Judges of District or Superior Courts,
37 Prosecuting Attorney, or Chair of the Council, or ~~his or her~~ their designee. This section shall not
38 apply to investigations conducted by the Sheriff or Prosecuting Attorney.

39
40 *Chapter 3.98*

41
42 *DOMESTIC PARTNERSHIP BENEFITS*

43
44
45 **3.98.020 Definitions.**

- 46 A. "Basic living expenses" means the cost of basic food, shelter, and any other expenses of
47 a domestic partner which are paid at least in part by a program or benefit for which the
48 partner qualified because of the domestic partnership. The individuals need not



1 contribute equally or jointly to the cost of these expenses as long as they both agree that
2 both are responsible for the cost.

3 B. "Domestic Partner" means an individual designated by an unmarried County official or
4 employee in an affidavit filed with the Human Resources Department pursuant to
5 Chapter 3.98.

6 C. "Domestic Partnership" shall consist of two people who have been, for at least six
7 months, and are currently:

- 8 1. Sharing the same regular and permanent residence;
- 9 2. Having a close, personal relationship;
- 10 3. Jointly responsible for "basic living expenses," as defined herein;
- 11 4. Not married to anyone as recognized by the State of Washington or any other
12 jurisdiction;
- 13 5. Both 18 year of age or older;
- 14 6. Not related by blood closer than would bar marriage in the State of Washington;
- 15 7. Mentally competent to consent to contract when the domestic partnership began;
- 16 8. Each other's sole domestic partner, intending to remain so indefinitely, and are
17 responsible for each other's common welfare.

18 D. "Employee Benefits" means the following benefits provided to a County employee,
19 spouse and eligible children pursuant to collective bargaining agreements, ordinances,
20 contracts or personnel policies: ~~health~~-dental insurance eligibility, sick leave, shared
21 sick leave eligibility, humanitarian catastrophic leave eligibility, and bereavement leave.
22

