

SETTLEMENT AGREEMENT
BY AND BETWEEN
KING COUNTY
AND
TECHNICAL EMPLOYEES ASSOCIATION

This agreement ("the Agreement") is entered into this 26th day of April, 2005, by and between the King County ("the County") and the Technical Employees Association ("TEA"), concerning the pending unfair labor practice proceeding on the Brightwater project, case number 18689-U-04-04749.

Whereas, in 2003, the parties initiated a collaborative process to attempt to resolve TEA's concerns about the Brightwater project and the pending unfair labor practice; and

Whereas the parties participated in a series of meetings, including eleven (11) interest-based bargaining sessions; and

Whereas, TEA filed an unfair labor practice complaint against King County charging an Employer refusal to bargain and interference with employee rights, a copy of said complaint being received by the Public Employment Relations Commission ("PERC") on July 9, 2004; and

Whereas, the subject of this complaint referenced an alleged unilateral change over working conditions through reassigning certain employees and members of TEA to the Brightwater facility located near the City of Woodinville in Snohomish County; and
Whereas, the County and TEA would like to resolve this dispute and pending unfair labor practice proceeding,

Now, therefore, by their signatures below, the County and TEA agree to the following terms as a full and final settlement of this dispute:

1. The County will promptly take all necessary measures to implement the commitments made by it in the document entitled "Brightwater Concerns and Responses," attached to this agreement as Attachment A. The County agrees to implement all responses as outlined in Attachment A; the failure to do so shall be subject to the grievance process as outlined in the collective bargaining agreement that was ratified and executed between TEA and the County on August 11, 2004;
2. With respect to future assignment openings at the Brightwater facility, the County will comply with the collective bargaining agreement between the parties and any applicable policies and procedures. The County agrees to solicit and consider volunteers for new or vacant positions at the Brightwater facility to the extent possible. The County reserves the right to make selections and/or assignments

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based on business needs, including but not limited to qualifications and experience;

3. Representatives of the County and TEA shall meet upon request to discuss the status of the concerns and responses outlined in Attachment A. The County will provide TEA with requested information in accordance with applicable laws;
4. Upon signature of this agreement, TEA will send an official notification to PERC indicating its withdrawal of the complaint charging an unfair labor practice in this proceeding, specified as PERC case number 18689-U-04-04749;
5. The County and Guild further agree that this settlement shall not serve as binding precedent and only resolves the particular issues pertinent to the above-referenced case;
6. The parties understand and agree that this settlement is a compromise and is not to be construed as an admission of liability on the part of the County, its officials, officers, agents, or employees;
7. This agreement represents the entire agreement and understanding of the parties.

The signatures below indicate agreement and final resolution on this matter.

TECHNICAL EMPLOYEES ASSOCIATION

By Eric Mandel, TEA President Date: 4/26/05

KING COUNTY

By Irish K Murphy Date: 4/27/05
Labor Negotiator

ATTACHMENT A-
Brightwater Concerns and Responses

Category 1: Security

REQUEST/CONCERN

RESPONSE

<p>1. There are security concerns for staff - want a coordinated plan in place.</p>	<p>There is a security system installed at the project office. Access will be by key-card. The system alarms to a security system-monitoring firm. Training on de-activating and activating the alarm system will be provided. King County safety staff has developed a safety plan consistent with other County facilities. Copies of the Safety Plan will be provided to employees assigned to the Brightwater facility and to TEA. Any reports of violations of the Safety Plan will be promptly investigated by King County to ensure compliance with the Safety Plan. Any corrective measures necessary to comply with the Safety Plan will then be promptly implemented.</p>
<p>2. In winter and night (dark) hours need safety chaperoning for female staff or no late hours</p>	<p>The Woodinville area has a significantly lower crime rate than the current work location in Pioneer Square. Stock Pot Soups has around the clock work hours and has stated that they have not experienced any security problems. The County will continue to monitor the security situation at the Brightwater facility and promptly respond to any concerns raised by employees at the facility or TEA.</p>
<p>3. Need lighting as part of security.</p>	<p>There is exterior lighting serving the parking area. Staff will be parking right next to the building.</p>
<p>4. Need physical security re. project opponents or criminal element - need screening procedures and guidelines for visitors</p>	<p>The office will be open for business from 8 am until 5 pm, Monday through Friday. The reception area will be staffed and visitors will be required to check in, similar to the King Street Center. During non-business hours, the office will be locked.</p>
<p>5. Background checks for security personnel and group staff training in conflict de-escalation.</p>	<p>One conflict de-escalation training session has been offered. Future sessions will be offered on a yearly basis by the County. There are no security personnel. Hiring for janitorial staff includes questions about convictions and checks on ability to bond. The janitorial service provider does not hire staff who have convictions because they are not bondable and all their staff must be bonded.</p>
<p>6. Need alternate (KSC?) office space for night and weekend work.</p>	<p>Individuals working at night or on weekends should not be a common occurrence. Staff performing Brightwater work will normally do so at the project office, but suitable work facilities will be provided at the King Street Center for employees assigned to the Brightwater office to conduct work during non-business hours as permitted by the employee's immediate supervisor. Telecommuting in accordance with King County Policy will be considered on a</p>

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	position basis, and must be approved by the appropriate supervisor. (Note – this requires a documented plan, staff must have the appropriate equipment to work from home, defined work hours, e-mail and voice mail checks and responses, child care plan, and documentation as to how work performed during telecommuting will be measured and documented.) Transient office will be available in KSC.
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Category 2: Transportation

REQUEST/CONCERN	RESPONSE
7. Need access for downtown meetings and pool cars available (not permanently assigned).	There will be five pool cars available on site for employees to use when needed for King County business.
8. Want to get assistance from management coordinating vanpool/rideshare options	Many commuting alternatives are accessible to staff and we will continue to facilitate this effort by sponsoring meetings for staff to discuss commuting opportunities. Metro transit has a program to assist with coordination of trips and ride partners. Interested staff can contact these programs at 236-4575.
9. Need blanket preapproval of Guaranteed Ride Home or permission to take Co. vehicle to Park & Ride if necessary.	Home Free Guarantee is available to all County employees from all County work sites. The Woodinville project office is considered a County work site. Information on the program will be included in the 'welcome packet' to be distributed to staff when the move takes place.
10. Alternately, need to ensure the last person in the project office is authorized to give such approval.	Guaranteed Ride Home is available to project office staff without prior approval.
11. Need to look into extending bus routes to site instead of ending in Woodinville.	King County does not provide public transportation to this area of Snohomish County. We will reconsider asking for an extension in the future.
12. Want more shared and alternate days between project and KSC sites.	Multiple offices will not be maintained for staff fully dedicated to the Brightwater project, except a designated work space will be made available for staff assigned to the Brightwater Office for use during non-business hours, subject to supervisor approval. Management has determined that staff performing Brightwater work will do so at the project office. Telecommuting in accordance with King County Policy will be considered on a position basis, and must be approved by the appropriate supervisor. (Note – this requires a documented plan, staff must have the appropriate equipment to work from home,

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	defined work hours, e-mail and voice mail checks and responses, child care plan, and documentation as to how work performed during telecommuting will be measured and documented.)
13. Make sure flex and alternate schedules still available to reduce commute trips.	Flex and alternate work schedules are encouraged, but must be coordinated with and approved by supervisors to meet business needs and insure office coverage from 8 to 5 Monday through Friday. Within three (3) months of this settlement agreement, TEA and King County agree to finalize an alternative work schedule for the following employees: Annie Kolb-Nelson, Leon Maday, Calvin Locke. Any management-directed changes to alternative or flex schedules would be based on business needs and only after alternatives have been evaluated to maintain flexible schedules.
14. Make use of existing trip reduction cash incentives for carpools and vanpools.	Project office staff are encouraged to research any incentives for carpools and vanpools on their own, we will assist in providing information.
15. Look into reimbursements if personal vehicles are required.	Personal vehicle use will not be required for official County business, fleet vehicles will be provided. County policy does not allow reimbursement for personal vehicle mileage for commuting to and from work.
16. Have a Flexcar at the Woodinville P&R and onsite if Co. cars can't be used for personal errands/lunch runs.	Information will be provided on the availability and cost of a Flexcar. Flexcar is considered a personal form of transportation and is not reimbursable by the County. County policy does not allow the use of County vehicles for personal errands or lunch runs.
17. Make sure any site/transportation policies apply to all staff.	County policies and procedures apply to all staff regardless of work location.
18. Have an on-call shuttle to the P&R similar to Paratransit, or arrange for Vanshare program to cover transit gap to site	Information on commuting alternatives has been made available to staff. Staff is responsible for their personal transportation to and from the designated work place. The use of Vanshare may provide a similar service.

Category 3: Productivity

REQUEST/CONCERN

RESPONSE

19. Need some major meetings on regular days downtown that are different for both	With few exceptions, Brightwater related meetings will be held at the Brightwater project
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conveyance and treatment plant teams.	office, as the majority of employees are located there. Meetings will be scheduled so that people with split schedules can have whole workdays at the Project Office and KSC. County vehicles will be made available consistent with County policy.
20. Need to have a KSC workspace (can be pooled) with computers set up so work can be done here if business needs require.	There will be several workspaces set up for occasional needs in the King Street Center.
21. There's a concern about the effectiveness of hauling around laptops; may be left, lost, stolen, avoided due to lugging hassle	Laptops will be provided only to staff having split work location assignments.
22. Want to have a process created to ensure flexibility to have days in KSC for meetings.	With few exceptions, Brightwater meetings will be conducted at the project office, except as business needs support meeting at another location. Employees who work downtown will need to travel to the Project Office and shall be provided with a County vehicle consistent with County policy.
23. Need alternate (KSC?) office space for night and weekend work.	Individuals working at night or on weekends should not be a common occurrence. Management has determined that staff performing Brightwater work will normally do so at the project office, but suitable work facilities will be provided at the King Street Center for employees assigned to the Brightwater office to conduct work during non-business hours as required or permitted by the employee's immediate supervisor. Telecommuting in accordance with King County Policy will be considered on a position basis, and must be approved by the appropriate supervisor. (Note – this requires a documented plan, staff must have the appropriate equipment to work from home, defined work hours, e-mail and voice mail checks and responses, child care plan, and documentation as to how work performed during telecommuting will be measured and documented.) Transient office will be available in KSC.
24. Ensure good coordination with interoffice mail service and ENA couriers.	Mail service between King Street Center and the project office will be scheduled on regular days of the week and times. Pick and delivery times will be noted in the 'welcome package' and copies will be posted in common work space areas at the project office.
25. Ensure adequate KSC administrative support for routing of work downtown.	Use of Constructware will greatly enhance the sharing of project documents. Administrative staff is available to support project needs at KSC and the Project Office.

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Category 4: Miscellaneous

REQUEST/CONCERN

RESPONSE

26. Want to know the true expected length of assignment at the project office.	Assignment are anticipated to range from 2 to 6 years. All employees assigned to the Brightwater Project office will be given good faith letters estimating the length of the assignment. Copies of these letters will be provided to TEA.
27. Want a yearly reassessment of the staffing presence required onsite.	Management typically evaluates staffing needs more often than once per year, but will ensure this is done each budget cycle.
28. Need showers and a small exercise space with a few machines – equivalent to other field offices.	A shower facility has been installed at the project office. The exercise equipment room has also been installed.