



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance 19208

**Proposed No.** 2020-0403.2

**Sponsors** Balducci

1 AN ORDINANCE establishing October 12 of each year,  
 2 Indigenous Peoples' Day, as a paid holiday for King  
 3 County employees eligible for leave benefits; and  
 4 amending Ordinance 12014, Section 23, as amended, and  
 5 K.C.C. 3.12.230.

6 **STATEMENT OF FACTS:**

7 1. Popular sentiment is emerging for more formal acknowledgement and  
 8 celebration of populations long resident in the region that have been  
 9 historically ignored or suppressed.

10 2. The land that became the United States has been home for tens of  
 11 thousands of years to indigenous communities, who built lifeways deeply  
 12 tied to the land.

13 3. Over time, those communities developed ways of knowing, ways of  
 14 being, ways of remembering, ways of praise and reverence, that were  
 15 profoundly altered by European colonization starting in the seventeenth  
 16 century.

17 4. The affirmation of these communities, and the remembrance of those  
 18 ways contributes greatly to the ancient regional narrative and the store of  
 19 human understanding and honors their continued contribution to the

Ordinance 19208

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20 culture of the United States and King County.

21 5. In 2020 6.79 million indigenous people reside in the United States and

22 nearly 14,000 indigenous people reside in King County.

23 6. King County is situated on the historic lands of the Coast Salish

24 peoples.

25 7. October 12 each year provides an opportunity for celebration of

26 Indigenous Peoples' Day, and should be established as an observed

27 holiday for employees of King County.

28 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

29 SECTION 1. Ordinance 12014, Section 23, as amended, and K.C.C. 3.12.230 are

30 hereby amended to read as follows:

31 A. All employees eligible for comprehensive leave benefits shall be granted the

32 following designated holidays with pay:

33 1. January 1, New Year's Day;

34 2. Third Monday in January, Martin Luther King, Jr. Day;

35 3. Third Monday in February, President's Day;

36 4. Last Monday in May, Memorial Day;

37 5. July 4, Independence Day;

38 6. First Monday in September, Labor Day;

39 7. October 12, Indigenous Peoples' Day;

40 8. November 11, Veteran's Day;

41 ~~((8-))~~ 9. Fourth Thursday in November, Thanksgiving Day;

42 ~~((9-))~~ 10. Friday after Thanksgiving, Day after Thanksgiving;

Ordinance 19208

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43           ~~((10.))~~ 11. December 25, Christmas Day; and

44           ~~((11.))~~ 12. For an employee who is eligible for comprehensive leave benefits, two  
45 personal holidays, which shall be added to the employee's vacation bank in the second full  
46 pay period of the calendar year or upon hire.

47           B. For holidays falling on a Saturday, the Friday before shall be a paid holiday.

48 For holidays falling on a Sunday, the Monday following shall be a paid holiday.

49           C. An employee must be eligible for comprehensive leave benefits and in a pay  
50 status on the day before and the day following a holiday to be eligible for holiday pay.

51 However, an employee who has successfully completed at least five years of county service  
52 and who retires at the end of a month in which the last regularly scheduled working day is  
53 observed as a holiday, shall be eligible for holiday pay if the employee is in a pay status the  
54 day before the day observed as a holiday. An employee otherwise eligible for holiday pay  
55 shall not be ineligible as a result of not being in a pay status on the day before or after the  
56 holiday due to budgetary furlough.

57           D. When a holiday falls on the scheduled day off of a full-time employee entitled  
58 to comprehensive leave benefits who works other than a five-day, eight-hour schedule, the  
59 employee shall be given a deferred holiday. The employee's supervisor shall jointly select  
60 another day, preferably within the same pay period, for the employee to take as holiday.

61 Deferred holidays for a part-time employee eligible for comprehensive leave benefits shall  
62 be prorated to the employee's schedule.

63           SECTION 2. The Indigenous People's Day holiday created under this ordinance  
64 is subject to available funding resources and bargaining, taking into account the full range  
65 of pay and benefits available to employees through the county's total compensation

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66 framework, as well as potential impacts to existing county services. The office of equity  
67 and social justice shall consult with county employees who identify as Native American  
68 and with tribes located within King County on whether October 12 is the preferred date  
69 to designate the Indigenous Peoples' Day holiday with pay. After consulting with those  
70 employees and tribes located within King County, if the office determines that a different  
71 date is more appropriate to designate Indigenous Peoples' Day, then the office shall  
72 transmit necessary legislation to change the October 12 date to the council before  
73 December 31, 2021.

Ordinance 19208

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74            SECTION 3. Section 1 of this ordinance takes effect January 1, 2022. Section 2  
75 of this ordinance takes effect January 1, 2021.  
76

Ordinance 19208 was introduced on 11/10/2020 and passed as amended by the Metropolitan King County Council on 11/17/2020, by the following vote:

Yes: 6 - Ms. Balducci, Mr. Dembowski, Ms. Kohl-Welles, Mr. McDermott, Mr. Upthegrove and Mr. Zahilay  
No: 3 - Mr. Dunn, Ms. Lambert and Mr. von Reichbauer

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

DocuSigned by:  
*Claudia Balducci*  
7E1C273CE9994B6...

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Claudia Balducci, Chair

ATTEST:

DocuSigned by:  
*Melani Pedroza*  
8DE1BB375AD3422...

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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_\_ day of 11/30/2020, \_\_\_\_\_.

DocuSigned by:  
*Dow Constantine*  
4FBCAB8196AE4C6...

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Dow Constantine, County Executive

**Attachments:** None

## Certificate Of Completion

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Angel Allende

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Claudia Balducci

claudia.balducci@kingcounty.gov

King County General (ITD)

Security Level: Email, Account Authentication (None)

## Signature

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Melani Pedroza

melani.pedroza@kingcounty.gov

Clerk of the Council

King County Council

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Dow Constantine

dow.constantine@kingcounty.gov

Security Level: Email, Account Authentication (None)

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Accepted: 11/30/2020 2:12:54 PM

ID: 0532fb5b-db24-4e28-b06c-eaad78a9cc09

## In Person Signer Events

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## Timestamp

## Editor Delivery Events

## Status

## Timestamp

## Agent Delivery Events

## Status

## Timestamp

## Intermediary Delivery Events

## Status

## Timestamp

Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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Bailey Bryant bailey.bryant@kingcounty.gov Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign	<b>COPIED</b>	Sent: 11/23/2020 11:55:27 AM Viewed: 11/23/2020 1:26:29 PM
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Witness Events	Signature	Timestamp
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To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at bob.johnson@kingcounty.gov and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

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- ii. send us an e-mail to bob.johnson@kingcounty.gov and in the body of such request you must state your e-mail, full name, US Postal Address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

**Required hardware and software**

Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum

Enabled Security Settings:	Allow per session cookies
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\*\* These minimum requirements are subject to change. If these requirements change, you will be asked to re-accept the disclosure. Pre-release (e.g. beta) versions of operating systems and browsers are not supported.

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# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance 19441

**Proposed No.** 2022-0013.2

**Sponsors** von Reichbauer

1           AN ORDINANCE changing Indigenous Peoples' Day, a  
 2           paid holiday for King County employees eligible for  
 3           comprehensive leave benefits, from October 12 of each  
 4           year to the second Monday in October of each year; and  
 5           amending Ordinance 12014, Section 23, as amended, and  
 6           K.C.C. 3.12.230.

7           **STATEMENT OF FACTS:**

8           1. Popular sentiment is emerging for more formal acknowledgement and  
 9           celebration of populations long resident in the region that have been  
 10          historically ignored or suppressed.

11          2. The land that became the United States has been home for tens of  
 12          thousands of years to indigenous communities, who built lifeways deeply  
 13          tied to the land.

14          3. Over time, those communities developed ways of knowing, ways of  
 15          being, ways of remembering, ways of praise and reverence, that were  
 16          profoundly altered by European colonization starting in the seventeenth  
 17          century.

18          4. The affirmation of these communities, and the remembrance of those  
 19          ways contributes greatly to the ancient regional narrative and the store of

Ordinance 19441

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20 human understanding and honors their continued contribution to the  
21 culture of the United States and King County.

22 5. In the 2020 US Census, approximately 60,000 people in King County  
23 identified as American Indian/Alaskan Native alone or in combination  
24 with one or more other race categories.

25 6. King County is situated on the historic lands of the Coast Salish  
26 peoples.

27 7. In November 2020, Ordinance 19208 stated that October 12 each year  
28 provides an opportunity for celebration of Indigenous Peoples' Day and  
29 established this date as an observed holiday for employees of King  
30 County.

31 8. Ordinance 19208 required that the office of equity and social justice  
32 consult with county employees who identify as Native American and with  
33 tribes located within King County on whether October 12 is the preferred  
34 date to designate the Indigenous Peoples' Day holiday with pay.

35 9. Ordinance 19208 also required that, after consulting with those  
36 employees and tribes located within King County, if the office determines  
37 that a different date is more appropriate to designate Indigenous Peoples'  
38 Day, then the office shall transmit necessary legislation to change the  
39 October 12 date to the council before December 31, 2021.

40 10. During 2021, the office of equity and social justice consulted with  
41 employees who identify as Native American through the Native American  
42 Leadership Council, and the executive, executive staff and other King

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43 County staff engaged in government-to-government consultation with the  
44 Muckleshoot, Suquamish, Tulalip, Duwamish, Puyallup and Snoqualmie  
45 tribes.

46 11. This engagement indicated either a preference for or no objection to  
47 establishing the second Monday in October as Indigenous Peoples' Day  
48 rather than October 12.

49 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

50 SECTION 1. Ordinance 12014, Section 23, as amended, and K.C.C. 3.12.230 are  
51 hereby amended to read as follows:

52 A. All employees eligible for comprehensive leave benefits shall be granted the  
53 following designated holidays with pay:

- 54 1. January 1, New Year's Day;
- 55 2. Third Monday in January, Martin Luther King, Jr., Day;
- 56 3. Third Monday in February, President's Day;
- 57 4. Last Monday in May, Memorial Day;
- 58 5. June 19, Juneteenth;
- 59 6. July 4, Independence Day;
- 60 7. First Monday in September, Labor Day;
- 61 8. Second Monday in October (~~((12))~~), Indigenous Peoples' Day;
- 62 9. November 11, Veteran(~~(')~~)s Day;
- 63 10. Fourth Thursday in November, Thanksgiving Day;
- 64 11. Friday after Thanksgiving, Day after Thanksgiving;
- 65 12. December 25, Christmas Day; and

Ordinance 19441

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66           13. For an employee who is eligible for comprehensive leave benefits, two  
67 personal holidays, which shall be added to the employee's vacation bank in the second  
68 full pay period of the calendar year or upon hire.

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

71           C. An employee must be eligible for comprehensive leave benefits and in a pay  
72 status on the day before and the day following a holiday to be eligible for holiday pay.  
73 However, an employee who has successfully completed at least five years of county  
74 service and who retires at the end of a month in which the last regularly scheduled  
75 working day is observed as a holiday, shall be eligible for holiday pay if the employee is  
76 in a pay status the day before the day observed as a holiday. An employee otherwise  
77 eligible for holiday pay shall not be ineligible as a result of not being in a pay status on  
78 the day before or after the holiday due to budgetary furlough.

79           D. When a holiday falls on the scheduled day off of a full-time employee entitled  
80 to comprehensive leave benefits who works other than a five-day, eight-hour schedule,  
81 the employee shall be given a deferred holiday. The employee's supervisor shall jointly  
82 select another day, preferably within the same pay period, for the employee to take as

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- 83 holiday. Deferred holidays for a part-time employee eligible for comprehensive leave
- 84 benefits shall be prorated to the employee's schedule.


Ordinance 19441 was introduced on 2/1/2022 and passed by the Metropolitan King County Council on 5/17/2022, by the following vote:

Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer and Zahilay


KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

DocuSigned by:  
  
 7E1C273CE9994B6...  
 Claudia Balducci, Chair

ATTEST:

DocuSigned by:  
  
 8DE1BB375AD3422...  
 Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_\_ day of 6/2/2022, \_\_\_\_\_.

DocuSigned by:  
  
 4FBCAB8196AE4C6...  
 Dow Constantine, County Executive

**Attachments:** None

**Certificate Of Completion**

Envelope Id: 3234C3EC115A40AB87668249FF15A507  
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Claudia Balducci  
 claudia.balducci@kingcounty.gov  
 King County General (ITD)  
 Security Level: Email, Account Authentication (None)

**Signature**

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 claudia.balducci@kingcounty.gov  
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Melani Pedroza  
 melani.pedroza@kingcounty.gov  
 Clerk of the Council  
 King County Council  
 Security Level: Email, Account Authentication (None)

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Dow Constantine  
 Dow.Constantine@kingcounty.gov  
 Security Level: Email, Account Authentication (None)

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<b>Intermediary Delivery Events</b>	<b>Status</b>	<b>Timestamp</b>
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Kaitlyn Wiggins  
kwiggins@kingcounty.gov  
Executive Legislative Coordinator  
King County Executive Office  
Security Level: Email, Account Authentication  
(None)  
**Electronic Record and Signature Disclosure:**  
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Sent: 5/24/2022 7:42:39 AM  
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<b>Witness Events</b>	<b>Signature</b>	<b>Timestamp</b>
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<b>Notary Events</b>	<b>Signature</b>	<b>Timestamp</b>
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<b>Envelope Summary Events</b>	<b>Status</b>	<b>Timestamps</b>
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Certified Delivered	Security Checked	6/2/2022 2:47:48 PM
Signing Complete	Security Checked	6/2/2022 2:48:02 PM
Completed	Security Checked	6/2/2022 2:48:02 PM

<b>Payment Events</b>	<b>Status</b>	<b>Timestamps</b>
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**Required hardware and software**

Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum

Enabled Security Settings:	Allow per session cookies
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## King County

# Metropolitan King County Council Government Accountability and Oversight Committee

### REVISED STAFF REPORT

<b>Agenda Item:</b>	5	<b>Name:</b>	Melissa Bailey
<b>Proposed No.:</b>	2022-0013	<b>Date:</b>	May 10, 2022

### COMMITTEE ACTION

*Proposed Substitute Ordinance 2022-0013.2, which would change Indigenous Peoples' Day, a paid holiday for King County employees eligible for comprehensive leave benefits, from October 12 of each year to the second Monday in October of each year, passed out of committee on May 10, 2022, with a "Do Pass" recommendation. The Ordinance was amended in committee with Amendment 1 to remove an obsolete effective date and clarify that the legislation would become effective the standard 10 days after enactment.*

### SUBJECT

Proposed Ordinance 2022-0013 would change Indigenous Peoples' Day, a paid holiday for King County employees eligible for comprehensive leave benefits, from October 12 of each year to the second Monday in October of each year.

### SUMMARY

In November 2020, Council passed Ordinance 19208 establishing October 12 of each year, Indigenous Peoples' Day, as a paid holiday for King County employees eligible for leave benefits. The ordinance also directed the Office of Equity and Social Justice (OESJ) to consult with employees who identify as Native American as well as with tribes located within King County on whether October 12 is the preferred date to designate the Indigenous Peoples' Day holiday with pay.

Based on the consultation conducted, Proposed Ordinance 2022-0013 would change the county's Indigenous Peoples' Day holiday with pay from October 12 of each year to the second Monday in October of each year.

Amendment 1 would remove Section 2 of the proposed ordinance which would no longer require the effective date of the ordinance to begin on January 1, 2022, since this date has already passed.

## **BACKGROUND**

On October 12, 1492, Christopher Columbus landed in what is now known as the Bahamas while in search of a new route to Asia. Celebrations honoring Columbus occurred over the years, but it was not until President Franklin D. Roosevelt issued a proclamation in 1934 that October 12 of each year was officially recognized as Columbus Day by the federal government.<sup>1</sup> In 1968, Congress made Columbus Day a legal federal holiday and set observance to be the second Monday of October (effective in 1971).<sup>2</sup> King County celebrated Columbus Day as a paid holiday until 1976 when it was replaced with a personal holiday.<sup>3</sup>

Indigenous Peoples' Day was first proposed in 1977 during the International Non-Governmental Organizations Conference on Discrimination Against Indigenous Populations in the Americas, hosted by the United Nations. According to conference reports, "representatives of the indigenous peoples gave evidence to the international community of the ways in which discrimination, genocide and ethnocide operated." The conference developed several recommended actions including "observe October 12, the day of the so-called 'discovery' of America, as an International Day of Solidarity with the Indigenous Peoples of the Americas."<sup>4</sup>

Since originally proposed in 1977, numerous states and local jurisdictions have recognized Indigenous Peoples' Day, although not all by that name. South Dakota was the first, officially changing the name of Columbus Day to Native American Day in 1990.<sup>5</sup> For those jurisdictions recognizing Indigenous Peoples' Day, some do so as a day of celebration while others have made it an official paid holiday.<sup>6</sup> In 2021, President Joe Biden was the first president to officially acknowledge Indigenous Peoples' Day.<sup>7</sup> While federal legislation has been introduced, Congress has not made it a legal federal holiday.<sup>8</sup>

In November 2020, Council established October 12 of each year, Indigenous Peoples' Day, as a paid holiday for King County employees eligible for comprehensive leave benefits.<sup>9,10</sup> In accordance with Ordinance 19208, the paid holiday begins in 2022 and is subject to available funding resources, bargaining, and potential impacts to existing county services.

Ordinance 19208 also directed OESJ to consult with employees who identify as Native American as well as with tribes located within King County on whether October 12 is the

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<sup>1</sup> [Proclamation 2101: Columbus Day](#)

<sup>2</sup> [Public Law 90-363](#)

<sup>3</sup> [Ordinance 2894](#)

<sup>4</sup> International Non-Governmental Organizations Conference on Discrimination Against Indigenous Populations in the Americas – 1977: [Statements and Final Documents](#)

<sup>5</sup> [South Dakota Codified Law 1-5-1.2](#)

<sup>6</sup> While the [Pew Research Center](#) provides an overview of states celebrating Indigenous Peoples' Day, staff has not identified a comprehensive list of local jurisdictions that distinguishes between those who celebrate Indigenous Peoples' Day and those who mark it as a legal paid holiday.

<sup>7</sup> [Proclamation: Indigenous Peoples' Day, 2021](#)

<sup>8</sup> [H.R. 5473](#) and [S. 2919](#)

<sup>9</sup> [Ordinance 19208](#)

<sup>10</sup> [K.C.C. 3.12.010.Z](#). "Employees eligible for comprehensive leave benefits" means full-time regular, part-time regular, provisional, probationary and term-limited temporary employees.

preferred date to designate the Indigenous Peoples' Day holiday with pay. Council requested any legislation necessary to change the October 12 date be transmitted by December 31, 2021.

## **ANALYSIS**

Proposed Ordinance 2022-0013 would change the county's Indigenous Peoples' Day holiday with pay from October 12 of each year to the second Monday in October of each year. The legislation was received by the Council's requested transmittal date.

**Consultation.** In accordance with Ordinance 19208, OESJ consulted with employees who identify as Native American through the King County Native American Leadership Council.<sup>11</sup> While the group considered the first Monday in October as an alternative, they ultimately expressed preference for the second Monday in October. According to executive staff, the decision to support the second Monday in October aligns with positions taken by the National Congress of American Indians (NCAI)<sup>12</sup> and the Affiliated Tribes of Northwest Indians (ATNI).<sup>13</sup>

Additionally, government-to-government consultation occurred with six tribes identified by executive staff as having substantial and direct interest in King County. Those tribes include:

- Duwamish Tribe
- Muckleshoot Indian Tribe
- Puyallup Tribe of Indians
- Snoqualmie Indian Tribe
- Suquamish Tribe, and
- Tulalip Tribes

All of the tribes consulted either supported or did not object to observing Indigenous Peoples' Day on the second Monday in October.

**Implementation.** King County is set to begin celebrating Indigenous Peoples' Day as a paid holiday in 2022. Executive staff state that, similar to other county holidays, non-represented employees will be covered by the county's human resource policies related to administering holidays<sup>14</sup> and implications for represented employees will be subject to collective bargaining. Some bargaining units have different pay practices for employees who must work on a holiday. Any variations from county policy would be contained in individual collective bargaining agreements.

Executive staff note that the Office of Labor Relations is currently in the process of bargaining, and the new paid holidays (Indigenous Peoples' Day and Juneteenth) have been part of bargaining discussions. While a tentative agreement has been reached with the Coalition of Unions, small table negotiations with individual bargaining units are still underway. Member unions will need to ratify the Coalition Labor Agreement as well as small table agreements before they can be transmitted to Council. Executive staff currently estimate these will be transmitted in July 2022. Negotiations with non-Coalition

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<sup>11</sup> [King County Native American Leadership Council](#)

<sup>12</sup> National Congress of American Indians [Resolution #PDX-11-027](#)

<sup>13</sup> Affiliated Tribes of Northwest Indians [Resolution #11-57](#)

<sup>14</sup> [King County Personnel Guidelines](#) and King County HR Policies [2021-0010](#) and [2021-0011](#)

unions are also ongoing, and agreements will be transmitted as they are completed and ratified by the respective unions.

Along with the Coalition Labor Agreement, executive staff anticipate transmitting a supplemental budget request to address impacts from labor negotiations as well as the new paid holidays.<sup>15</sup> According to executive staff, the total county cost for the Indigenous Peoples' Day holiday is estimated at \$1.9 million per year, with approximately 55% of that being associated with Metro operations. They also note that the \$1.9 million value includes costs for contracted services such as Link, Streetcar, and Sheriff services, for which a portion or all of the cost would be recouped from the entity contracting with the county for the service.

The fiscal note for this proposed ordinance reports no financial impact related to changing the date of the paid holiday.

### **AMENDMENT**

Section 2 of the proposed ordinance would establish an effective date of January 1, 2022. Amendment 1 is a technical amendment that would strike that section, as the proposed effective date has already passed. If amended and passed, the legislation would become effective the standard 10 days after enactment.

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<sup>15</sup> The adopted 2021-22 biennial budget included \$4.3 million for the Juneteenth holiday in 2022. Executive staff have noted that, since the original estimate, an interdepartmental team developed a more detailed method for identifying operational impacts and costs associated with the new holidays. The new estimated cost of the Juneteenth holiday in 2022 is \$1.63 million. This is slightly less than estimates for Indigenous Peoples' Day (\$1.9 million) because Juneteenth is also a state holiday. District Court follows the state court calendar, so certain county agencies (e.g., District Court, the Department of Public Defense, and the Prosecuting Attorney's Office) will work on the Indigenous Peoples' Day holiday.