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

STATEMENT OF FACTS:

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

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

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

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

((40.)) 11. December 25, Christmas Day; and

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

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

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

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

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

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

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

SECTION 2. The Indigenous People's Day holiday created under this ordinance is subject to available funding resources and bargaining, taking into account the full range of pay and benefits available to employees through the county's total compensation.
framework, as well as potential impacts to existing county services. The office of equity and social justice shall consult with county employees who identify as Native American and with tribes located within King County on whether October 12 is the preferred date to designate the Indigenous Peoples' Day holiday with pay. After consulting with those employees and tribes located within King County, if the office determines that a different date is more appropriate to designate Indigenous Peoples' Day, then the office shall transmit necessary legislation to change the October 12 date to the council before December 31, 2021.
SECTION 3. Section 1 of this ordinance takes effect January 1, 2022. Section 2 of this ordinance takes effect January 1, 2021.

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

Claudia Balducci, Chair
Melani Pedroza, Clerk of the Council

APPROVED this ____ day of __11/30/2020__. ____.

Dow Constantine, County Executive

Attachments: None
### Certificate Of Completion

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- **Status:** Completed
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- **Source Envelope:**
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  - Initials: 0
- **Envelope Originator:**
  - Angel Allende
  - 401 5th Ave
  - Suite 100
  - Seattle, WA 98104
  - Angel.Allende@kingcounty.gov
- **IP Address:** 198.49.222.20

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AN ORDINANCE changing 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; and amending Ordinance 12014, Section 23, as amended, and K.C.C. 3.12.230.

STATEMENT OF FACTS:

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

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

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

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

culture of the United States and King County.

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

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

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

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

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

10. During 2021, the office of equity and social justice consulted with
employees who identify as Native American through the Native American
Leadership Council, and the executive, executive staff and other King
County staff engaged in government-to-government consultation with the Muckleshoot, Suquamish, Tulalip, Duwamish, Puyallup and Snoqualmie tribes.

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

BE IT ORDERED BY THE COUNCIL OF KING COUNTY:

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

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

1. January 1, New Year's Day;
2. Third Monday in January, Martin Luther King, Jr., Day;
3. Third Monday in February, President's Day;
4. Last Monday in May, Memorial Day;
5. June 19, Juneteenth;
6. July 4, Independence Day;
7. First Monday in September, Labor Day;
8. Second Monday in October (12), Indigenous Peoples' Day;
9. November 11, Veteran's Day;
10. Fourth Thursday in November, Thanksgiving Day;
11. Friday after Thanksgiving, Day after Thanksgiving;
12. December 25, Christmas Day; and
13. For an employee who is eligible for comprehensive leave benefits, two personal holidays, which shall be added to the employee's vacation bank in the second full pay period of the calendar year or upon hire.

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

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

D. When a holiday falls on the scheduled day off of a full-time employee entitled to comprehensive leave benefits who works other than a five-day, eight-hour schedule, the employee shall be given a deferred holiday. The employee's supervisor shall jointly select another day, preferably within the same pay period, for the employee to take as
Ordinance 19441

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

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of 6/2/2022_____. _____.

Dow Constantine, County Executive

Attachments: None
## Certificate Of Completion

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Source Envelope:
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- Certificate Pages: 5
- AutoNav: Enabled
- Envelope Stamping: Enabled
- Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Envelope Originator:
- Cherie Camp
- 401 5th Ave
- Suite 100
- Seattle, WA  98104
- Cherie.Camp@kingcounty.gov
- IP Address: 198.49.222.20

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- Holder: Cherie Camp
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### Signer Events

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- claudia.balducci@kingcounty.gov
- King County General (ITD)
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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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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

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To contact us by email send messages to: bob.johnson@kingcounty.gov

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Required hardware and software

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<td>Acrobat® or similar software may be required to view and print PDF files</td>
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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.¹ In 1968, Congress made Columbus Day a legal federal holiday and set observance to be the second Monday of October (effective in 1971).² King County celebrated Columbus Day as a paid holiday until 1976 when it was replaced with a personal holiday.³

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."⁴

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 1990.⁵ For those jurisdictions recognizing Indigenous Peoples' Day, some do so as a day of celebration while others have made it an official paid holiday.⁶ In 2021, President Joe Biden was the first president to officially acknowledge Indigenous Peoples' Day.⁷ While federal legislation has been introduced, Congress has not made it a legal federal holiday.⁸

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.⁹,¹⁰ 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

¹ Proclamation 2101: Columbus Day
² Public Law 90-363
³ Ordinance 2894
⁴ InternationalNon-Governmental OrganizationsConference on Discrimination Against Indigenous Populations in the Americas – 1977: Statements and Final Documents
⁵ South Dakota Codified Law 1-5-1.2
⁶ 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.
⁷ Proclamation: Indigenous Peoples’ Day, 2021
⁸ H.R. 5473 and S. 2919
⁹ Ordinance 19208
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. 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) and the Affiliated Tribes of Northwest Indians (ATNI).

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 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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11 King County Native American Leadership Council
12 National Congress of American Indians Resolution #PDX-11-027
13 Affiliated Tribes of Northwest Indians Resolution #11-57
14 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. 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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15 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.