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King County, workers reach \$24 million deal

By [Keith Ervin](#)

Seattle Times staff reporter

In the third settlement of an employee lawsuit negotiated this year, King County Executive Ron Sims has asked the County Council to approve an agreement that will cost \$24 million.

The agreement, which has not yet been reviewed or approved by the Metropolitan King County Council, comes within weeks of two other settlements that totaled \$9.2 million.

Because money already had been set aside for the latest settlement, it would not result in any further budget cuts this year or next, officials said. The council is expected to approve the deal.

The settlement resolves lawsuits by two groups of employees who said the county failed to keep its promise to adjust their pay in the wake of the county's 1994 merger with Metro, the regional agency that operated buses and handled sewage.

More than 300 public-health workers and other employees will receive back pay to 1994 because they were paid less per hour in their 40-hour-a-week jobs than colleagues who worked only 35 hours a week but received the same weekly pay.

The state Court of Appeals, overturning a King County Superior Court ruling, agreed with the employees that the county violated its equal-pay-for-equal-work policy by paying them less per hour than it paid co-workers doing the same work. The trial court had not yet ruled how much back pay the workers were owed.

Another group, an estimated 1,100 employees, will be eligible for back pay to 1998 because the county failed to upgrade its pay scales after the Metro merger. Those nonunion workers, the last in the county to be reclassified, didn't receive raises until Jan. 1, 2003.

By then, other employees had received retroactive pay, but Sims and the County Council decided not to give back pay to most nonunion employees because of the county's financial crisis.

"Our decision was a responsible one but not without controversy. Subsequently, three county employees served a lawsuit," Sims told the council in a letter Friday.

Under the settlement, employees involved in the two lawsuits will receive a total of \$14 million in back pay while their lawyers will get an additional \$4.5 million in fees. The county will spend up to two years determining who is eligible for back pay and then calculating the pay and benefits — a process that will bring the county's total settlement cost to \$24 million.

"Given that the matter may be subject to lengthy and costly litigation," Sims wrote the council on Friday, "I find that this settlement is fair and reasonable and a prudent step to take at this time."

Sims said the settlement "represents the last of the employment lawsuits related to the King County merger with Metro."

The county paid \$24 million in a 1997 settlement with "contract workers" who weren't given the same benefits as permanent employees who had worked for Metro or in King County divisions previously operated by Metro.

But divergent personnel practices between the King County government and Metro weren't the only reason for a series of employee lawsuits.

The county paid out \$12 million in 2000 to settle with long-term "temporary" workers who were denied full-time status but were not associated with previous Metro divisions.

Last week the County Council authorized a \$7.7 million settlement with employees of the Sheriff's Office over delayed overtime payments and a miscalculation of regular pay. That came on the heels of a \$1.7 million settlement over miscalculated pay in other departments.

Steve Strong, one of the attorneys who represented employees in the latest settlement, said his clients weren't treated as well as union employees of the county, but he called the settlement "a pretty darn good compromise."

Councilwoman Jane Hague, R-Kirkland, said the settlement was a good one for the county, but she added, "Why it took so long I do not know."

Councilman Larry Phillips, D-Seattle, chairman of the council budget committee, said some pay inequities dated back to the 1970s, when former County Executive John Spellman balanced the budget by reducing employees' standard workweek to 35 hours. In the two decades after that austerity move, most county employees moved back to a 40-hour week, but some remained at 35 hours.

As to the long delays in settling employee grievances over disparate Metro and King County pay practices, Phillips said, "I think there was a general feeling up here" that former County Executive Gary Locke, now governor, "should have moved sooner."

Phillips said he didn't know whether Sims, a candidate for the Democratic gubernatorial nomination, could have resolved the lawsuits sooner.

Phillips said he wants the county to commission an outside review of its employment practices to assure that they are legally "bulletproof."

Keith Ervin: 206-464-2105 or kervin@seattletimes.com

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