

Employees sue King County over retroactive pay

By MARGARET TAUS, SEATTLE POST-INTELLIGENCER REPORTER

Published 10:00 pm, Monday, December 30, 2002

King County owes at least 1,000 of its employees more pay because it has taken so long to put similar jobs on equal pay scales and workers lost out on raises, according to a lawsuit.

When King County government merged with the Metro sewer and transit agency in 1994, county officials agreed to reclassify workers to make sure that employees doing the same jobs got equal pay.

Three King County employees are suing now, seeking class-action status for their claim the county is taking too long to put some non-union workers in new classifications and isn't offering the same retroactive pay it gave other employees.

"We look upon it as a very unfair situation, and we feel that we've been good and loyal employees to the county for many, many years now, and that we deserve the same treatment that everyone else received," said [Donna Jones](#), a county payroll worker and one of three plaintiffs in the lawsuit filed Friday in King County Superior Court.

Between 1,000 and 1,400 non-union county workers could be affected, said attorney [Judith Bendich](#), who has represented King County workers in three other lawsuits. Two of them ended in multimillion-dollar settlements for temporary workers.

The plaintiffs want an undetermined amount of deferred and future pay, plus interest, as well as damages.

"It's now been eight years, going on nine years, since the Metro merger, and they still haven't completed (reclassification)," Bendich said yesterday.

Calls seeking comment from the King County Executive's Office weren't returned yesterday. The county, like many government agencies, is cash-strapped and had to deal with a \$52 million budget deficit earlier this year.

During the reclassification, union-represented employees and some non-union workers such as clerical employees were put into new job classes and pay rates, retroactive to Jan. 1, 1998.

But the remaining non-union employees -- in professional, technical and managerial positions -- were told their new classifications and pay rates aren't retroactive, Bendich said.

Also at issue is placement in the county's 10-step salary schedule, which gives about 2 percent raises per step increase. The lawsuit claims that workers weren't put into the salary schedule back to 1998, denying them annual raises.

"They're getting double-whammied," Bendich said. "Not only are they not on the step placement they should be, but they haven't gotten the same pay as everyone else."

Jones, whose job classification is changing to assistant accountant from office technician III, said she isn't angry.

"I'm hurt, because I guess everyone likes to think you're valued. We all know we're not indispensable," said Jones, 64, currently on disability leave while undergoing treatment for terminal cancer.

At the same time, she said, employees who do good work for the county expect fairness.

In 1996, Jones said, she and three others in her payroll unit requested that their pay match that of former Metro payroll employees, who earned more. They were told to be patient because all county workers were being reclassified. Meanwhile, they were processing paychecks for workers who got retroactive raises.

"So as a payroll group, we continued to do our job, passing up opportunities to apply for advancement into the Metro payroll for the higher accounting jobs, thinking that we were going to get ours eventually, and because we liked our group and because we thought we were doing an important job," said Jones, who has worked for the county since 1993, first as a temporary and then as a permanent employee since 1994. "It's a fairness issue."

The complaint, initially served on the county in October, cites county ordinances and several [County Council](#) motions, including one in 1997 that reiterates "the council's commitment to the principle of equal pay for equal work and the establishment of fair compensation practices."

An aide for council [Chairwoman Cynthia Sullivan](#) said she couldn't be reached yesterday for comment.

The other two plaintiffs are [Amy Duncan](#), another payroll employee in Jones' unit with the same job title, and Yinka Otusanya, a business and finance officer in the county's [Health Department](#).

Bendich wouldn't speculate how much money the lawsuit could cost the county.

She represented about 500 employees in a class-action lawsuit against King County several years ago, winning an \$18.6 million settlement in 2000 over the county's mislabeling of regular employees as temporary. Most were former Metro employees.

The county also paid \$24 million to settle a similar case in 1997 for denying benefits to more than 2,100 long-term "temporary" employees.