



Legislation Details (With Text)

File #: CB 119715 **Version:** 1 **Name:** CB 119715
Type: Ordinance (Ord) **Status:** Passed
In control: City Clerk

On agenda: 12/9/2019

Final Action: 12/13/2019 **Ord. No.** Ord 126010

Title: AN ORDINANCE relating to compensation and benefits for certain City employees; authorizing a language premium and authorizing pay for certain scheduling changes; setting certain employee parking rates; amending Sections 4.20.055, 4.20.325, 4.28.010, 4.28.020, and 4.34.065 of the Seattle Municipal Code (SMC); adding new Sections 4.20.360 and 4.20.365 to the SMC; repealing Section 4.34.045 of the SMC; amending Ordinance 119758, last amended by Ordinance 124052; and ratifying and confirming certain prior acts.

Sponsors: Sally Bagshaw

Indexes:

Attachments: 1. Summary and Fiscal Note, 2. Signed Ordinance 126010, 3. Affidavit of Publication

Date	Ver.	Action By	Action	Result
12/13/2019	1	City Clerk	attested by City Clerk	
12/13/2019	1	Mayor	returned	
12/13/2019	1	Mayor	Signed	
12/13/2019	1	City Clerk	submitted for Mayor's signature	
12/9/2019	1	City Council	passed	Pass
12/2/2019	1	City Council	referred	
11/25/2019	1	Council President's Office	sent for review	
11/19/2019	1	City Clerk	sent for review	
11/19/2019	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to compensation and benefits for certain City employees; authorizing a language premium and authorizing pay for certain scheduling changes; setting certain employee parking rates; amending Sections 4.20.055, 4.20.325, 4.28.010, 4.28.020, and 4.34.065 of the Seattle Municipal Code (SMC); adding new Sections 4.20.360 and 4.20.365 to the SMC; repealing Section 4.34.045 of the SMC; amending Ordinance 119758, last amended by Ordinance 124052; and ratifying and confirming certain prior acts.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 4.20.055 of the Seattle Municipal Code, last amended by Ordinance 125260, is

amended as follows:

4.20.055 Premium pay, compensation, and benefits for temporary workers((-))

* * *

B. Except as provided in subsection 4.20.325.C and in Subsection C below, the City will pay all temporary workers the following premium pay rates in lieu of paid leave and benefits, based on cumulative non-overtime hours worked by each employee:

1. Hour 1 through hour 520: five (5) percent premium pay;
2. Hour 521 through hour 1,040: ten (10) percent premium pay;
3. Hour 1,041 through hour 2,080: fifteen (15) percent premium pay; however, if an employee worked eight hundred (800) hours or more in the previous twelve (12) months, premium pay shall instead be twenty (20) percent;
4. Hour 2,081 and up: twenty (20) percent premium pay; however, if an employee worked eight hundred (800) hours or more in the previous twelve (12) months, premium pay shall instead be twenty-five (25) percent.

Once a temporary worker has attained a premium pay level, ~~((his or her))~~ that worker's premium pay level shall not be reduced, whether or not ~~((he or she))~~ that worker is in a temporary assignment that is eligible for premium pay, unless ~~((he or she))~~ that worker voluntarily separates from temporary employment with the City or does not work in any of twenty-six (26) consecutive pay periods. A temporary worker who returns to City service after a voluntary separation or failure to work for more than twenty-six (26) consecutive pay periods shall begin at Hour 1 for purposes of accumulating time toward increases in premium pay levels.

C. Temporary workers in the following types of assignments shall cease receiving premium pay at the time indicated and begin receiving wage progression and benefits as provided at Subsection D:

1. Temporary workers in interim and short-term assignments after 1,040 regular straight-time hours, for the remainder of the assignment, provided that the Seattle Human Resources Director may

promulgate rules to provide for the continuation of premium pay in lieu of wage progression and benefits when ((he or she)) the Director determines that the assignment will terminate so imminently that the benefits package would be of minimal value to the worker; and

2. Temporary workers in term-limited assignments starting with the first day and for the duration of their assignments.

3. Temporary workers in any assignment that the appointing authority has proposed be converted to regular position authority, regardless of the number of hours accumulated in the assignment to date.

D. Temporary workers in assignments identified in subsection 4.20.055.C as eligible for benefits shall receive the following benefits and wage progression at the same level and under the same conditions as regularly appointed employees as well as any other benefits that the City agrees to provide to temporary workers pursuant to an authorized collective bargaining agreement:

1. Participation in the City's medical, dental, vision, basic long-term disability, and basic group term life insurance coverage;

2. Accrual and accumulation of paid sick leave as provided in Chapter 4.24;

3. Accrual and accumulation of paid vacation as provided in Chapter 4.34;

4. Paid funeral leave as provided in Chapter 4.28;

5. Paid holidays as provided in Section 4.20.190;

6. Time off for jury duty or witness testimony without loss of pay or paid leave as provided in Section 4.20.220;

7. Wage progression as provided in Section 4.20.040 for assignments to job titles that correspond to regular titles associated with the Step Progression Pay Program; and, for assignments to job titles that correspond to regular titles associated with any of the City's discretionary pay programs, such pay adjustments or consideration for pay adjustments as may be provided for in the employing unit's internal policies and procedures, if any;

8. Paid parental leave as provided in Chapter 4.27; ~~((and))~~
9. Paid family care leave as provided in Chapter 4.29~~((:))~~ ; and
10. Overtime meal-related compensation as provided in Section 4.20.325.

* * *

Section 2. Section 4.20.325 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

4.20.325 Overtime-related meal compensation~~((:))~~

A. Any full-time City officer or employee who, pursuant to specific directions of the head of the employing unit to which such worker is assigned, or of such head's designee, works for a total of two or more consecutive overtime hours beyond either (1) such worker's normal working hours, or (2) a reasonably continuous period of overtime equal to the length of such worker's normal shift, shall be compensated as specified in subsection B, hereof, for one meal that such worker purchased reasonably contemporaneously with such overtime. In the event the head of the employing unit to which such worker is assigned, or ~~((his or her))~~ the head's designee, has certified in writing, to the Director of Finance and Administrative Services, that because of emergency circumstances, the worker was required to work overtime on an immediate and continuous basis without the opportunity to plan and take normal meal breaks, then such worker shall be compensated as specified in subsection B hereof, for such additional number of meals as are indicated in such certification.

B. If such worker provides the purchased meal receipt(s) to ~~((his/her))~~ the worker's supervisor~~((:))~~ no later than the beginning of ~~((such))~~ the worker's next regular shift, ~~((the purchased meal receipt(s)))~~, ~~((such))~~ the worker shall be eligible for the reimbursement of the actual cost of the meal(s), but not more than the average cost for ~~((such))~~ the meal(s) as reflected in a national comparative cost index such as the Runzheimer Meal-Lodging Cost Index; but if such receipt(s) are not provided as specified herein, then such worker shall be eligible only for meal compensation in the sum of ~~(((\$5))~~ \$20 per meal for which compensation has been

authorized as provided (~~herein~~) in this Chapter 4.20.

C. Temporary employees identified in subsection 4.20.055.A shall be eligible for the overtime meal compensation provided in this Section 4.20.325.

Section 3. A new Section 4.20.360 is added to the Seattle Municipal Code as follows:

4.20.360 Language premium pay

A. Employees assigned to perform bilingual, interpretive, and/or translation services for the City shall receive a \$200 per month premium pay.

B. Department Directors or their designee(s), under the direction of the Seattle Human Resources Director, shall ensure employees providing language access services are independently evaluated and approved.

C. Department Directors or their designee(s) may review and terminate the assignment at any time.

Section 4. A new Section 4.20.365 is added to the Seattle Municipal Code as follows:

4.20.365 Notice and pay for scheduling changes

A. Definitions. For the purposes of this Section 4.20.365:

“Days off” means an employee’s assigned non-working days.

“Workday” means an employee’s assigned day(s) of work.

“Work schedule” means an employee’s assigned workdays, work shift, and days off.

“Work shift” means an employee’s assigned hours of work in a workday.

B. Extended notice work schedule change. At least 14 calendar days’ advance notification shall be afforded affected employees when work schedule changes lasting longer than 30 calendar days are required by the City. The notification may be waived by mutual agreement of the employee and the designated management representative.

C. Short notice work schedule or work shift change. At least 48 hours’ advance notification shall be afforded affected employees when work schedule or work shift changes lasting fewer than 30 calendar days are required by the City. In instances where 48 hours’ advance notification is not provided to an employee, the

employee shall be compensated at the overtime rate of pay for the first work shift worked under the new schedule.

D. This Section 4.20.365 does not apply to salaried employees eligible for executive and merit leave as identified in Section 4.20.320.

Section 5. Section 4.28.010 of the Seattle Municipal Code, last amended by Ordinance 122063, is amended as follows:

4.28.010 Granting of ~~((funeral leave.))~~ bereavement leave

All City ~~((officers and))~~ employees ~~((over whom the legislative authority has jurisdiction in this respect)),~~ including temporary workers who qualify pursuant to Seattle Municipal Code Section 4.20.055(C), and ~~((except))~~ excluding employees covered by that certain collective bargaining agreement entered into between the City and Seattle Police Officers' Guild, shall be allowed ~~((one (1) day))~~ five days off without salary reduction for ~~((the))~~ bereavement purposes ~~((of attendance at the funeral))~~ in the event of a death of any close relative of such officer or employee. ~~((; provided, that where such attendance requires total travel time of two hundred (200) miles or more, one (1) additional day with pay shall be allowed; provided further, that department heads may when circumstances require and upon application stating the reasons therefor authorize for such purpose not to exceed an additional four (4) days chargeable to the sick leave account of any such officer or employee, but no combination of paid absence under this section shall exceed five (5) days for any one (1) period of absence. In like circumstances and upon like application department))~~ In the event of a death of relative other than a close relative, department heads or a designated management representative may authorize ~~((for the purpose of attending the funeral of a relative other than a close relative,))~~ bereavement leave not to exceed five ~~((5))~~ days off work, chargeable to the sick leave account of ~~((any such))~~ the officer or employee.

Section 6. Section 4.28.020 of the Seattle Municipal Code, last amended by Ordinance 124567, is amended as follows:

4.28.020 Definitions

For the purposes of this Chapter 4.28:

~~((A. For the purpose of this chapter, the term “close relative”))~~ "Close relative" means the following relatives of the employee or the employee’s spouse or domestic partner:

1. ~~((The-s))~~Spouse or domestic partner,
2. ~~((e))~~Child,
3. Parent,
4. Sibling, ~~((mother, father, brother, sister,))~~
5. ~~G((g))~~randchild,
6. Grandparent, or ~~((grandfather or grandmother))~~

7. Legal guardian, ward, or any person over whom the employee or the employee’s spouse or domestic partner has legal custody. ~~((of an officer or employee or of the spouse or domestic partner of such officer or employee.))~~

“Domestic partner,” when used in reference to a person other than the domestic partner of an officer or employee, means a person identified by the officer or employee as the relative's domestic partner in an affidavit or declaration of domestic partnership in form prescribed therefor by the Seattle Human Resources Director.

"Relative other than a close relative" means the following relatives of the employee or the employee’s spouse or domestic partner: ~~((uncle, aunt,))~~

1. ~~((e))~~Cousin,
2. Parent’s sibling,
3. Parent’s sibling’s child, ~~((niece, or nephew of such officer or employee;))~~ or ~~((the spouse))~~
4. Spouse or domestic partner of ~~((the brother or sister of such officer or employee; or the uncle,~~

aunt, parent’s sibling’s child, cousin, niece, nephew, spouse or domestic partner of the brother or sister of the spouse or domestic partner of such officer or employee.)) a sibling, child, or grandchild.

~~((B. For the purpose of this chapter, the term "domestic partner," when used in reference to a person~~

~~other than the domestic partner of an officer or employee, means a person identified by the officer or employee as the relative's domestic partner in an affidavit or declaration of domestic partnership in form prescribed therefor by the Seattle Human Resources Director.))~~

Section 7. Section 4.34.045 of the Seattle Municipal Code, last amended by Ordinance 121771, is repealed:

~~((4.34.045 Eligibility for use of accrued vacation credit.~~

~~A. Except as provided in SMC Section 4.34.065 B, upon attaining eligibility for the same, a City employee or temporary worker who has qualified pursuant to SMC 4.20.055(B) may use accrued vacation credit, with approval of the head of the employing unit. An employee or qualified temporary worker shall be eligible to use accumulated and unused vacation credit by completing more than one thousand forty (1040) hours of work or more than six (6) months of continuous service, whichever is earlier, each on regular pay status with the City.~~

~~B. The hours of work and continuous service requirements of SMC Section 4.34.045 A, shall be measured from (1) the date of a regularly appointed full-time or part-time employee's initial regular appointment unless a break in service occurs prior to the attainment of eligibility, in which case such measurement shall be from such employee's most recent regular appointment; and (2) the date of a qualified temporary worker's most recent temporary appointment. In measuring six (6) months of continuous service, no credit shall be given an employee for any single period of fifteen (15) days or more during which he or she was excused from work by an unpaid leave of absence or was suspended from work for disciplinary purposes.))~~

Section 8. Section 4.34.065 of the Seattle Municipal Code, last amended by Ordinance 121771, is amended as follows:

4.34.065 Payment in lieu of use of vacation credit.

A. An employee who assumes an elective office in the City, accepts appointment as a head of an employing unit, or transfers from a position in which ~~((he or she))~~ the employee receives vacation benefits to a

position in City employment in which ~~((he or she))~~ the employee is not entitled to accrue annual vacation credit, shall be paid in a lump sum for any unused vacation credit balance upon leaving or transferring from ~~((his or her))~~ the employee's regular position.

B. Except as provided in subsection C, an employee who is separated from the payroll shall be paid in a lump sum for all of ~~((his/her))~~ the employee's accrued vacation credit. ~~((even though such employee may not have been able eligible to use such vacation credit because of his/her ineligibility to do so pursuant to SMC Section 4.34.045; provided, that in the event such separation occurs as a consequence of the death of the employee, such payment shall be made to the employee's beneficiary.))~~

C. Any accumulated and unused vacation balance remaining at the end of an assignment in which a temporary worker receives fringe benefits in lieu of premium pay shall be cashed out by the employing unit at the straight-time rate of pay received by the worker on his or her last work day in the assignment; provided, that if the worker is appointed to a regularly budgeted position eligible for vacation accrual and use within one (1) pay period of the last day worked in the assignment, ~~((he or she))~~ the worker may carry forward ~~((his or her))~~ unused vacation balance.

Section 9. Section 2 of Ordinance 119758, last amended by Ordinance 124052, is further amended as follows:

* * *

Section 2. The Director of Transportation is authorized to continue the program originally established by Ordinance 117298 to provide parking spaces in the Seapark Garage and Seattle Municipal Tower Garage for registered participants in the City's Commute Trip Reduction Program's Guaranteed Ride Home Program on days they need their private vehicles at work. The Director of Finance and Administrative Services shall charge each participant a parking rate of \$10 per day under this program, and each participant may choose this parking rate for no more than two days each calendar month. ~~((The Director is authorized to issue reduced fee coupons for parking spaces in these~~

~~garages to said participants. Said participants may use these reduced fee coupons no more than two times per month. The Director of Finance and Administrative Services shall adjust parking fees from time to time, and shall consult with the Director of Transportation on the cost of parking associated with the reduced fee coupons of the Guaranteed Ride Home Program, provided however, that the cost of parking associated with the reduced fee coupons shall not exceed 50 percent of the cost of 10 hours of parking available to the general public in the garages, or 50 percent of the early bird rate, whichever is lower.))~~

* * *

Section 10. Sections 3 and 7 of this ordinance shall take effect and be in force retroactive to December 25, 2019.

Section 11. To create a single implementation date, Section 9 of this ordinance shall take effect and be in force upon the Seattle Human Resources Director providing, by filing with the City Clerk, written notice of the Director's determination that the City and all unions affected by Section 9 have completed bargaining pertinent to Section 9's implementation.

Section 12. This ordinance shall only apply to non-represented employees, unless otherwise provided by collective bargaining agreement.

Section 13. Any act consistent with the authority of this ordinance taken prior to its effective date is ratified and confirmed.

Section 14. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2019, and signed by me in open session in authentication of its passage this _____ day of _____, 2019.

President _____ of the City Council

Approved by me this _____ day of _____, 2019.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2019.

Monica Martinez Simmons, City Clerk

(Seal)