



Legislation Details (With Text)

File #: CB 119513 **Version:** 2 **Name:** CB 119513
Type: Ordinance (Ord) **Status:** Passed
In control: City Clerk

On agenda: 6/3/2019

Final Action: 6/17/2019 **Ord. No.** Ord 125834

Title: AN ORDINANCE relating to the City of Seattle’s Paid Family Care Leave program; amending Sections 4.29.010, 4.29.020, 4.29.030, and 4.29.070 of the Seattle Municipal Code.

Sponsors: M. Lorena González, Teresa Mosqueda

Indexes:

Attachments: 1. Summary and Fiscal Note, 2. Proposed Substitute CB 119513, 3. Signed Ordinance 125834, 4. Affidavit of Publication

Date	Ver.	Action By	Action	Result
6/17/2019	2	City Clerk	attested by City Clerk	
6/17/2019	2	Mayor	returned	
6/17/2019	2	Mayor	Signed	
6/7/2019	2	City Clerk	submitted for Mayor's signature	
6/3/2019	2	City Council	passed	Pass
5/22/2019	1	Gender Equity, Safe Communities, New Americans, and Education Committee	pass as amended	Pass
5/6/2019	1	City Council	referred	
5/3/2019	1	Council President's Office	sent for review	
5/1/2019	1	City Clerk	sent for review	
5/1/2019	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the City of Seattle’s Paid Family Care Leave program; amending Sections 4.29.010, 4.29.020, 4.29.030, and 4.29.070 of the Seattle Municipal Code.

WHEREAS, The City of Seattle (City) provides Paid Family Care Leave for the care of family members; and

WHEREAS, the City values all City employees and recognizes that the loss of a child at any age is devastating;

and

WHEREAS, City employees who lose a child are currently ineligible for both paid family care leave and paid

parental leave; and

WHEREAS, the change proposed below was first considered following the experience of City employee

Rachel Alder, and her wife Erin Alder, whose daughter, Beatrice “Bea” Kathryn Alder passed away 36 hours after birth due to medical issues; and

WHEREAS, under the City’s current policy, Rachel Alder did not qualify for more than three days of leave; and

WHEREAS, when an employee has lost a child, the City wants to provide access to Paid Family Care Leave;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 4.29.010 of the Seattle Municipal Code, enacted by Ordinance 125260, is amended as follows:

4.29.010 Definitions

Unless another meaning is clearly indicated from the context, as used in this Chapter 4.29:

“Child” means a biological, adopted, or foster child, a step child, a legal ward, or a child of a person standing in loco parentis, who is:

1. Under 18 years of age; or
2. 18 years of age or older and incapable of self-care because of a mental or physical disability.

* * *

"Parent" means the parent of an employee or the parent of the employee's spouse/domestic partner, or an individual who stood in loco parentis to an employee or the employee's spouse/domestic partner when the employee or the employee's spouse/domestic partner was a ~~((son or a daughter))~~ child.

“Qualifying death” means either (a) the death of a child or (b) the death of a domestic partner or spouse either from childbirth or from complications related to childbirth.

* * *

~~((“Son or daughter” means a biological, adopted, or foster child, a step child, a legal ward, or a child of~~

a ~~person standing in loco parentis, who is:~~

1. ~~Under 18 years of age; or~~
2. ~~18 years of age or older and incapable of self care because of a mental or physical disability.)~~

* * *

Section 2. Section 4.29.020 of the Seattle Municipal Code, enacted by Ordinance 125260, is amended as follows:

4.29.020 Leave provisions

A. Eligible employees are entitled to up to four weeks of paid family care leave in a rolling 12-month period, in addition to any paid leave to which they may otherwise be entitled, to care for a spouse/domestic partner, or a ~~((son or daughter))~~ child, or parent of the employee or spouse/domestic partner, if such spouse/domestic partner, ~~((son, daughter))~~ child, or parent has a serious health condition, or for the employee in the event of a qualifying death. Paid family care leave in the event of a qualifying death must be taken within 12 months of the qualifying death. Except in the event of a qualifying death, paid~~((Paid))~~ family care leave under this Chapter 4.29 runs concurrently with the eligible employee's family medical leave entitlement under Chapter 4.26, such that an employee who has exhausted ~~((his or her))~~ the employee's family medical leave entitlement is not eligible to take paid family care leave. Except in the event of a qualifying death, to~~((To))~~ become eligible for paid family care leave, an employee must reduce ~~((his or her))~~ the employee's paid leave balances as proscribed by Section 4.29.050. Except in the event of a qualifying death, to become eligible for paid family care leave, an employee must ~~((and))~~ have the serious health condition certified by the health care provider of the ~~((son, daughter))~~ child, spouse/domestic partner, or parent of the employee or spouse/domestic partner. In the event of a qualifying death, an employee must have the death certified.

* * *

Section 3. Section 4.29.030 of the Seattle Municipal Code, enacted by Ordinance 125260, is amended as follows:

4.29.030 Notice

A. In any case in which the necessity for paid family care leave is foreseeable based on planned medical treatment, the employee shall:

1. Make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the City, subject to the approval of the health care provider of the ~~((son, daughter,))~~ child, spouse/domestic partner, or parent, as appropriate; and

2. Provide the City with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take paid family care leave, except that if the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

* * *

Section 4. Section 4.29.070 of the Seattle Municipal Code, enacted by Ordinance 125260, is amended as follows:

4.29.070 Medical certification requirement

Except in the event of a qualifying death, medical ~~((Medical))~~ certification is required for paid family care leave. The medical certification must be issued by the health care provider of the eligible ~~((son, daughter,))~~ child, spouse/domestic partner, or parent, of the employee. Certification should include:

A. The date on which the serious health condition commenced;

B. The probable duration of the condition;

C. The appropriate medical facts within the knowledge of the health care provider regarding the condition; and

D. A statement that the eligible employee is needed to care for the ~~((son, daughter,))~~ child, spouse/domestic partner, or parent.

Except in the event of a qualifying death, the ~~((The))~~ City may require, at the expense of the City, that the eligible employee obtain the opinion of a second health care provider designated or approved by the City

concerning any information certified as provided in this Section 4.29.070. When the second opinion differs from the opinion in the original certification, the City may require, at the expense of the City, that the employee obtain the opinion of a third care provider designated or approved jointly by the City and the employee. The opinion of the third health care provider concerning the information certified as provided in this Section 4.29.070 shall be considered to be final and shall be binding on the City and the employee. The City may require that the eligible employee obtain subsequent recertification on a reasonable basis.

Section 5. 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)