



SEATTLE CITY COUNCIL

Legislative Summary

Res 31745

Record No.: Res 31745

Type: Resolution (Res)

Status: Adopted

Version: 1

Ord. no:

In Control: City Clerk

File Created: 04/24/2017

Final Action: 04/28/2017

Title: A RESOLUTION proclaiming May Day, May 1, 2017 to be a day of action for worker, immigrant, and refugee rights; affirming that City employees may request unpaid leave for a day of conscience on May 1, 2017, and requesting that City Departments communicate to City employees the benefits conferred by state law for religious and conscientious leave for state and local government employees.

Date

Notes:

Filed with City Clerk: 4/28/2017

Mayor's Signature: 4/28/2017

Sponsors: Sawant

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Att A - WAC 82-56-020, Att B - Relevant Personnel Rules

Drafter: jodee.schwinn@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

Yes

No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:	
1	City Clerk	04/24/2017	sent for review	Council President's Office				
	Action Text:	The Resolution (Res) was sent for review. to the Council President's Office						
	Notes:							
1	Council President's Office	04/24/2017	sent for review	Full Council				
	Action Text:	The Resolution (Res) was sent for review. to the Full Council						
	Notes:							
1	Full Council	04/24/2017	referred	Full Council				
	Action Text:	The Resolution (Res) was referred. to the Full Council						
	Notes:							
1	Full Council	04/24/2017	adopted				Pass	
	Action Text:	The Motion carried, the Resolution (Res) was adopted by the following vote, and the President signed the Resolution:						
	Notes:	Motion was made and duly seconded to adopt Resolution 31745.						

Legislative Summary Continued (Res 31745)

In Favor: 9 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien, Councilmember Sawant

Opposed: 0

1	City Clerk	04/26/2017	submitted for Mayor's signature	Mayor
1	Mayor	04/28/2017	Signed	
1	Mayor	04/28/2017	returned	City Clerk
1	City Clerk	04/28/2017	attested by City Clerk	

Action Text: The Resolution (Res) was attested by City Clerk.

Notes:

CITY OF SEATTLE

RESOLUTION 31745

A RESOLUTION proclaiming May Day, May 1, 2017 to be a day of action for worker, immigrant, and refugee rights; affirming that City employees may request unpaid leave for a day of conscience on May 1, 2017, and requesting that City Departments communicate to City employees the benefits conferred by state law for religious and conscientious leave for state and local government employees.

WHEREAS, on Monday May 1, 2017, local and national worker, immigrant, and refugee rights organizations and the May 1st Action Coalition have planned the “18th Annual May Day March for Workers and Immigrant Rights”; and

WHEREAS, on January 25, 2017, by *Executive Order: Border Security and Immigration Enforcement Improvements and Executive Order: Enhancing Public Safety in the Interior of the United States*, President Donald Trump declared the policy of the executive branch to secure the southern border of the United States through the immediate construction of a physical wall; to detain individuals apprehended on suspicion of violating Federal or State law, including Federal immigration law, pending further proceedings regarding those violations; to expedite determinations of apprehended individuals’ claims of eligibility to remain in the United States; to promptly remove individuals whose legal claims to remain in the United States are rejected; and by adding 15,000 law enforcement officers rather than invest that money into communities. President Trump and the billionaires who dominate his administration have made clear their intention to attack the rights of immigrants, refugees, women, LGBTQ people, people of color, the labor movement, and all workers; and

WHEREAS, contrary to attempts to sow division between US-born workers and immigrant workers, the interests of all workers, immigrant and native-born, are best served by

1 solidarity and building a united movement strong enough to win unionized living-wage
2 jobs with decent living standards for all, and full civil rights for immigrants and refugees,
3 consistent with the longstanding motto of the labor movement that, “an injury to one is an
4 injury to all”; and

5 WHEREAS, immigrants and refugees contribute indispensably to the state and local economy,
6 and without workers, foreign-born, undocumented, and native-born – Washington’s
7 economy could not and would not function; and

8 WHEREAS, the May 1st Action Coalition issued a Declaration of General Strike on April 2,
9 2017 stating, “The May 1st Action Coalition is calling for a General Strike on May 1st,
10 2017 (International Workers’ Day). We are responding to a nationwide call for a strike
11 on that day, as well as to many in our community who have asked for a strong response
12 to attacks by the new administration on labor in general, and immigrant workers in
13 particular,” and further requesting, “we are asking you to call the City Council, the
14 Mayor’s Office, the County Council, the County Executive and our Governor to declare
15 May 1st a holiday (as it is around the world), to ensure that government workers can join
16 us!”; and

17 WHEREAS, the Martin Luther King County Labor Council passed a resolution on March 15,
18 2017, resolving that “the Martin Luther King County Labor Council urges its affiliates to
19 consider all forms of action on May 1, 2017, whether striking, walking out, taking sick
20 days, extended lunch hours, exercising rights of conscience, organizing demonstrations or
21 teach-ins, or any other acts of collective expression that builds solidarity across
22 communities”; and

1 WHEREAS, the over 340,000 members of the Service Employees International Union United
2 Service Workers West and the Food Chain Workers Alliance in California are planning
3 to go on strike on May 1, 2017; and

4 WHEREAS, the Seattle City Council recognizes that workers, immigrant and US-born, through
5 their ability to carry out strike and nonviolent civil disobedience, have the power to
6 defeat Trump's attacks, because without workers' mental and physical labor no business
7 can make profits and none of the productive forces of the world can be harnessed; and

8 WHEREAS, RCW 1.16.050(3) provides that public employees in Washington State have the
9 legal right to request two days of faith or conscience, stating, "Employees of the state and
10 its political subdivisions ... are entitled to two unpaid holidays per calendar year for a
11 reason of faith or conscience or an organized activity conducted under the auspices of a
12 religious denomination, church, or religious organization... unless the employee's
13 absence would impose an undue hardship on the employer or the employee is necessary
14 to maintain public safety."; and

15 WHEREAS, the state has defined the concept of undue hardship in WAC 82-56-020, which are
16 attached to this resolution as Attachment A; and

17 WHEREAS, City of Seattle Personnel Rules have provisions that implement RCW 1.16.050(3),
18 which are attached to this resolution as Attachment B; and

19 WHEREAS, the Coalition of City Unions has reported that their members, who are employees of
20 the City of Seattle, have inquired how they can take May 1, 2017 off from work to
21 participate in May Day activities with the confidence that they will face no retaliation;

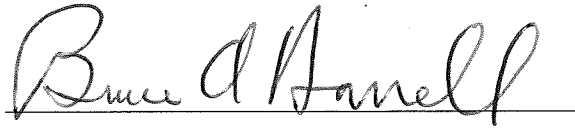
22 NOW, THEREFORE,

1 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE**
2 **MAYOR CONCURRING, THAT:**

3 Section 1. The Seattle City Council proclaims May Day, May 1, 2017, to be a day of
4 action for worker and immigrant rights.

5 Section 2. The Seattle City Council reaffirms that City employees have the benefits
6 conferred by RCW 1.16.050 and City personnel rules described in the attachments. Recognizing
7 that some City employees may wish to participate in May Day activities, the City Council also
8 requests that all City departments communicate to City employees that they have the right to
9 request a day off without pay as a matter of conscience to attend these activities, and that they
10 should be informed about any administrative procedures required to make that request.

1 Adopted by the City Council the 24th day of April, 2017,
2 and signed by me in open session in authentication of its adoption this 24th day of
3 April, 2017.

4 

5 President _____ of the City Council

6 The Mayor concurred the 26th day of April, 2017.

7 

8 Edward B. Murray, Mayor

9 Filed by me this 28th day of April, 2017.

10 

11 Monica Martinez Simmons, City Clerk

12 (Seal)

13 Attachments:

14 Attachment A – WAC 82-56-020

15 Attachment B – Relevant Personnel Rules

WAC 82-56-020

Definition of undue hardship.

For purposes of chapter 168, Laws of 2014, "undue hardship" means an action requiring significant difficulty or expense to the employer. The following factors should be considered in determining whether approving unpaid leave results in an undue hardship to the employer:

- (1) The number, composition, and structure of staff employed by the employing entity or in the requesting employee's program.
- (2) The financial resources of the employing entity or the requesting employee's program.
- (3) The number of employees requesting leave for each day subject to such a request.
- (4) The financial impact on the employing entity or requesting employee's program resulting from the employee's absence and whether that impact is greater than a de minimus cost to the employer in relation to the size of the employing entity or requesting employee's program.
- (5) Impact on the employing entity, the requesting employee's program, workplace safety or public safety.
- (6) Type of operations of the employing entity or requesting employee's program.
- (7) Geographic location of the employee or geographic separation of the particular program to the operations of the employing entity.
- (8) Nature of the employee's work.
- (9) Deprivation of another employee's job preference or other benefit guaranteed by a bona fide seniority system or collective bargaining agreement.

(10) Any other impact on the employing entity's operation or requesting employee's program due to the employee's absence.

7.3.5 Unpaid Religious Days

- A. Pursuant to the authority of RCW 1.16.050, an employee is entitled to two unpaid days per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization. These days shall be taken in increments of a whole calendar day and may not be carried over from year to year.
- B. An employee may take the unpaid religious days at any time with supervisory approval. The employee's supervisor or other management representative may deny the use of an unpaid religious day if the employee is necessary to maintain public safety, or if the employee's absence creates an undue hardship as defined by the Washington State Office of Financial Management.
- C. Effect of unpaid religious days on an employee's service credit shall be consistent with Personnel Rule 7.3.6.
- D. The City will continue to provide reasonable accommodation based on religion under federal law to employees who seek accommodation in addition to the two unpaid days.

11.18 Unpaid Religious Days for Temporary Workers

- A. Pursuant to the authority of RCW 1.16.050, an employee is entitled to two unpaid days per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization. These days shall be taken in increments of a whole calendar day and may not be carried over from year to year.
- B. An employee may take unpaid religious days at any time with supervisory approval. The employee's supervisor or other management representative may deny the use of an unpaid religious day if the employee is necessary to maintain public safety, or if the employee's absence creates an undue hardship as defined by the Washington State Office of Financial Management.
- C. Temporary workers will not receive any service credit for the purposes of retirement or step progression increases for taking any such unpaid religious day.
- D. The City will continue to provide reasonable accommodation based on religion under federal law to employees who seek accommodation in addition to the two unpaid days.