

**SUMMARY and FISCAL NOTE\***

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*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

**1. BILL SUMMARY**

**Legislation Title:**

AN ORDINANCE relating to City employment; authorizing the execution of a Memorandum of Understanding for flexibility to respond to the civil emergency declared on March 3, 2020; providing certain benefits and conditions for employees using leave pursuant to the Families First Coronavirus Response Act; temporarily suspending vacation accrual maximums of Seattle Municipal Code 4.34.020; providing for maintenance of medical benefits for unpaid leave; temporarily suspending scheduling change notices to employees required by Seattle Municipal Code 4.20.365; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the Seattle City Council.

**Summary and background of the Legislation:**

Following the Mayor’s Proclamation of Civil Emergency on March 3, 2020, the City of Seattle and many of its unions entered into bargaining and came to a tentative agreement to achieve flexibility and other supports for the City workforce to respond to the public health crisis. The resulting memorandum of understanding (“MOU”) provides for the following:

- Telecommuting and alternative work schedules,
- Ability for employees to supplement paid leave provided under the Families First Coronavirus Response Act (“FFCRA”) with their own vacation and sick leave to avoid loss of pay,
- Waiver of the vacation accrual maximums for employees in job classifications defined as essential under department Continuity of Operations Plans,
- Maintenance of medical benefits for employees on unpaid leave for up to three months,
- Extension of the employment separation date for intermittent employees,
- Notice requirements for collective bargaining,
- Waiver of general contractual notice requirements,
- Suspension of timeline requirements in collective bargaining agreements,
- Mutual understanding of how the City will assign work,
- Commitment by the City to employ City employees where possible, but the ability to contract out work if certain criteria are met,
- Other terms and conditions of the MOU.

The term of the MOU is retroactive to March 3, 2020, and in effect through September 1, 2020 or until the Mayoral Proclamation has ended, whichever is sooner. Additional provisions allow for extension of the MOU. The Mayor may only implement provisions of the MOU to employees covered by a union that has ratified or approved the MOU.

The legislation clarifies how use of leave under the FFCRA will impact certain employment benefits and conditions. The FFCRA provides up to 80 hours of Emergency Paid Sick Leave (“EPSL”) for certain employee absences related to COVID-19 and up to 12 weeks of Public Health Emergency Leave (“PHEL”) when an employee must miss work because their child’s school or place of care is closed or unavailable due to COVID-19. In some cases, use of EPSL and PHEL is only partially paid. An employee who uses EPSL provided by FFCRA shall have such time counted towards pay step progression, accrual of vacation and sick leave, service credit for layoff purposes, and completion of a trial or probationary period. An employee who uses PHEL provided by the FFCRA shall only have such time counted towards pay step progression, accrual of vacation and sick leave, service credit for layoff, and completion of a trial or service period as allowed for family and medical leave. For both leave types, employees will receive retirement credit as allowable under Seattle Municipal Code 4.36. Both EPSL and PHEL shall be treated as compensable and creditable service time, for purposes of contributions and service credit in the Seattle City Employee Retirement System under Seattle Municipal Code Chapter 4.36.

Finally, this legislation provides the authority to extend the same supports and flexibility provided in the MOU to non-represented employees, where legislative authority is required. The duration of benefits and conditions authorized by the Council Bill are the same as for and consistent with the MOU.

## 2. SUMMARY OF FINANCIAL IMPLICATIONS

**Does this legislation amend the Adopted Budget?**    \_\_\_ Yes \_\_\_X\_\_\_ No

**Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?**

Any additional costs incurred due to this legislation are expected to be de minimus and will be absorbed by existing appropriation. Any extended medical insurance benefits to employees on unpaid leave will be funded through the health care reserve fund, which is jointly managed by the City and unions, and this was an agreed-upon approach with the unions.

**Is there financial cost or other impacts of *not* implementing the legislation?**

If the legislation is not implemented, the City will need to adhere to existing collective bargaining agreements and Seattle Municipal Code provisions and will not have the flexibility to respond to the civil emergency. The City would have decreased flexibility to reassign City staff to COVID response functions, such as the operations of additional shelters and hygiene facilities, and incur additional direct costs for these components of the response. Additionally, supports for employees will not be available, such as supplementing FFCRA

leave with existing leave balances, waiver of vacation accrual maximums, and access to medical benefits during unpaid leave.

### 3. OTHER IMPLICATIONS

- a. **Does this legislation affect any departments besides the originating department?**  
This legislation affects working conditions for most City employees.
- b. **Is a public hearing required for this legislation?**  
No.
- c. **Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**  
No.
- d. **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**  
No.
- e. **Does this legislation affect a piece of property?**  
No.
- f. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**  
This legislation provides supports to employees during the Civil Emergency, some of which are part-time employees who earn lower wages.
- g. **If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**  
Not applicable.

**List attachments/exhibits below:** None.