Legislation Details (With Text)

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Type:	Ordinance (Ord)	**Status:**	Passed
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On agenda:	12/4/2017		
Final Action:	12/8/2017	**Ord. No.**	Ord 125484
Title:	AN ORDINANCE relating to City employment; amending Sections 4.24.005, 4.24.010, 4.24.030, 4.24.035, and 4.24.040 of the Seattle Municipal Code (SMC); and repealing Section 4.24.050 of the SMC; authorizing a memorandum of understanding between The City of Seattle and City labor unions; and ratifying and confirming certain prior acts.		
Sponsors:	Lisa Herbold		
Indexes:			
Attachments:	1. Att 1 - Memorandum of Understanding, 2. Summary of CB 119144 and CB 119145, 3. Central Staff Memo, 4. Memo Attachment A, 5. Summary and Fiscal Note, 6. Memo Attachment B, 7. Signed Ord_125484, 8. Affidavit of Publication		

Date	Ver.	Action By	Action	Result
12/8/2017	1	City Clerk	attested by City Clerk	
12/8/2017	1	Mayor	returned	
12/8/2017	1	Mayor	Signed	
12/6/2017	1	City Clerk	submitted for Mayor's signature	
12/4/2017	1	City Council	passed	Pass
11/28/2017	1	Civil Rights, Utilities, Economic Development, and Arts Committee	pass	Pass
11/27/2017	1	City Council	referred	
11/16/2017	1	Council President's Office	sent for review	
11/7/2017	1	City Clerk	sent for review	
11/7/2017	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to City employment; amending Sections 4.24.005, 4.24.010, 4.24.030, 4.24.035, and 4.24.040 of the Seattle Municipal Code (SMC); and repealing Section 4.24.050 of the SMC; authorizing a memorandum of understanding between The City of Seattle and City labor unions; and ratifying and confirming certain prior acts.

WHEREAS, on November 8, 2016, voters of the State of Washington authorized Initiative 1433, mandating certain statewide labor standards, including minimum wage and sick leave, to be effective on January 1,

2018; and

WHEREAS, Seattle Municipal Code Chapter 14.16 contains labor standards relating to sick leave that also apply to City employment; and

WHEREAS, Seattle Municipal Code Chapter 4.24 relating to employee sick leave must be revised to fully incorporate requirements of Initiative 1433 and Seattle Municipal Code Chapter 14.16; and

WHEREAS, the City entered into negotiations with employee labor unions and came to an agreement on implementing the new paid leave standards; and

WHEREAS, Section 4.24.050 of the Seattle Municipal Code, on the subject of sick leave for temporary employees, is obsolete; and

WHEREAS, for administrative ease, the Seattle Department of Human Resources seeks to implement the new State-mandated sick leave benefits at the start date of a pay period, December 27, 2017; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 4.24.005 of the Seattle Municipal Code, last amended by Ordinance 121884, is amended as follows:

4.24.005 Definitions ((.))

Terms used in this ((~~chapter~~)) Chapter 4.24 shall have the meanings indicated ((~~therefore~~)) therefor in the Personnel Ordinance (((~~Seattle Municipal Code~~)) (Chapter 4.04) unless another meaning is clearly indicated below or from the context:

A. "Eligible family member" for purposes of sick leave usage means:

1. The employee's child, regardless of age (i.e., the biological, adopted, foster, or step child of an employee or ((~~his or her~~)) the employee's spouse/domestic partner, or a legal ward or a child for whom the employee or ((~~his or her~~)) the employee's spouse/domestic partner stands in loco parentis).

2. The employee's domestic partner, designated as such by the employee in an Affidavit of

Domestic Partnership or otherwise as provided by ((~~Seattle Municipal Code~~)) Section 4.30.010.

3. The grandparent of an employee or ((~~his or her~~)) the employee's spouse/domestic partner (i.e., the parent of an employee's birth, adoptive, foster, or step parent; or the parent of an employee's spouse's or domestic partner's birth, adoptive, foster, or step parent).

4. The employee's birth, adoptive, foster, or step parent; or an individual who stood in loco parentis to the employee when the employee was a child; or a birth, adoptive, foster, or step parent or individual who stood in loco parentis to the employee's spouse or domestic partner when the spouse or domestic partner was a child.

5. The employee's legally recognized spouse.

6. The employee's sibling or the sibling of the employee's spouse or domestic partner.

7. The employee's grandchild or the grandchild of the employee's spouse or domestic partner.

B. "Health care professional" means a person whose services are of a type for which compensation is paid under any City health care plan.

Section 2. Section 4.24.010 of the Seattle Municipal Code, last amended by Ordinance 124003, is amended as follows:

4.24.010 Computation of sick leave ((.))

A. Cumulative sick leave with pay computed at the rate of .046 hours for each hour on regular pay status as shown on the payroll, but not to exceed ((~~forty (40)~~)) 40 hours a week, and all benefits of this Subchapter I shall be granted to all City officers and employees over whom the legislative authority has jurisdiction in this respect, including those temporary workers who have qualified pursuant to ((~~Seattle Municipal Code Section 4.20.055(C)~~)) subsection 4.20.055.C; provided, that members of the Police and Fire Departments who were members of the Washington State Law Enforcement Officers' and Fire Fighters' Retirement ("LEOFF") System as of or before September 30, 1977 ("LEOFF 1 members"), and those

employees specifically excluded by provisions of salary ordinances, shall not be included; provided further, that persons who became members of the LEOFF System on or after October 1, 1977 ("LEOFF 2 members"), and who are represented by the Fire Fighters' Union, the Police Officers' Guild, or an equivalent labor organization for labor negotiation purposes, shall receive whatever benefits of the City's sick leave program as are established in the labor contract between the City and such organization. Officers and employees shall accumulate sick leave credits from the date of entering City service and shall be entitled to sick leave with pay after ((~~thirty (30)~~)) 30 calendar days of employment.

B. Cumulative sick leave with pay computed at the same rate ((~~of .033 hours for all hours worked~~)) and with all benefits and conditions required by ((~~Ordinance 123698~~)) Chapter 14.16 and other applicable laws such as RCW 49.46.210 shall be granted to all temporary employees not eligible for fringe benefits pursuant to ((~~Seattle Municipal Code subsection 4.20.055(C), except that "work study" employees as defined by the administrative rules promulgated by the Seattle Office of Civil Rights shall not be eligible for the sick leave benefit~~)) subsection 4.20.055.C.

C. 1. Members of the Police and Fire Department who are LEOFF 1 members will be provided a paid sick leave bank called "Dependent Care and Safe Leave" to use for dependent care and safe leave reasons as required by ((~~Ordinance 123698~~)) Chapter 14.16 and other applicable laws such as RCW 49.46.210. The City authorizes the use of such leave to care for an eligible family member of the LEOFF 1 member who has an illness, injury, or health care appointment requiring the absence of the LEOFF 1 member from work, or when such absence is recommended by a health care professional. The City also authorizes use of this paid leave for safe leave reasons as required under ((~~Ordinance 123698~~)) Chapter 14.16 and other applicable laws such as RCW 49.46.210. For purposes of this dependent care paid leave only, "eligible family member" has the same meaning as provided in ((~~Seattle Municipal Code 4.24.005(A)~~)) subsection 4.24.005.A; and "health care professional" has the same meaning as provided in ((~~Seattle Municipal Code 4.24.005(B)~~)) subsection 4.24.005.B. This leave may not be used for any other purpose.

2. Effective August 29, 2012, LEOFF 1 members shall have paid sick leave deposited into their Dependent Care and Safe Leave accounts so that the total amount of such leave received for 2012 is equal to 72 hours. Thereafter, at the beginning of each calendar year, each full-time LEOFF 1 member will accrue an additional 72 hours of paid sick leave to be added to the existing hours in ((~~his/her~~)) the member's Dependent Care and Safe Leave bank. The annual accrual of paid sick leave hours for part-time LEOFF 1 members will be prorated. Unused hours will be carried over to the next calendar year. There is no cap or maximum limit on the number of hours a LEOFF 1 member may accumulate in ((~~his/her~~)) the member's bank. LEOFF 1 members who transfer to other City departments may convert ((~~a maximum of 72~~)) the Dependent Care and Safe Leave hours to traditional sick leave for use authorized under ((~~Seattle Municipal Code Section~~)) this Chapter 4.24 to the new position in the accepting department in accordance with Chapter 14.16 and RCW.49.46.210. LEOFF 1 members may not donate Dependent Care and Safe Leave hours to other members or City employees. Dependent Care and Safe Leave hours may not be cashed out or paid off upon retirement or at any other time.

Section 3. Section 4.24.030 of the Seattle Municipal Code, last amended by Ordinance 124003, is amended as follows:

4.24.030 Change in position or department ((~~.~~))

Change in position or transfer to another City department included in the sick leave plan shall not result in a loss of sick leave accumulated under this ((~~subchapter~~)) Subchapter I or as a Seattle Public Library employee. An officer or employee reinstated or re-employed in the same or another department included in this plan after termination of service, except after dismissal for cause, resignation, or quitting, shall be credited with all unused sick leave accumulated prior to such termination. An officer or employee reinstated or re-employed in the same or another department included in this plan after dismissal for cause, resignation, or quitting, shall ((~~be credited with up to a maximum of 72 hours of unused sick leave accumulated prior to such termination, but only if such employee is re-employed within seven months of his or her separation from City service~~)) have unused sick leave reinstated as required by Chapter 14.16 and other applicable laws such as RCW 49.46.210.

Section 4. Section 4.24.035 of the Seattle Municipal Code, last amended by Ordinance 124003, is amended as follows:

4.24.035 Paid Sick Leave-Use ((.))

A. An ((~~officer's or employee's request for paid sick leave may be granted by the appointing authority or a designated management representative when the officer or employee is required to be absent from work because of~~)) officer or employee is authorized to use paid sick leave for the following reasons:

1. ((~~A personal illness, injury or medical disability incapacitating the officer or employee for the performance of duty, or personal health care appointments~~)) An absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, treatment of a mental or physical illness, injury, or health condition, or preventive care; or as otherwise required by Chapter 14.16 and other applicable laws such as RCW 49.46.210; or

2. ((~~An illness, injury, or health care appointment of an officer's or employee's eligible family member as defined by SMC Section 4.24.005A, requiring the absence of the officer or employee from work, or when such absence is recommended by a health care professional.~~)) To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; or care for a family member who needs preventative medical care, or as otherwise required by Chapter 14.16 and other applicable laws such as RCW 49.46.210; or

3. When the employee or officer's place of business has been closed by order of a public official for any health-related reason, or when an employee's or officer's child's school or place of care has been closed for such reason, or as otherwise required by Chapter 14.16 and other applicable laws such as RCW 49.46.210.

4. Absences that qualify for leave under the Domestic Violence Leave Act, chapter 49.76 RCW.

B. An officer's or employee's request for paid sick leave may be granted by the appointing

authority or a designated management representative when the officer or employee chooses to be absent from work for the:

1. Non-medical care of a newborn child of the officer or employee or ((~~his or her~~)) the officer's or employee's spouse or domestic partner; or

2. Non-medical care of a dependent child placed with the officer or employee or ((~~his or her~~)) the officer's or employee's spouse or domestic partner for purposes of adoption, including any time away from work prior to or following placement of the child to satisfy legal or regulatory requirements for the adoption.

Paid sick leave used for the purposes contemplated by this subsection 4.24.035.B must end before the first anniversary of the child's birth or placement.

C. An officer or employee may participate in City-sponsored blood drives as a non-compensated donor without deduction of pay or paid leave balances. Such participation will include the time required to travel from the work site to the blood drive location and return to the work site, and a reasonable recuperation period, but may not exceed three (((~~3~~))) hours per occurrence.

D. 1. Officers and regularly appointed employees shall be eligible for up to five (((~~5~~))) workdays or ((~~forty (40)~~)) 40 hours, whichever is less, of absence from their usual worksite without reduction in pay or use of paid leave to the extent their absence is medically necessary for the purpose of being a transplant donor, as that term is defined in this subsection. "Transplant donor" means a regularly appointed employee or officer who:

a. Voluntarily donates ((~~his or her~~)) the officer's or employee's bone marrow, other tissue, or organ to a human recipient for whom that particular donation has been medically matched and determined to be uniquely suited or critical to a successful outcome in a medical procedure intended to save the recipient's life;

b. Receives no compensation and has no ability to direct any compensation to any

other person or entity for the officer's or employee's donation or participation as a donor;

c. Provides to ((~~his or her~~)) the officer's or employee's appointing authority reasonable advance written notice of ((~~his or her~~)) the officer's or employee's need to be absent from the usual worksite as well as the reason for and expected duration of the absence;

d. Provides written documentation satisfactory to ((~~his or her~~)) the officer's or employee's appointing authority from an accredited medical institution, organization, or individual of the need for the officer or employee to participate as a donor; and

e. Has not been a transplant donor under this subsection 4.24.035.D for a different medical procedure within the ((~~twelve (12)~~)) 12 months immediately preceding the date when the absence under this subsection 4.24.035.D would commence.

2. A transplant donor for whom an absence in excess of the time allowed in subsection ((~~D1~~)) 4.24.035.D.1 is documented as being medically necessary shall be eligible to use any appropriate available leave balance or take unpaid leave in accordance with existing City ordinances and rules.

3. No absence is authorized under this subsection 4.24.035.D for tests or for other pre-donation appointments.

((~~E. An officer's or employee's request for paid sick leave may be granted by the appointing authority or a designated management representative when the officer or employee is required to be absent from work upon cancellation of his or her child's school, daycare, or other childcare service or program due to public health reasons related to pandemic influenza. The Mayor shall consult with the local Health Officer or the Washington State Secretary of Health prior to implementing this provision. Sick leave used for such purpose shall only be authorized for the duration of the cancellation, and for the employee to care for a child who is under the age of eighteen and who is a foster, biological, adopted or step child of the employee or the employee's spouse or domestic partner, or a legal ward or a child for whom the employee or his or her spouse/domestic partner stands in loco parentis and whose school or daycare or childcare service has been~~

~~cancelled due to public health reasons related to pandemic influenza.~~

~~F. An officer's or employee's request for use of paid sick leave may be granted by the appointing authority or a designated management representative when the officer or employee is absent from work for the following reasons:~~

~~1. When the employee's place of business has been closed by order of a public official to limit exposure to an infectious agent, biological toxin or hazardous material,~~

~~2. To accommodate the employee's need to care for a child whose school or place of care has been closed by order of a public official for such a reason.~~

~~3. For eligible reasons related to domestic violence, sexual assault, or stalking, as set out in RCW 49.76.030 as it exists on the effective date of this ordinance.~~))

Section 5. Section 4.24.040 of the Seattle Municipal Code, last amended by Ordinance 124567, is amended as follows:

4.24.040 Sick leave reporting-Payment ((~~.~~))

A. ((~~Compensation~~)) Paid sick leave for absence of an officer or employee from duty for any reason contemplated in Section 4.24.035 or other applicable laws shall be paid upon approval of such absentee's appointing authority or that authority's designee. In order to receive ((~~compensation for such absence~~)) paid sick leave, an officer or employee ((~~shall make himself or herself available for such investigation, medical or otherwise, as such appointing authority or the Seattle Human Resources Director deems appropriate~~)) may be required to provide verification that the officer's or employee's use of paid sick leave is for an authorized purpose, consistent with Chapter 14.16 and other applicable laws such as RCW 49.46.210. Such verification may not be required for absences of less than four consecutive days. ((~~Either such appointing authority or the Seattle Human Resources Director may require a supporting report of a health care professional from the officer or employee. Compensation for absences beyond four days shall be paid only after approval by such absentee's appointing authority or that authority's designee, of a request from the officer or employee supported~~

~~by a report of the health care professional treating the officer or employee or an individual identified in subsection 4.24.035.A.2, or by a health care professional selected by the Seattle Human Resources Director. Upon request by the employing unit, an employee shall provide documentation verifying cancellation of his or her child's school, daycare, or other childcare service or program for sick leave use as authorized in subsection 4.24.035.E and subsection 4.24.035.F.2.~~))

B. The requirements of providing supporting medical documentation from a health care professional set forth in ((~~SMC Section 4.24.040A~~)) subsection 4.24.040.A for payment of sick leave authorized under ((~~SMC Section 4.24.035A~~)) subsection 4.24.035.A to cover absences greater than four (((~~4~~))) days shall be waived by the Mayor on the advice of the local Health Officer for the duration of time that any schools, daycare programs, or other childcare services in King County are cancelled due to pandemic influenza.

((~~C. An appointing authority may require that a request for paid sick leave for to cover absences greater than four days for reasons set forth under Seattle Municipal Code 4.24.035(F)3 be supported by verification that the employee or employee's family member is a victim of domestic violence, sexual assault, or stalking, and that the leave taken was for a reason eligible as set out in RCW 49.76.030 as it exists on the effective date of this ordinance*. An employee may satisfy such request by providing documentation consistent with notification requirements as set out in RCW 49.76.040(4) as it exists on the effective date of this ordinance.~~))

Section 6. Section 4.24.050 of the Seattle Municipal Code, last amended by Ordinance 124567, is repealed:

((~~4.24.050 Temporary employees~~

~~Employees on a temporary basis and not otherwise excluded who work on a definite and predetermined schedule over an extended period may receive sick leave compensation for scheduled work periods only, on the same basis as regular City employees. Determination as to an employee's eligibility under this provision shall be made by the Seattle Human Resources Director.~~))

Section 7. Sections 1 through 6 of this ordinance shall take effect on December 27, 2017.

Section 8. The Mayor is hereby authorized for and on behalf of the City to execute a Memorandum of Understanding between the City and City labor unions to amend existing collective bargaining agreements' paid sick leave provisions to make them consistent with the changes authorized in this ordinance. The Memorandum of Understanding is attached to this ordinance as Attachment 1: "Memorandum of Understanding by and between City of Seattle and City Unions."

Section 9. Any act consistent with the authority and taken prior to the effective date of this ordinance is ratified and confirmed.

Section 10. 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 _____, 2017, and signed by me in open session in authentication of its passage this _____ day of _____, 2017.

_____

President _____ of the City Council

Approved by me this _____ day of _____, 2017.

_____

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2017.

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Monica Martinez Simmons, City Clerk

(Seal)

Attachments:
Attachment 1: Memorandum of Understanding by and between City of Seattle and City Unions