



Legislation Text

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File #: CB 119795, Version: 1

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**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

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.

WHEREAS, The City of Seattle (“City”) and certain unions entered into bargaining and came to a tentative agreement on a memorandum of understanding to achieve flexibility and other supports for the City workforce to respond to the civil emergency declared on March 3, 2020; and

WHEREAS, the City seeks to extend these same benefits to non-represented employees and legislation is required to do so; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. The City Council finds and declares that:

A. On February 29, 2020, Governor Inslee proclaimed a State of Emergency for all counties throughout the State of Washington as a result of the confirmed person-to-person spread of COVID-19 in Washington State.

B. The COVID-19 disease, caused by a virus that spreads easily from person to person and which may cause serious injury and death, has spread throughout Seattle and King County.

C. On March 3, 2020, Mayor Durkan issued a Proclamation of Civil Emergency declaring a civil emergency within Seattle based on the confirmed spread of COVID-19 in King County and resulting deaths.

D. In recognition of the danger that hospitals may become overwhelmed with COVID-19 patients unless the spread of the disease is slowed, on March 23, 2020, Governor Inslee imposed a stay-home order throughout Washington State prohibiting all people in the State from leaving their homes or participating in gatherings, with only limited exceptions for participating in essential activities or essential business services. The order is currently in effect through May 31, 2020.

E. Governor's Proclamation 20-28 prohibits agencies from taking action (as defined in RCW 42.30.020), unless the matter is (1) necessary and routine; or (2) necessary to respond to the COVID-19 public health emergency.

F. This legislation is necessary to implement a memorandum of understanding and temporarily waive certain requirements of the Seattle Municipal Code to achieve flexibility and provide support to employees to respond to the civil emergency.

G. This legislation is necessary to become effective immediately to timely provide employee benefits, including coordination with federal COVID-19 relief benefits, and to enhance the ability of public servants to preserve the health and welfare of employees and the public.

Section 2. As requested by the Seattle Human Resources Director and recommended by the Mayor, the Mayor is authorized on behalf of The City of Seattle ("City") to execute a memorandum of understanding between the City and signatory unions, substantially in the form attached to this ordinance as Attachment 1 and identified as "Memorandum of Understanding By and Between the City of Seattle and Signatory Unions" for those unions that have ratified or otherwise approved the memorandum of understanding.

Section 3. If an employee is eligible for benefits under the Families First Coronavirus Response Act (FFCRA) and emergency paid sick leave (EPSL) or public health emergency leave (PHEL) benefits do not cover an employee's regular hourly base wage, the employee may use accrued sick or vacation leave to cover any difference between the federal benefit and the employee's base hourly rate of pay, up to a maximum of the employee's regularly scheduled working hours, not to exceed a total of 80 paid hours over any two-week

period.

Section 4. 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. 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.

Section 5. For employees in classifications defined as essential in order to perform mission critical functions under departmental Continuity of Operations Plans (COOP), whether working onsite or remotely, and as a result would exceed the maximum accrued allowance of vacation hours that can be accrued by an employee under Seattle Municipal Code Section 4.34.020, the employee will be allowed to accrue over the cap for three months after the Mayor's emergency proclamation on March 3, 2020 ends and normal operations restart. Appointing authorities or their delegates may extend grace periods for continuing vacation accrual (for essential employees as defined above) for this limited purpose.

Section 6. The City will maintain medical benefits for employees during unpaid leave for up to three months, beginning from the time employees would otherwise lose benefits because of their unpaid-leave status and ending after three months' benefits or until termination of the civil emergency proclaimed by the Mayor on March 3, 2020, whichever is sooner. These benefits run concurrently with any benefits provided under Seattle Municipal Code Chapter 4.26 during unpaid family medical leave.

Section 7. There shall be no obligation for the City to provide notice of short- and long-term scheduling changes or pay additional overtime wages for failing to provide such notice, as required by Seattle Municipal Code 4.20.365.

Section 8. Sections 3 through 7 of this ordinance shall only apply to non-represented employees and to

represented employees for whom the City has come to an agreement with their respective union(s).

Section 9. To the extent provisions of Seattle Municipal Code Sections 4.20.365 or 4.34.020 are inconsistent with this ordinance, they are superseded.

Section 10. The benefits and changes to working conditions provided in this ordinance shall be retroactive, where practicable, to March 3, 2020, and in effect through September 1, 2020 or until termination of the civil emergency proclaimed by the Mayor on March 3, 2020, whichever is sooner. The Seattle Human Resources Director may extend final date of the benefit period for non-represented employees in 30-day increments to the extent that it is consistent with the extension of the Memorandum of Understanding authorized by this ordinance in Section 2.

Section 11. Based on the findings of fact set forth in Section 1 of this ordinance, the Council finds and declares that this ordinance is a public emergency ordinance, which shall take effect immediately and is necessary for the protection of the public health, safety, and welfare.

Section 12. By reason of the findings set out in Section 1, and the emergency that is hereby declared to exist, this ordinance shall become effective immediately upon its passage by a 3/4 vote of the Council and its approval by the Mayor, as provided by Article 4, subsection 1.1 of the Charter of the City.

Passed by a 3/4 vote of all the members of the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2020, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment 1 - Memorandum of Understanding By and Between the City of Seattle and Signatory Unions