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Chapter 4.18
ENFORCEMENT OF FEDERAL IMMIGRATION LAWS

Sections:

4.18.010Cooperation with enforcement of federal immigration laws.
4.18.020Mayor reports to Council.
4.18.030City Attorney enforcement duties.

Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of its application to other persons or circumstances.
(Ord. 113192 § 7, 1986.)

4.18.010Cooperation with enforcement of federal immigration laws.

City officers and employees are directed to cooperate with, and not hinder, enforcement of federal immigration laws.
(Ord. 113192 § 4, 1986.)

4.18.020Mayor reports to Council.

The Mayor shall report to the City Council and the people on a quarterly basis, beginning thirty (30) days from November 4, 1986, as to the actions taken and being taken in support of the ordinance codified in this chapter and Initiative 30.[1]
(Ord. 113192 § 5, 1986.)

1.Editor's Note: The full text of Sections 1, 2 and 3 of Ordinance 113192 is set out below for the convenience of the Code users.

Section 1. To carry out Initiative 30, passed by the electorate at a General Election held November 4, 1986, Resolution 27402, entitled—

A RESOLUTION declaring Seattle a City of Refuge urging fair and impartial enforcement of federal immigration law as it pertains to persons who fit the definition of refugee as defined in the Refugee Act of 1980 and in particular those of Central America, and recognizing the courage and personal convictions of Seattle residents who offer sanctuary to such persons.

is hereby rescinded effective December 3, 1986.

Section 2. As of December 3, 1986, Sections 2 and 4 of Ordinance 111256, entitled—

AN ORDINANCE providing for the submission to the voters of The City of Seattle at an election on November 8, 1983 of Initiative Measure 28 (C.F. 292402), which bears the caption "For Peace in Central America"; providing for certification of such initiative to the King County Director of Records and Elections, and prescribing the ballot title therefor.

and of Initiative 28 with the following ballot title—

"Should Seattle petition Congress to make more federal funds available to cities by eliminating expenditures for war in Central America?"

are hereby repealed, and the Citizens' Commission on Central America convened thereby is dissolved.

Section 3. Terms of members of the Citizens' Commission on Central America appointed pursuant to Resolution 27081, entitled—

A RESOLUTION appointing members of the Citizens' Commission on Central America.

and other resolutions shall expire upon dissolution of the Commission.

4.18.030City Attorney enforcement duties.

Consistent with and subject to Article XIII of the City Charter[2] and the Code of Professional Responsibility, the City Attorney is requested to defend every action brought to declare invalid any section of Initiative 30[3] and the ordinance codified in this chapter, and maintain actions enforcing provisions of said Initiative 30 and this chapter.
(Ord. 113192 § 6, 1986.)

2.Editor's Note: The Charter is set out at the front of Volume I of this Code.

3.Editor's Note: The full text of Ordinance 113160 on Initiative 30, is set out below:

AN ORDINANCE 113160

INITIATIVE 30 FOR RESPONSIBLE IMMIGRATION

WHEREAS the conduct of foreign policy is primarily the responsibility of the President of the United States with the advice and consent of the Congress, and

WHEREAS the Seattle City Council and Mayor should devote their attention to the problems facing Seattle and avoid diversions of their time and city funds for the consideration or obstruction of foreign policy and immigration matters, and

WHEREAS sister city relationships should be directed to cultural not political purposes, but it instead appears that the Managua sister city relationship has been used to advance the political views of the Marxist-Leninist government of Nicaragua, and

WHEREAS it appears that the Citizens' Commission on Central America has become or been used as a platform for political activities sympathetic to anti-democratic governments and political movements seeking to discredit or obstruct American policies and laws;

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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SECTION 1

The people of the City of Seattle favor legal immigration to the United States and believe that federal immigration laws and policies of this country are generally fair and just and should not be defied or hindered by public authorities and employees, including those of the City of Seattle.

SECTION 2

The Seattle City Council and Mayor shall, within thirty (30) days of the passage of this initiative, rescind the so-called "City of Refuge" Resolution 27402 and its provisions, dissolve the Citizens' Commission on Central America, refrain from creating similar resolutions, and direct city authorities to cooperate with, and not hinder, enforcement of federal immigration laws.

SECTION 3

The people of the City of Seattle urge the City Council and Mayor to devote their attention to the problems facing Seattle and to avoid diversions of their time and City funds for the consideration of foreign policy and immigration matters, and that sister city relationships be directed primarily to cultural rather than political purposes.

SECTION 4

The Mayor shall report to the City Council and the people on a quarterly basis, beginning thirty (30) days from the passage of this initiative, as to the actions taken and being taken in support of this initiative.

SECTION 5

If any provision of this initiative or its application to any person or circumstance is held invalid, the remainder of the initiative, or the application of the provision to other persons or circumstances, is not affected. The City Attorney shall defend every action brought to declare invalid any section of this initiative, and the City Attorney shall maintain all action to enforce the provisions of this initiative. Nothing in this section shall prohibit any person from bringing or participating in any action involving the validity or enforcement of the provisions of this initiative.

SECTION 6

This ordinance shall take effect at the earliest date authorized under Article 4, Section 1 of the City Charter.

Deadline May 30

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Chapter 4.20
COMPENSATION AND WORKING CONDITIONS GENERALLY

Sections:

Subchapter I General Compensation Regulations

4.20.010 Positions and compensation generally.
4.20.020 Position titles and compensation to be fixed by ordinance.
4.20.030 Salary upon appointment.
4.20.040 Time periods for automatic salary increases.
4.20.050 Temporary help in mechanical trades.
4.20.055 Premium pay for temporary City employees.
4.20.060 Credit for unpaid absences.
4.20.065 Administrative reassignment.
4.20.070 Effective date of salary increase.
4.20.080 Changes in incumbent status transfers.
4.20.082 Definitions for implementation of Management Compensation Study.
4.20.085 Step increases for employees included in the Management Compensation Study.
4.20.090 Payment for employee working less than full-time.
4.20.100 Firefighters' compensation.
4.20.110 Biweekly pay periods.
4.20.120 Appointment authority.
4.20.130 Substitution of lower class position.
4.20.140 Filling positions for limited periods in excess of those established.
4.20.150 Use of allowances for vacation and sick relief.
4.20.160 Personnel Director to check payrolls.
4.20.170 Eight-hour day—Five-day week.
4.20.190 Holiday pay or time off.
4.20.200 Holiday pay—Employee to work day preceding or following.
4.20.210 Payment for work on a holiday.
4.20.220 Jury duty or subpoena as witness—No loss of pay.
4.20.225 Testimony at Civil Service Commission hearing—Compensation conditions.
4.20.230 Overtime work defined.
4.20.240 Overtime work—When authorized.
4.20.250 Overtime work—Rates of pay.
4.20.260 Overtime work—Police officers.
4.20.270 Overtime work—Firefighters.
4.20.280 Compensatory time off in lieu of overtime pay.
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4.20.300 Payment for performance of out-of-class duties.
4.20.315 Overtime for eligible professional, administrative and executive employees.
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4.20.325 Overtime-related meal compensation.
4.20.330 Coveralls to be furnished for certain personnel.
4.20.340 Conflict between subchapter and collective bargaining agreement.
4.20.350 Request for creation of new position.
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Subchapter II Miscellaneous Provisions

4.20.510 Compensation for temporary work at other than regular location.
4.20.520 Employees under I.B.E.W. agreement—Day off for family emergency.
4.20.530 Police holidays.
4.20.540 Police working special events or emergency situations.
4.20.550 Days off for police officers and firefighters.
4.20.600 Contributions to LEOFF; PERS—Adjustment for federal income tax purposes.
4.20.610 Contributions to City Employees' Retirement System—Adjustment for federal income tax purposes.

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4.20.700Pay warrants under One Dollar ($1.00).

Subchapter III
Reporting—Whistleblower Protection
4.20.800Policy—Purpose.
4.20.810Reporting improper governmental action— Employee protection.
4.20.820Confidentiality.
4.20.830Investigation.
4.20.840Civil penalty.
4.20.850Definitions.
4.20.860Reporting and adjudicating retaliation.

Statutory Reference: For Charter provisions regarding salaries, see Charter Art. XVII.

Cross-reference: For provisions regarding the Salary Administration Policy Committee, see Chapter 3.78 of this Code.

Subchapter I General Compensation Regulations

4.20.010Positions and compensation generally.

From and after the first day of January 1989, except as otherwise specified in Section 3 of the ordinance codified herein,[1] the positions of the officers and employees in the various employing units of the City government, hereinafter named, shall be defined and designated as set forth in the Salary Schedule and Compensation Plan — September 1988, attached to the ordinance codified herein as Exhibit A, as modified by the Management Compensation Study payroll title and salary level actions described in the attached Exhibit B, and the compensation to be paid said officers and employees, under authority of this chapter shall not exceed the amounts indicated in such modified schedule and plan; provided, that nothing herein contained shall be construed as requiring the continued employment of any officer or employee. The 1988 Salary Range Table included in Exhibit A, as modified by Exhibit B, shall be used to determine the salary rates applicable to various positions of employment with the City where such salary is identified by reference to a particular salary range.

(Ord. 114529 § 1, 1989: Ord. 97330 § 1, 1968.)

1.Editor's Note: Section 3 of Ord. 114529 pertains to implementation of the ordinance provisions and is not codified. It is on file with the ordinance, and Exhibits A and B of the ordinance, in the office of the City Clerk.

4.20.020Position titles and compensation to be fixed by ordinance.

The titles and schedules of compensation for the positions of officers and employees of the City shall be as established by ordinance.

(Ord. 109564 § 1(part), 1980: Ord. 107172 § 1(part), 1978: Ord. 105939 § 1(part), 1976: Ord. 105843 § 1(part), 1976: Ord. 105333 § 1(part), 1976: Ord. 101614 § 1(part), 1972: Ord. 99859 § 1(part), 1971: Ord. 98292 § 1(part), 1969: Ord. 97410 § 1(part), 1969: Ord. 97330 § 46.1, 1968.)

4.20.030Salary upon appointment.

Every employee, upon initial appointment to any position in the classified service shall receive the minimum rate of the salary range fixed for the position, except as provided herein. When the application of this section results in inadequate recognition of a job candidate's qualifications, or when competitive recruiting so requires, payment at other than the prescribed step may be authorized by the appointing authority, in accordance with rules promulgated by the Personnel Director.

The appointing authority may approve, without further review, payment at other than the minimum step of the appropriate salary range, or payment at a step other than that prescribed by promotion rules, for appointments to positions that are exempt from the classified service, as designated in SMC Chapter 4.13.

The Personnel Director shall provide a summary report to the City Council annually demonstrating how department authorizations for salary step exceptions met the administrative guidelines, as well as his or her analysis of whether any such exception demonstrated a need for adjustment to the assigned salary range of the relevant position title.

(Ord. 118469 § 1, 1997: Ord. 117257 § 1, 1994: Ord. 109564 § 1(part), 1980: Ord. 107172 § 1(part), 1978: Ord. 105939 § 1(part), 1976: Ord. 105843 § 1(part), 1976: Ord. 105333 § 1(part), 1976: Ord. 101614 § 1(part), 1972: Ord. 99859 § 1(part), 1971: Ord. 98292 § 1(part), 1969: Ord. 97410 § 1(part), 1969: Ord. 97330 § 46.2, 1968.)

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4.20.040Time periods for automatic salary increases.

A. An employee shall be granted the first automatic step increase in salary rate upon completion of six (6) months of service when hired at the first step of the salary range, and succeeding automatic step increases shall be granted after twelve (12) months of "actual service" from the date of eligibility for the last step increase to the maximum of the range; provided, that officers and employees in the following titles shall be paid on the basis of the applicable criteria designated for each title:

Policy and Management Analyst. Progression through the salary range shall be at the discretion of the Director of the Office of Management and Planning.

Student Accountant and Planning Intern. The first step of the respective salary range shall be paid to third-year college or university students and the second step shall be paid to those who have completed their third year of such academic training.

Student Engineer. The first step of the salary range shall be paid to students who have actually commenced a course of studies leading to an engineering degree, the second step to students who have completed their first year of such studies, the third step to students who completed their second year, and the fourth step to students who have completed the third year of such academic training.

Auto Machinist Apprentice, Electrician Constructor Apprentice, Lineman Apprentice. Beginning apprentices shall receive the first step of the salary range assigned to the class to which appointed and shall receive a salary step increase each six (6) months unless otherwise recommended in writing by the Joint Advisory Apprenticeship Committee and the Personnel Director and approved by the City Council.

Assistant Corporation Counsel. Assistants Corporation Counsel shall be paid such step in the salary range assigned to the position as may be determined by the Corporation Counsel.

Job Trainee Program. Beginning trainees shall receive the first step of the salary range assigned to the job class to which appointed and shall receive a salary step increase each six (6) months unless otherwise recommended by the Personnel Director.

Recreation Personnel. Employees in temporary or intermittent positions titled:

Recreation Leader
Recreation Attendant
Life Guard, Beach and Pool
Manager, Beach and Pool
Pianist

shall receive the salary step in the range assigned to the class in which employed as determined by the Superintendent of Parks and Recreation, subject to approval by the Budget Director.

Seasonal Tour Guides and Forest Guards. Employees filling seasonal positions of Tour Guide or Forest Guard shall receive the first step of the salary range assigned to the class for the first period of employment and shall receive a step increase each additional season employed in such capacity until the maximum salary step is reached.

B. For employees assigned salary steps other than the beginning step of the salary range, subsequent salary increases within the salary range shall be granted after twelve (12) months of "actual service" from the appointment or increase, then at succeeding twelve (12) month intervals to the maximum of the salary range established for the class.

(Ord. 118572 § 3, 1997; Ord. 109564 § 1(part), 1980: Ord. 107172 § 1(part), 1978: Ord. 105939 § 1(part), 1976: Ord. 105843 § 1(part), 1976: Ord. 105333 § 1(part), 1976: Ord. 101614 § 1(part), 1972: Ord. 99859 § 1(part), 1971: Ord. 98292 § 1(part), 1969: Ord. 97410 § 1(part), 1969: Ord. 97330 § 46.3, 1968.)

4.20.050Temporary help in mechanical trades.

Whenever it becomes necessary to employ temporary help as Journeymen, Foremen or Helpers in any of the generally recognized mechanical trades, the employment of such help under civil service rules is authorized, payment for such service to be made at current prevailing rates for similar work in private employment as determined by the Budget Director.

(Ord. 109564 § 1(part), 1980: Ord. 107172 § 1(part), 1978: Ord. 105939 § 1(part), 1976: Ord. 105843 § 1(part), 1976: Ord. 105333 § 1(part), 1976: Ord. 101614 § 1(part), 1972: Ord. 99859 § 1(part), 1971: Ord. 98292 § 1(part), 1969: Ord. 97410 § 1(part), 1969: Ord. 97330 § 46.4, 1968.)

4.20.055Premium pay for temporary City employees.

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A. The City will pay all temporary City employees the following prospective benefits, based on cumulative non-overtime hours worked by each employee:

1. Hour 1 through hour 520: five (5) percent premium pay;

2. Hour 521 through hour 1,040: ten (10) percent premium pay;

3. Hour 1,041 through hour 2,080: fifteen (15) percent premium pay; however, if an employee worked eight hundred (800) hours or more in the previous twelve (12) months, premium pay shall instead be twenty (20) percent;

4. Hour 2,081 and up: twenty (20) percent premium pay; however, if an employee worked eight hundred (800) hours or more in the previous twelve (12) months, premium pay shall instead be twenty-five (25) percent.

B. The calculations of hours to attain the foregoing levels, eligibility for medical and dental insurance benefits, work on holidays, vacation pay, and other fringe benefits shall be as provided in the Settlement Agreement, dated June 5, 1989, in the case of **Scannell v. The City of Seattle**, King County Superior Court Cause No. 844600, Section 3.

(Ord. 117301 § 2, 1994.)

4.20.060Credit for unpaid absences.

In determining "actual service" for advancement in salary step, authorized absence for non-disciplinary reasons for which an employee does not receive compensation will be credited at the equivalent of two hundred forty (240) regular pay hours per year. For the purposes of this section, time lost by reason of disability for which an employee is compensated by Workers' Compensation or Charter disability provisions shall not be considered absence. An employee who returns after layoff, or who is reduced in rank to a position in the same or another department, may be given credit toward actual service for such prior service.

(Ord. 118266 § 1, 1996: Ord. 109564 § 1(part), 1980: Ord. 107172 § 1(part), 1978: Ord. 105939 § 1(part), 1976: Ord. 105843 § 1(part), 1976: Ord. 105333 § 1(part), 1976: Ord. 101614 § 1(part), 1972: Ord. 99859 § 1(part), 1971: Ord. 98292 § 1(part), 1969: Ord. 97410 § 1(part), 1969: Ord. 97330 § 46.5, 1968.)

4.20.065Administrative reassignment.

A. Definition. "Administrative reassignment" means paid leave status which may be authorized for any City officer or employee, when such employee is the cause of or subject of, or otherwise significantly affected by an official investigatory process related to alleged violations of personnel rules, City Ordinances, or state or federal laws and/or regulations. Administrative reassignment shall not be considered discipline.

B. Purpose. Administrative reassignment as defined in this Section may result in an employee being removed from his/her regular work site for a duration specified by the Appointing Authority.

C. Authority. The Appointing Authority of each City Department or his/her designee for this purpose shall have the sole authority to make an administrative reassignment of an employee when, and only when, such employee's absence is deemed to be in the best business interest of the Department. Administrative reassignment may only be made after the Appointing Authority determines that it is the only reasonable course of action available within the Department for such employee.

D. Duration.

1. Administrative reassignment shall not exceed forty (40) work hours in duration except as provided in subsection 2, below.

2. If the Appointing Authority determines that extenuating circumstances require a period of administrative reassignment which exceeds forty (40) work hours in duration, he or she shall record the circumstances of the investigation necessitating the extraordinary duration and shall immediately notify the Personnel Director, who may grant or deny the extension. The Personnel Director shall state in writing the reasons for his/her concurrence with or denial of the extension. No such extension shall be granted without prior authorization from the Personnel Director.

E. Administration.

1. In each instance where administrative reassignment has been authorized, the Appointing Authority shall record the circumstances and/or business justification necessitating the reassignment. Such documentation shall be immediately forwarded to the Personnel Director for purposes of assessing and evaluating use patterns. The Personnel Director shall provide a summary report of the aforementioned documentation to the City Council on an annual basis.

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2. Administrative reassignment shall be recorded as regular hours worked on payroll records.

(Ord. 117424 § 1, 1994.)

4.20.070Effective date of salary increase.

Any increase in salary based on service shall become effective upon the first day immediately following completion of the applicable period of service.

(Ord. 109564 § 1(part), 1980: Ord. 107172 § 1(part), 1978: Ord. 105939 § 1(part), 1976: Ord. 105843 § 1(part), 1976: Ord. 105333 § 1(part), 1976: Ord. 101614 § 1(part), 1972: Ord. 99859 § 1(part), 1971: Ord. 98292 § 1(part), 1969: Ord. 97410 § 1(part), 1969: Ord. 97330 § 46.6, 1968.)

4.20.080Changes in incumbent status transfers.

A. An employee transferred to another position in the same class or having an identical salary range shall continue to be compensated at the same rate of pay until the combined service requirement is fulfilled for a step increase, and shall thereafter receive step increases as provided in Section 4.20.040 until the maximum step is reached.

B. Promotions. An employee appointed to a position in a class having a higher maximum salary shall be paid at the appropriate step in the higher range which shall result in an increase in pay equivalent to at least one (1) salary step; provided that such increase shall not exceed the maximum step established for the higher paying position; provided further that this provision shall apply only to appointments of employees from regular full-time positions and shall not apply to appointments from positions designated as "intermittent" or "as needed," nor to temporary assignments providing pay "over regular salary while so assigned."

C. Demotions. An employee demoted because of inability to meet established performance standards from a regular full-time position to a position in a class having a lower salary range shall be paid the salary step in the lower range determined as follows:

1. If the rate of pay received in the higher class is above the maximum salary for the lower class, the employee shall receive the maximum salary of the lower range;

2. If the rate of pay received in the higher class is within the salary range for the lower class, the employee shall receive that salary rate for the lower class which, without increase, is nearest to the salary rate to which such employee was entitled in the higher class; provided that the employee shall receive not less than the minimum salary of the lower range.

An employee reduced because of organizational change or reduction in force from a regular full-time position to a position in a class having a lower salary range shall be paid the salary rate of the lower range which is nearest to the salary rate to which he was entitled in his former position without reduction provided that such salary shall in no event exceed the maximum salary of the lower range.

If an employee who has completed twenty-five (25) years of City service and who within five (5) years of a reduction in lieu of layoff to a position in a class having a lower salary range is again reduced in lieu of layoff to a position in a class having a lower salary range, such employee shall receive the salary he or she was receiving prior to such second reduction as an "incumbent" for so long as he or she remains in such position or until the regular salary for the lower class exceeds the "incumbent" rate of pay.

D. Reclassifications. When a position is reclassified by ordinance to a new or different class having a different salary range the employee occupying the position immediately prior to and at the time of reclassification shall receive the salary rate which shall be determined in the same manner as for a promotion; provided, that if the employee's salary prior to reclassification is higher than the maximum salary of the range for such new or different class, he shall continue to receive such higher salary as an "incumbent" for so long as he remains in such position or until the regular salary for the classification exceeds the "incumbent" rate of pay.

E. Change in the Number of Steps Assigned to a Salary Range. When the number of steps in a salary range is increased, the incumbent of a position affected by such change shall receive the salary step of the new salary range which has the same relationship to the maximum of such new range as the step received in the prior range had to the maximum of such prior range.

When the number of steps in a salary range is reduced, the incumbent of a position affected by

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such change shall receive the salary step of the new range as if such new range had been in effect at the time of appointment to the position.
(Ord. 109564 § 1(part), 1980: Ord. 107172 § 1(part), 1978: Ord. 105939 § 1(part), 1976: Ord. 105843 § 1(part), 1976: Ord. 105333 § 1(part), 1976: Ord. 101614 § 1(part), 1972: Ord. 99859 § 1(part), 1971: Ord. 98292 § 1(part), 1969: Ord. 97410 § 1(part), 1969: Ord. 97330 § 46.7, 1968.)

4.20.082 Definitions for implementation of Management Compensation Study.

For purposes of implementing the Management Compensation Study, clarifying the timing and impacts of the salary changes effected by the

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ordinance codified in this section, and identifying the salary rates established for the positions of employment listed in the attached Exhibit B,[1] which is a complete list, by employing unit, of all positions of employment included in the Management Compensation Study, the following phrases have the meanings set forth below:

A. "Actual service" means and includes all regular straight-time hours of work as well as paid time off such as vacation time, holiday time off, and sick leave. "Actual service" does not mean or include hours of work outside of regular straight-time hours for overtime pay. Except as limited herein, "actual service" shall be calculated as provided in SMC Section 4.20.060, but the rates stated therein for crediting unpaid absences for purposes of advancement in salary step shall be treated as being applicable to full-time employment and shall be adjusted proportionately for service in a part-time position as defined in the Personnel Ordinance.

B. "Anniversary date" means the date on which an employee who was not at the top step of the former salary range would have been eligible for a step increase had this legislation not been adopted.

C. Downgrade" means the establishment, with respect to a particular position of employment, of a new salary range that has a lower top step established with respect to such employment position's former salary range, regardless of either the creation of a new title for, or any change in the particular payroll title assigned to, a given position of employment as of the effective date of the ordinance codified in this section.[2]

D. "Former salary range" means the salary range for the particular payroll title assigned to a given position of employment as of December 31, 1988, for upgrades, and as of the day immediately preceding the effective date of the ordinance codified herein[2] for downgrades.

E. "New salary range" means the salary range for the particular payroll title assigned to a given position of employment as of January 1, 1989, for upgrades, and as of the effective date of the ordinance codified herein[2] for downgrades.

F. "Salary range" means all of the salary steps applicable to a particular payroll title.

G. "Salary Range Table" means the chart included in Exhibit A of the ordinance codified in this section,[1] in which various salary steps are individually identified by a combined number and letter designation, and are grouped together into various series, each of which is identified by another combined number and letter designation.

H. "Upgrade" means the establishment, with respect to a particular position of employment, of a new salary range that has a higher top step than the top step established with respect to such employment position's former salary range, regardless of either the creation of a new title for, or any change in the particular payroll title assigned to, a given position of employment as of January 1, 1989.

(Ord. 114529 § 2, 1989.)

1.Editor's Note: Exhibits A and B are on file with Ord. 114529 in the office of the City Clerk.

2.Editor's Note: Ord. 114529 was passed by the City Council on May 22, 1989.

3.Editor's Note: The Personnel Ordinance is set out at Chapter 4.04 of this Code.

4.20.085 Step increases for employees included in the Management Compensation Study.

In the event of any inconsistency with any other provision in this chapter, the following subsections shall govern the providing of step increases in salary to employees occupying, both immediately prior to and on the effective date of the ordinance codified in this section,[1] a position of employment listed in Exhibit B:[2]

A. Study Implementation Resulting in an Upgrade in Salary.

1. Where the dollar amount specified for the salary step attained, on or by December 31, 1988, by any such employee is the same as any salary step of the new salary range associated with the position of employment held by such employee as of January 1, 1989, such employee shall be placed at, and treated as having attained, that equal dollar amount-salary step in the new salary range. Any such employee who had not attained, on or by December 31, 1988, the top step of such employee's former salary range shall be provided, as of such employee's next anniversary date, a step increase within such employee's new salary range so long as one (1) or more additional salary steps within the new salary range can be attained. Any such employee who had attained, on or by December 31, 1988, the top step of such employee's former salary range (a) after six (6) months of actual service, if the top step of the former salary range is equal to the first

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step of the new salary range; or (b) after one (1) additional year of actual service, if the top step of the former salary range is equal to any step other than either the first or top step of the new salary range.

2. Where the dollar amount specified for the salary step attained, on or by December 31, 1988, by any such employee is not the same as that for any salary step of the new salary range associated with the position of employment held by such employee as of January 1, 1989, such employee shall be placed at, and treated as having attained, the step of the new salary range that increases such employee's salary by the smallest amount over the salary step attained by such employee on or by December 31, 1988. Each such employee shall be provided a step increase (a) after six (6) months of actual service, where such employee is placed at the first step of the new salary range; or (b) after one (1) additional year of actual service, where such employee is placed at any step other than either the first or top step of the new salary range; provided, that any employee who will receive a smaller total 1989 salary increase through implementation of the ordinance codified in this section than he/she would have received without the upgrade provided hereby, shall be provided an additional step increase on his/her 1989 anniversary date.

B. Study Implementation Resulting in a Downgrade in Salary.

1. Where the dollar amount specified for the salary step attained, on or by the day immediately preceding the effective date of the ordinance codified in this section,[1] by any such employee is within the new salary range associated with the position of employment held by such employee as of the effective date of said ordinance, such employee's salary shall remain unchanged (except for any 1989 general increase in salary that may be provided) until his/her next anniversary date, as of which date such employee shall be placed at, and treeated as having attained, the step of the new salary range that increases such employee's salary by the smallest amount over the salary provided to such employee immediately prior to such anniversary date.

2. Where the dollar amount specified for the salary step attained, on or by the day immediately preceding the effective date of the ordinance codified in this section,[1] by any such employee is greater than the top step of the new salary range associated with the position of employment held by such employee as of the effective date of said ordinance, such employee shall continue to receive such higher salary as an "incumbent" for so long as he/she remains in such position or until the regular salary for such position exceeds the "incumbent" rate of pay; and each such employee shall also receive whatever 1989 general increase in salary is provided to other employees listed in Exhibit B.[2]

C. Step Placement for Police Chief and Assistant Police Chiefs. Because of the salary compression between the position of Major and the positions of Assistant Police Chief and Police Chief created through the April 22, 1988 arbitration between the Seattle Police Management Association and The City of Seattle, all employees who had attained the third step of the former salary range for Assistant Chief on or by December 31, 1988, shall be placed at, and treated as having attained, the fourth step of the new salary range for Assistant Police Chief, and the Police Chief shall be placed at, and treated as having attained, the third step of the new salary range for Police Chief.

(Ord. 114529 § 4, 1989.)

1.Editor's Note: Ord. 114529 was passed by the City Council on May 22, 1989.

2.Editor's Note: Exhibit B is on file with Ord. 114529 in the office of the City Clerk.

4.20.090Payment for employee working less than full-time.

An employee on a forty (40) hour workweek schedule whose pay is established on a monthly or annual rate and who works less than full-time in a position shall be paid for actual hours worked at an hourly rate of pay equal to the established salary for a twelve (12) month period divided by the number of regularly scheduled paid hours, determined as the total of eight (8) hour workdays falling on Mondays through Fridays, within such twelve (12) month period.

(Ord. 109564 § 1(part), 1980: Ord. 107172 § 1(part), 1978: Ord. 105939 § 1(part), 1976: Ord. 105843 § 1(part), 1976: Ord. 105333 § 1(part), 1976: Ord. 101614 § 1(part), 1972: Ord. 99859 § 1(part), 1971: Ord. 98292 § 1(part), 1969: Ord. 97410 § 1(part), 1969: Ord. 97330 § 46.8, 1968.)

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4.20.100Firefighters' compensation.

Firefighters who work, or are otherwise entitled to pay, for all scheduled shifts in a work schedule that averages 45.7462 hours per week on an annual basis shall be paid for 91.4924 hours a pay period regardless of the number of hours actually worked. The biweekly pay of firefighters who are absent from scheduled work and are in a nonpay status for less than four (4) shifts during the pay period shall be computed by subtracting the number of hours absent from 91.4924 and multiplying by the hourly rate of pay. When the absence extends for one (1) or more full shifts, twelve (12) hours will be subtracted for each full shift not worked. When unpaid absence equals four (4) or more scheduled working shifts in one (1) pay period, payment will be made only for time worked with each full shift counted as twelve (12) hours. The hourly rate of pay for firefighters shall be determined as follows:

Monthly salary × 12 = Annual salary
Annual salary/26.0714 = Biweekly salary
Biweekly salary/2 = Weekly salary
Weekly salary/45.7462 = Hourly rate (Combat)

or

Weekly salary/40 = Hourly rate (40-hour)

(Ord. 109564 § 1(part), 1980: Ord. 107172 § 1(part), 1978: Ord. 105939 § 1(part), 1976: Ord. 105843 § 1(part), 1976: Ord. 105333 § 1(part), 1976: Ord. 101614 § 1(part), 1972: Ord. 99859 § 1(part), 1971: Ord. 98292 § 1(part), 1969: Ord. 97410 § 1(part), 1969: Ord. 97330 § 46.9, 1968.)

4.20.110Biweekly pay periods.

Biweekly pay periods for all officers and employees of all departments of the City including the Library are authorized on the following basis:

A. Each biweekly pay period shall end on a Tuesday and except for such advances on earned salary from "Contingent Fund A" as may be specifically authorized by ordinance, warrants shall be delivered to those concerned after three p.m. (3:00 p.m.) on the day before the payday, which payday shall be one (1) week from the Friday following said Tuesday; provided, that such payday may be advanced to Thursday if Friday is a legal holiday or to Tuesday or Wednesday if Christmas or New Year's Day falls on a Wednesday or Thursday. When payday is advanced, the Finance Director is authorized to distribute the warrant, on that advanced payday or the day before payday. Furthermore, the Finance Director is authorized to designate the employees to be paid each week so as to distribute the warrants payable as near equally as possible on the day before each payday.

B. All payrolls shall be subject to approval by the Auditing Committee and reported by the Committee to the City Council at its regular meeting on the following Monday for ratification, and appropriation by ordinance of such funds as may be required.

(Ord. 116368 § 88, 1992; Ord. 109564 § 1(part), 1980: Ord. 107172 § 1(part), 1978: Ord. 105939 § 1(part), 1976: Ord. 105333 § 1(part), 1976: Ord. 101614 § 1(part), 1972: Ord. 98292 § 1(part), 1969: Ord. 97410 § 1(part), 1969: Ord. 97330 § 46.10, 1968.)

4.20.120Appointment authority.

The heads of departments are authorized to make appointments under personnel rules to the positions herein specified whenever vacancies exist, subject to provisions of Section 4.20.010.

(Ord. 97330 § 47.1, 1968.)

4.20.130Substitution of lower class position.

The heads of departments, at their discretion and with approval of the Budget Director may, when a position is provided for herein substitute therefor a position of lower class in the same line of work temporarily and may fill that position as provided by personnel rules. The heads of departments, at their discretion, may terminate this substitution of lower class position and reinstate the higher position; such position also to be filled in accordance with personnel rules.

(Ord. 97330 § 47.2, 1968.)

4.20.140Filling positions for limited periods in excess of those established.

The Budget Director may, within the limits of moneys appropriated for "salaries," authorize filling positions for limited periods in excess of those established in the current budget and may authorize the use of unencumbered salary funds as a reimbursement for trainee positions budgeted in the Executive Services Department.

(Ord. 118397 § 67, 1996: Ord. 97330 § 47.3, 1968.)

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4.20.150Use of allowances for vacation and sick relief.

Allowances for vacation and sick relief may be used to replace employees indicated on the payroll as being on vacation, sick, or other type of leave and for such other employment as may be authorized by the Budget Director.
(Ord. 97330 § 47.4, 1968.)

4.20.160Personnel Director to check payrolls.

The Personnel Director is authorized and directed to check all payrolls of City departments as to the right of each employee to draw the rate of pay, appearing opposite his name on the payroll, and to report the result of such check to the Auditing Committee. Other payroll audit functions shall be performed by the City Finance Director.
(Ord. 116368 § 88, 1992: Ord. 97330 § 48, 1968.)

4.20.170Eight-hour day—Five-day week.

Eight (8) hours shall constitute a day's work and five (5) days a week's work for all except eligible employees of the City. Provided, work schedules may be promulgated for other than an eight (8) hour day or a five (5) day week, with corresponding change in time off, and any such schedule heretofore arranged and promulgated is ratified and confirmed.
(Ord. 116867 § 1, 1993: Ord. 105961 § 1(part), 1976: Ord. 101026 § 1(part), 1972: Ord. 99752 § 1(part), 1971: Ord. 98849 § 1(part), 1970: Ord. 98316 § 1(part), 1969: Ord. 97330 § 49.1, 1968.)

4.20.190Holiday pay or time off.

A. Employees, except uniformed police and fire personel, shall be entitled to ten (10) legal holidays and two (2) personal holidays each calendar year, or days off in lieu thereof occurring Monday to Friday inclusive, without salary deduction. Employees hired for short terms of employment of thirty (30) days or less and temporary employees shall not be qualified to receive paid holiday time off for personal holidays or for legal holidays falling during their term of employment. The provisions of this section shall not apply to any employee whose compensation is set by a collective bargaining agreement unless the labor organization representing such employee agrees to be bound solely by provisions of this section with respect to the subject matter hereof. The Personnel Director is hereby authorized to promulgate rules providing alternative holiday pay or time off for employees not covered by collective bargaining agreements whose work schedules are other than five (5) eight (8) hour days in a payroll workweek.

B. Effective January 1, 1993, legal holidays shall be observed as follows:

New Year's Day	January 1st
Martin Luther King Jr's. Birthday	Third Monday in January
Presidents's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veterans' Day	November 11th
Thanksgiving Day	Fourth Thursday in November
The day immediately following Thanksgiving Day	
Christmas Day	December 25th

C. When a legal holiday falls on a Sunday, the holiday shall be observed on the following Monday. When a legal holiday falls on a Saturday, the holiday shall be observed on the preceding Friday.

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(Ord. 116475 § 1, 1992: Ord. 111890 § 1, 1984: Ord. 108481 § 1, 1979: Ord. 105961 § 1(part), 1976: Ord. 101026 § 1(part), 1972: Ord. 99752 § 1(part), 1971: Ord. 98849 § 1(part), 1970: Ord. 98316 § 1(part), 1969: Ord. 97330 § 49.3, 1968.)

4.20.200 Holiday pay—Employee to work day preceding or following.

An employee must be on pay status on the regularly scheduled workday immediately preceding or immediately following a holiday to be entitled to holiday pay and new employees and employees returning from nonpay leave starting work the day after a holiday shall not be entitled to pay for the holiday preceding their first day of work; provided, that short authorized absences of not to exceed four (4) days' duration shall not be considered in the application of the preceding portion of this section, and provided further that no combination of circumstances whereby two (2) holidays are affected by the foregoing provisions may result in payment for more than one (1) of such holidays. Employees who work less than a full calendar year shall be entitled only to those holidays Monday to Friday inclusive, which fall within their work period. Employees quitting work or discharged for cause shall not be entitled to pay for holidays following their last day of work.

(Ord. 105961 § 1(part), 1976: Ord. 101026 § 1(part), 1972: Ord. 99752 § 1(part), 1971: Ord. 98849 § 1(part), 1970: Ord. 98316 § 1(part), 1969: Ord. 97330 § 49.4, 1968.)

4.20.210 Payment for work on a holiday.

A. As of January 1, 1971, employees, except police officers and police recruits and firefighters and eligible employees, regularly scheduled to work on any recognized paid holiday shall be paid for the holiday at their straight-time rate of pay and in addition shall be paid at the rate of one and one-half (1½) times their straight-time rate of pay for hours worked during scheduled shift.

B. Employees, except police officers and police recruits and firefighters whose work assignments do not normally require holiday work but who are specifically called for emergency work on any recognized paid holiday, shall be paid at the double-time rate for the actual hours worked, in addition to the straight-time holiday pay. Extra pay pursuant to the foregoing shall be paid in cash unless the department head and the employee mutually agree to payment in the form of paid time off.

C. Firefighters, including Battalion and Deputy Chief regularly scheduled for combat duty on the following holidays shall be paid one and one-half (1½) times their straight-time rate of pay for each hour worked during said holidays:

New Year's Day: Commencing 1800 hours December 31st and ending 1800 hours January 1st;

Memorial Day: Commencing 0800 hours on the holiday and ending 0800 hours the following day;

Labor Day: Commencing 0800 hours on the holiday and ending 0800 hours the following day;

Thanksgiving Day: Commencing 0800 hours on the holiday and ending 0800 hours the following day;

Day After Thanksgiving Day: Commencing 0800 hours on the holiday and ending 0800 hours the following day;

Christmas Day: Commencing 1800 hours December 24th and ending 1800 hours December 25th.

(Ord. 116867 § 2, 1993: Ord. 108481 § 2, 1979: Ord. 105961 § 1(part), 1976: Ord. 101026 § 1(part), 1972: Ord. 99752 § 1(part), 1971: Ord. 98849 § 1(part), 1970: Ord. 98316 § 1(part), 1969: Ord. 97330 § 49.5, 1968.)

4.20.220 Jury duty or subpoena as witness—No loss of pay.

An employee working on other than an intermittent basis shall suffer no monetary loss while on jury duty or while under subpoena on behalf of the state or any political subdivision thereof to appear as a witness in court in a criminial or civil action. The total amount of money received from the court while on jury duty during the employee's normal work schedule, and the amount of any witness fees received for appearing in court for the state or any political subdivision thereof in a criminal or civil action during the employee's normal work schedule, except for transportation allowance, either shall be deducted from the gross pay due the employee for such period or the money, less the amount paid for transportation allowances, shall be collected from the employee; provided, that an employee ex-

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cused from service as a juror or from appearing as a witness by the court on any day falling within his normal schedule shall notify his supervisor and if so directed, report for work for the balance of his normal shift.
(Ord. 112990 § 1, 1986: Ord. 99944 § 1, 1971: Ord. 99829 § 1, 1971: Ord. 97330 § 50, 1968.)

4.20.225Testimony at Civil Service Commission hearing—Compensation conditions.

All City employees subpoenaed by the Civil Service Commission to testify at a Commission hearing on behalf of the appellant or the responding department during the employee's regular work hours shall be released by the employing department to testify at the hearing without loss of the compensation otherwise due. If witness expenses are provided by other persons pursuant to contract or by practice, said sums shall be remitted forthwith to the employing department. Paid release time shall include reasonable travel time to and from the hearing and such time as is required from the employee's arrival at the hearing, as specified in the subpoena, through the time spent giving testimony. In order for the employee to be compensated for appearing as a witness, the Civil Service Commission shall notify the employing department of the subpoena in advance of the hearing and shall schedule testimony with due regard for the impact of the employee's absence from his or her work duties on City business. No compensation shall be made if the hearing takes place when the employee is off duty. This section applies also to hearings, which the Commission has delegated to the office of the Hearing Examiner under Article XVI, Section 6 of the City Charter.
(Ord. 112987 § 1, 1986: Ord. 110202 § 1, 1981.)

4.20.230Overtime work defined.

"Overtime work" is defined to be work performed in excess of the time regularly required or scheduled for the performance of the duties of a particular position. Overtime work shall be of two types, "extraordinary" and "ordinary." Extraordinary overtime is defined as work necessitated by emergency caused by fire, flood, or danger to life or property; or work so urgently necessary that its nonperformance will cause serious loss or damage to the City. All overtime which is not covered by the foregoing definition of "extraordinary" overtime shall be "ordinary" overtime.
(Ord. 98316 § 1(part), 1969: Ord. 97552 § 1(part), 1969: Ord. 97330 § 51.1, 1968.)

4.20.240Overtime work—When authorized.

No employee shall be ordered to perform overtime work unless an emergency exists, as defined in Section 4.20.230, or such work is authorized by the head of the department, or some person duly authorized by him.
(Ord. 98316 § 1(part), 1969: Ord. 97552 § 1(part), 1969: Ord. 97330 § 51.2, 1968.)

4.20.250Overtime work—Rates of pay.

Employees, except police officers and fire-fighters, and eligible employees, when ordered to work "extraordinary" overtime, shall be paid at the rate of double time for all such overtime worked and when ordered to work "ordinary" overtime shall be paid at the rate of time-and-one-half; provided, however, that part-time employees and temporary workers shall be paid at their straight-time rate for all hours worked up to and including forty (40) per week. When overtime is not an extension of a normal shift, the minimum credit shall be for two (2) hours.
(Ord. 116867 § 3, 1993: Ord. 110979 § 1, 1983: Ord. 98316 § 1(part), 1969: Ord. 97552 § 1(part), 1969: Ord. 97330 § 51.4, 1968.)

4.20.260Overtime work—Police officers.

Police officers ordered to work "extraordinary" overtime shall be paid at the rate of time-and-one-half for all such overtime worked.
(Ord. 98316 § 1(part), 1969: Ord. 97552 § 1(part), 1969: Ord. 97330 § 51.4, 1968.)

4.20.270Overtime work—Firefighters.

Firefighters ordered to work overtime shall be paid at the rate of time-and-one-half for all such overtime worked, either in cash or in the form of compensatory time off as the employee may elect.
(Ord. 98316 § 1(part), 1969: Ord. 97552 § 1(part), 1969: Ord. 97330 § 51.5, 1968.)

4.20.280Compensatory time off in lieu of overtime pay.

When mutually agreed by the employee and

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the head of his department, compensatory time off equivalent to the amount of overtime earned may be taken off in lieu of overtime pay.
(Ord. 98316 § 1(part), 1969: Ord. 97552 § 1(part), 1969: Ord. 97330 § 51.6, 1968.)

4.20.290Overtime work—Payroll records.

All overtime shall be separately itemized on the payroll and a separate list of such employees, and the amount of such overtime to be paid or credited to compensatory time shall be signed by the head of the department and one (1) copy transmitted to the Auditing Committee and one (1) copy to the Budget Director prior to date of issuance of the payroll warrants.
(Ord. 98316 § 1(part), 1969: Ord. 97552 § 1(part), 1969: Ord. 97330 § 51.7, 1968.)

4.20.300Payment for performance of out-of-class duties.

A. Except as otherwise provided in authorized collective bargaining agreements, qualified employees, assigned by proper authority to perform the ongoing duties and accept the responsibilities of a higher-paid classification in order to avoid a significant interruption of work or services, shall be paid at the rate established for such higher-paid classification as in promotion while performing such duties. Each out-of-class assignment is limited to six (6) months unless an extension is authorized by the appointing authority. Appropriate reasons for considering the assignment of out-of-class duties include:

1. Absence of a position incumbent;
2. Peak workload periods;
3. Position vacancy; or
4. Completion of a special project.

B. An employee whose primary job title is eligible for overtime pay shall perform the ongoing duties of a higher-paid classification for a minimum of four (4) consecutive hours to be eligible for the higher pay rate. An employee whose primary job title is not eligible for overtime shall perform such duties for a minimum of two (2) consecutive weeks to be eligible for the higher pay rate.

1. Hours worked in an out-of-class assignment, including any hours in an assignment that was in effect on January 20, 1996, will be credited toward salary step placement in the event the employee who was so assigned is promoted, or his or her position reclassified, to the same class as the out-of-class assignment, within twelve (12) months of the end of such out-of-class assignment.

2. When an employee is assigned to perform the same out-of-class duties on a full-time, continuous basis for twelve (12) months or longer, he or she will receive a step increment in the higher salary range; provided, that he or she has not already received an increment because of increases to the primary pay rate; provided further, that such increment does not exceed the top step of the higher salary range. This provision shall apply to any hours worked in a continuous assignment prior to January 20, 1996 when such assignment was still in effect on January 20, 1996, and shall apply to all assignments made on or after January 20, 1996.

C. When an employee or officer serves as acting head of a department or office, payment for the performance of such higher duties shall be as follows:

1. If the employee or officer is the highest-ranking unsubordinated employee, he or she shall receive his or her regular salary, plus, for all hours worked as acting head, the difference between his or her regular salary and the lowest salary step of the higher position.

2. If the Mayor designates someone other than the highest-ranking unsubordinated employee to be acting department or office head, the rate of compensation will be calculated as in promotion.

D. Compensation for acting head assignments will be paid for up to twelve (12) months after the occurrence of a vacancy. An acting head assignment may continue for up to ninety (90) days of any City Council rejection of a nomination to fill a department or office head vacancy and will terminate when such vacancy is filled on a permanent basis.

E. An employee who is assigned to perform in an acting capacity the duties, and to accept the responsibilities, of the principal staff assistant to any multi-member City administrative board or commission, will be compensated as in SMC Section 4.20.300 A.
(Ord. 118470 § 1, 1997: Ord. 117961 § 1, 1995: Ord. 116867 § 4, 1993: Ord. 113147 § 2, 1986; Ord. 110503 § 1, 1982; Ord. 110507 § 1, 1982: Ord. 104561 § 1, 1975: Ord. 98316 § 1(part), 1969: Ord. 97330 § 51A, 1968.)

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4.20.315 Overtime for eligible professional, administrative and executive employees.

A. Regular professional, administrative and executive officers and employees who are assigned to a classification with a top salary step less than the top salary step of pay range 36.5 and who, pursuant to specific directions of the department director or such director's designee, are ordered to work more than forty (40) hours in one (1) workweek shall be compensated at the rate of time-and-one-half for all hours worked in excess of forty (40), unless excluded by subsection B, below.

B. The following employees shall be excluded from the provisions of Section 4.20.315 A:

1. Employees who are exempt from or are not otherwise covered by provisions of the Fair Labor Standards Act who work in the Executive Department, the Legislative Department, or the Law Department;

2. Department Directors who receive vacation allowance pursuant to SMC Section 4.34.030;

3. Employees of the Municipal Court who are not covered by the Fair Labor Standards Act;

4. Employees who are working pursuant to a collective bargaining agreement;

5. All employees employed by the Seattle Public Library.

(Ord. 117259 § 1, 1994: Ord. 116864 § 1, 1993: Ord. 116825 § 1, 1993; Ord. 116809 § 1, 1993; Ord. 116714 § 1, 1993; Ord. 116643 § 2(part), 1993.)

4.20.320 Executive leave for eligible employees.

A. Definitions.

1. "Eligible employee" is any regular, salaried, professional, administrative, or executive employee who is exempt from the Fair Labor Standards Act, and not otherwise excluded by this section. Eligible employees are those assigned to a classification which receives a top salary step equal to or greater than the top salary step of pay range 36.5, and are not entitled to receive overtime compensation or compensatory time for hours worked in excess of forty (40) in one (1) workweek.

2. "Emergency response employee" shall be defined as an employee who occupies a position with a title that is exempt from the provisions of the Fair Labor Standards Act, is assigned to a classification which receives a top salary step that is equal to or greater that the top salary step of pay range 36.5, and is uniformly subject to call back to work to respond to emergency situations after completing the regular work shift. Only employees working in the position titles listed below shall be designated as Emergency response employees:

Title

Electrical Construction and Maintenance Supervisor
Electrical Workload Supervisor
Generation Supervisor
Power Dispatcher Supervisor
Power Station Operations Supervisor
Power Supply Engineer
Power Supply Engineer, Assistant
Station Construction and Maintenance Supervisor I
Station Construction and Maintenance Supervisor II
Substation Operators Supervisor
Transmission/Distribution Services Supervisor
Water Maintenance Supervisor
Water Pipe District Supervisor
Water Quality Lab Supervisor
Water Transmission Supervisor
Water Treatment Supervisor
Water Supply Supervisor

3. "Executive leave" shall be defined as time off with pay and shall be in addition to earned vacation benefits. Eligible employees may not receive cash in lieu of executive leave.

4. "Merit leave" shall be defined as leave which may be awarded to an eligible employee for outstanding, meritorious and/or extraordinary work performance, which is in addition to executive leave.

B. Policy.

1. Executive leave: Unless specifically excluded in subsection C below, all eligible employees shall receive four (4) days of executive leave at the beginning of each calendar year. Executive leave must be used in the calendar year for which it is given.

2. Eligible employees are expected to fulfill their professional responsibilities with no expectation of receiving overtime or compensato-

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ry time off in lieu of overtime, regardless of the actual time it takes to perform assigned tasks. Eligible employees should be allowed discretion in structuring their workday to ensure that assigned tasks are completed. Eligible employees are not required to use paid vacation or sick leave to cover occasional absences of less than four (4) hours during any one (1) workday, and shall be paid their regular salary despite such absences. Eligible employees are expected to notify supervisors in advance of such absences and are expected to schedule such absences in a manner which will cause the least impact on work within their work unit.

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3. Merit leave: A Department Director may, at his or her discretion, award to eligible employees up to six (6) days of merit leave during the month of December of each year. Eligible employees must use any awarded merit leave in the subsequent calendar year and may not receive cash in lieu of merit leave.

4. Out-of-class assignment: Employees who are otherwise eligible for overtime compensation who work out-of-class in an executive leave eligible position shall be eligible for executive and merit leave according to a minimum hour threshold and formula established and published by the Personnel Director and shall not receive overtime compensation when so assigned. This provision may apply to represented employees provided their bargaining agent has concurred in its application. Part 2 of this subsection becomes applicable to employees who work out-of-class in an executive leave eligible position after a specified threshold is reached as defined by the Personnel Director.

C. Exclusions.

1. Employees who are not covered by or are otherwise exempt from provisions of the Fair Labor Standards Act and work in the Executive Department, the Legislative Department, the Law Department and Department Directors who receive vacation allowance pursuant to SMC Section 4.34.030 shall be excluded from Sections 4.20.315 and 4.20.320. Officers and employees of the Seattle Municipal Court who are exempt from, or not otherwise covered by the Fair Labor Standards Act; and employees who are working pursuant to a collective bargaining agreement shall also be excluded from Sections 4.20.315 and 4.20.320 except as provided for in subsection B4 of this section. All employees employed by the Seattle Public library are specifically excluded from all provisions of Sections 4.20.315 and 4.20.320.

2. Emergency Response Employees. In order to ensure continued effective response to public emergencies, all emergency response employees who work in position titles designated in SMC Section 4.20.320 A2 shall be eligible for overtime or compensatory time at the rate of time-and-one-half for all hours worked in excess of forty (40) during one (1) workweek. Emergency response employees shall not receive executive or merit leave benefit(s).

3. Class Series Exception. If at least one (1) position title in a class series is below the 36.5 salary range, then all position titles in the class series up through and including the "senior" level will be eligible for overtime and shall not receive executive or merit leave benefit(s).

D. Review. It is recognized that executive and merit leave are new personnel practices in The City of Seattle, and that it may be necessary to adjust aspects of this policy from time to time. Therefore, it shall be the responsibility of the Personnel Director to study the impact of the executive leave policy and, when appropriate, make recommendations to the Council regarding its impact, and propose any appropriate rules to implement the provisions of this act. The Personnel Director shall make a report to the Council regarding implementation of this policy twenty-four (24) months after the effective date of the ordinance codified in Sections 4.20.315 and 4.20.320.

(Ord. 117259 § 2, 1994: Ord. 116864 § 2, 1993: 116825 § 1, 1993; Ord. 116809 § 1, 1993; Ord. 116714 § 1, 1993: Ord. 116643 § 2(part), 1993.)

4.20.325Overtime-related meal compensation.

A. Any full-time City officer or employee who, pursuant to specific directions of the head of the employing unit to which such worker is assigned, or of such head's designee, works for a total of two (2) or more consecutive overtime hours beyond either (1) such worker's normal working hours, or (2) a reasonably continuous period of overtime equal to the length of such worker's normal shift, shall be compensated as specified in subsection B, hereof, for one (1) meal that such worker purchased reasonably contemporaneously with such overtime. In the event the head of the employing unit to which such worker is assigned, or his or her designee, has certified in writing, to the City Finance Director, that because of emergency circumstances, the worker was required to work overtime on an immediate and continuous basis without the opportunity to plan and take normal meal breaks, then such worker shall be compensated as specified in subsection B hereof, for such additional number of meals as are indicated in such certification.

B. If such worker provides to his/her supervisor, no later than the beginning of such worker's next regular shift, the purchased meal receipt(s), such worker shall be eligible for the reimburse-

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ment of the actual cost of the meal(s), but not more than the average cost for such meal(s) as reflected in a national comparative cost index such as the Runzheimer Meal-Lodging Cost Index; but if such receipt(s) are not provided as specified herein, then such worker shall be eligible only for meal compensation in the sum of Five Dollars ($5.00) per meal for which compensation has been authorized as provided herein.
(Ord. 116368 § 89, 1992; Ord. 111768 § 1, 1984.)

4.20.330 Coveralls to be furnished for certain personnel.

Coveralls will be furnished as needed to Auto

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Machinist Foremen, Auto Machinists, Equipment Servicemen, and certain employees working for the Sewerage and Garbage Utilities as determined by the various heads of the departments.
(Ord. 97330 § 52, 1968.)

4.20.340Conflict between subchapter and collective bargaining agreement.

In the event of a conflict between the provisions of this subchapter and those of a properly authorized collective bargaining agreement, the provisions of the agreement shall prevail insofar as members of the bargaining unit covered by the agreement are concerned and for the duration of the period of time covered by the agreement.
(Ord. 98316 § 1(part), 1969: Ord. 97330 § 52A, 1968.)

4.20.350Request for creation of new position.

When any City department head requests the creation of a new or additional position of more than sixty (60) days' duration, or a change in allocation of an existing position, he shall address his request for such consideration to the Budget Director, accompanied by a statement of the duties and the responsibility and qualification requirements of the position. A complete copy of such request and statement shall at the same time be furnished to the City Council and the Personnel Director.
(Ord. 97330 § 53, 1968.)

4.20.370Purchase of fare media.

To encourage commuting by municipal employees in other than single occupancy vehicles, and in accordance with the agreements authorized by Section 1 of Ordinance 116682, as a condition of municipal employment, the City shall pay Fifteen Dollars ($15.00) a month per employee toward the purchase of monthly transit passes, monthly transit/ferry combination passes, and ferry walk-on frequent user books by a City officer or employee. The fare media shall be purchased from the Director of Finance for use in commuting to and from work or during working hours, and any incidental personal use thereafter, for so long as an appropriation has been made by ordinance or the City budget to provide for any deficit resulting to the City from such sales. The net price of the fare media to the officer or employee shall be the established rate less the City's Fifteen-Dollar ($15.00) payment.
(Ord. 116682 § 2, 1995.)

Subchapter II Miscellaneous Provisions

4.20.510Compensation for temporary work at other than regular location.

All employees of the City who are temporarily assigned to work at a location other than their regular place of employment shall receive additional compensation which shall be the equivalent of one (1) hour's compensation at the normal rate of pay, for each night of required absence from their regular place of employment, if the department head concerned determines that the site of such assignment is beyond reasonable commuting distance from the employee's regular place of employment; provided that such additional compensation shall not be paid to any employee in a position to which is assigned duties which regularly include travel to and performance of work

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at locations other than his regular place of employment without specific assignment by a superior.
(Ord. 97185 § 1, 1968.)

4.20.520Employees under I.B.E.W. agreement—Day off for family emergency.

Employees covered by those certain collective bargaining agreements entered into between the City and I.B.E.W. Local No. 77 pursuant to the authority of Ordinance 98887 and Ordinance 98977[1] shall, subject to approval by the department head, be allowed one day off each year without salary deduction for the purpose of meeting a family emergency caused by serious illness or accident disabling a member of such employee's immediate family and necessitating such employee's presence at home. For the purpose of this section, "immediate family" means the spouse, children, and/or parents of such employee, who regularly occupy the same residence as such employee.
(Ord. 100112 § 1, 1971.)

1.Editor's Note: Ordinances 98887 and 98977 are on file in the office of the City Clerk.

4.20.530Police holidays.

Uniformed Police personnel shall be allowed nine (9) holidays off per year with pay, or nine (9) days off in lieu thereof, at the discretion of the Chief of Police.
(Ord. 95256 § 1, 1966.)

4.20.540Police working special events or emergency situations.

Payment on a straight-time basis is authorized for overtime ordered and worked by police personnel during special events or emergency situations, as determined by the Chief of Police and approved by the Chairman of the Finance Committee.
(Ord. 88419 § 1, 1959.)

4.20.550Days off for police officers and firefighters.

Police officers shall be allowed two (2) days off in eight (8) with pay and police officers and firefighters shall be allowed an additional nine (9) days off with pay per year at the convenience of the respective department heads.
(Ord. 80528 § 1, 1951.)

4.20.600Contributions to LEOFF; PERS—Adjustment for federal income tax purposes.

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To carry out the City's election to take advantage of the opportunities extended by 26 U.S.C § 414 (h) and Chapter 227, Laws of 1984 for deferral of federal income taxes upon members' contributions to the Law Enforcement Officers and Fire Fighters' Retirement System and to the Washington Public Employees' Retirement System, the City will pay those members' contributions under RCW 41.26.080(1) and 41.26.450 and RCW 41.40.330(1) and 41.40.650 respectively for pay warrant dates commencing on or after January 1, 1985, and will reduce the member's wages or salary by the amount of the City's contribution so paid. The foregoing payment and wage/salary reduction is made under these conditions and limitations:

A. This arrangement is made for purposes of federal income taxation. An employee's wages or salary for purposes of the Federal Insurance Contributions Act (social security tax), the City salary and wage ordinances, and other purposes shall be computed as if the foregoing contribution and corresponding salary or wage reduction had not been made; and

B. The City may withdraw its election to make such adjustments as contemplated by Section 3(2) of Chapter 227, Laws of 1984, and no affected member shall be entitled to continuance of the adjustment thereafter.

(Ord. 111992 § 1, 1984.)

4.20.610Contributions to City Employees' Retirement System—Adjustment for federal income tax purposes.

A. The City hereby elects to extend to members of the City Employees' Retirement System the tax deferral benefits allowed by 26 U.S.C. § 414(h) and Chapter 27, Laws of 1984. For such purposes, the City will pay the member's contributions to the City Employees' Retirement System contemplated by SMC Section 4.36.110 for pay warrant dates commencing on or after January 1, 1985, and will reduce the member's wages or salary by the amount of the City's contribution so paid. The City contribution made under this section, plus accumulated interest, shall be paid to a member upon the withdrawal of the member's documented contributions pursuant to SMC Section 4.36.190.

B. An employee's wage or salary for purposes of the Federal Insurance Contributions Act (social security tax), for purposes of workers' compensation, and for all purposes other than federal income taxation shall be computed as if the foregoing contribution and corresponding reduction in a member's wage or salary had not been made.

C. The City reserves the right to discontinue this arrangement for a City contribution and corresponding wage or salary reduction at any time as to compensation earned afterwards. No affected member shall have any contract right to compel the City to continue the arrangement should the City decide to pay the member his or her full salary or wage and then require that the member pay to the City Employees' Retirement System the member's contribution contemplated by SMC Section 4.36.110.

(Ord. 111992 § 2, 1984.)

4.20.700Pay warrants under One Dollar ($1.00).

It is City policy and a condition of City employment to draw pay warrants only when the net pay is One Dollar ($1.00) or more. Whenever payment is authorized to a City employee and the net pay amount is less than One Dollar ($1.00), the amount shall be added to the employee's next pay warrant or severance pay warrant. If no further pay warrants are contemplated, payment shall only be made to an employee who makes demand and appears in person for payment.

(Ord. 113872 § 1, 1988.)

Subchapter III Reporting—Whistleblower Protection

4.20.800Policy—Purpose.

Unless prohibited by State law, City employees are encouraged to report on improper governmental action to the appropriate City or other government official, depending on the nature of the improper governmental action. To assist such reporting and to implement Sections 42.41.030 and 42.41.040 of the Revised Code of Washington ("RCW"), Sections 4.20.800 through 4.20.860 provide City employees a process for reporting improper governmental action and protection from retaliatory action for reporting and cooperating in the investigation and/or prosecution of improper governmental action in good faith in accordance with this subchapter.

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(Ord. 117039 § 1(part), 1994: Ord. 116368 § 90, 1992: Ord. 116005 § 9, 1991: Ord. 115464 § 1(part), 1990.)

4.20.810 Reporting improper governmental action—Employee protection.

A. Right. Every City employee shall have the right to report, in good faith and in accordance with this subchapter, to a City official, another government official or a member of the public, information concerning an improper governmental action.

B. Limitations.

1. This section does not authorize a City employee to report information that is subject to an applicable privilege against disclosure at law (e.g., RCW 5.60.060 privileged communications), unless waived, or to make disclosure where prohibited at law. The only purpose of this subchapter is to protect and encourage employees who know or in good faith believe improper governmental action has occurred to report those actions in good faith and in accordance with this subchapter.

2. Except in cases of emergency where the employee believes in good faith that substantial damage to persons or property will result unless a report is made immediately to a person or entity who is not the appropriate auditing official listed in Section 4.20.850 A, an employee shall, before making a report to a person who is not the appropriate auditing official, first make a written report of the improper governmental action to the appropriate auditing official. No emergency under this subsection exists where prompt attention and reporting under this subchapter by the employee could have avoided the perceived need to report immediately to a person not the appropriate auditing official.

An employee making a written report as required by this subsection is encouraged to wait at least thirty (30) days from receipt of the written report by the appropriate auditing official before reporting the improper governmental action to a person who is not an appropriate auditing official.

3. An employee's reporting of his or her own improper action does not grant an employee immunity from discipline or termination under Section 4.04.230 or 4.08.100 insofar as his or her improper action would be cause for discipline.

C. Employee Protections and Protected Conduct.

1. The following conduct by employees is protected if carried out in good faith under this subchapter:

a. Reporting sexual harassment to the employee's supervisor, EEO officer, department head, or other government official as set out in the City's adopted procedure for reporting sexual harassment complaints; reporting violations of the Fair Employment Practices ordinance to the Office for Civil Rights; reporting police misconduct to the Police Department's Internal Investigation Section; reporting violations of the Code of Judicial Conduct by Municipal Court judges to the Washington State Commission on Judicial Conduct; reporting violations of criminal laws to the appropriate county prosecuting attorney; and reporting violations of the Elections Code or the Ethics Code, and any actions for which no other appropriate recipient of a report is listed in this subsection, to the Executive Director of the Seattle Ethics and Elections Commission;

b. Cooperating in an investigation by an "auditing official" related to "improper governmental action"; and/or

c. Testifying in a proceeding or prosecution arising out of an "improper governmental action."

2. No City officer or employee shall retaliate against any employee because that employee proceeded or is proceeding in good faith in accordance with this subchapter.

D. Penalty. Any City officer or employee who engages in prohibited retaliatory action is subject to discipline by suspension without pay, demotion or discharge or, pursuant to Section 4.20.840, a civil fine up to Five Hundred Dollars ($500.00), or both discipline and a fine.

E. Annual Restatement. Upon entering City service and at least once each year thereafter, every City officer and employee shall receive a written summary of this chapter, the procedures for reporting improper governmental actions to auditing officials, the procedures for obtaining the protections extended, and the prohibition against

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retaliation in this section. The Executive Director of the Ethics and Elections Commission shall ensure that such summaries are distributed and that copies are posted where all employees will have reasonable access to them.

(Ord. 118392 § 20, 1996; Ord. 117039 § 1(part), 1994: Ord. 116368 § 91, 1992; Ord. 116005 § 10, 1991; Ord. 115464 § 1(part), 1990.)

4.20.820Confidentiality.

To the extent allowed by law, the identity of an employee reporting information about an improper governmental action shall be kept confidential unless the employee in writing waives confidentiality.

(Ord. 117039 § 1(part), 1994: Ord. 115464 § 1(part), 1990.)

4.20.830Investigation.

A. Referral or Retention. The Executive Director of the Ethics and Elections Commission, upon receiving a report alleging improper governmental action, shall refer the complainant to the appropriate auditing official listed in Section 4.20.850 A if the Executive Director is not the appropriate auditing official. If the Executive Director is the appropriate auditing official, and the report alleges a violation of the Elections Code or the Code of Ethics, the Executive Director shall handle that allegation according to the ordinances and rules applicable to the code alleged to have been violated. If the Executive Director is the appropriate auditing official and the report alleges improper governmental action that does not fall within the prohibitions of the Ethics Code or the Elections Code, the Executive Director may refer the report to the chief elected official of the branch of government implicated in the allegation, who shall ensure that the appropriate officer or agency responds to the complainant in writing within thirty (30) days of receipt of the report by the appropriate auditing official, with a copy of the response to the Executive Director. If the Executive Director does not refer the report to another official, or if the other official's response is not timely or satisfactory to the Executive Director, the Executive Director may conduct an investigation. The procedures in subsections B through E of Section 4.20.830 shall apply only to the Executive Director of the Ethics and Elections Commission when he or she is investigating an improper governmental action that does not fall within the prohibitions of the Ethics Code or the Elections Code and that should not have been referred to another auditing official under the first sentence of this subsection; other auditing officials investigating allegations of improper governmental action appropriately referred to them are not bound by these procedures.

B. Executive Director's Investigation. At any stage in an investigation of an alleged "improper governmental action," the Executive Director of the Seattle Ethics and Elections Commission may issue subpoenas, administer oaths, examine witnesses, compel the production of documents or other evidence, enlist the assistance of the City Attorney, the City Auditor, or the Chief of Police, refer the matter to the State Auditor or law enforcement authorities, and/or issue reports, each as deemed appropriate.

Within thirty (30) days after receiving information about an "improper governmental action" from a City employee, the Executive Director shall conduct a preliminary investigation, and provide the complainant with a written report of the general status of the investigation which may include matters for further research or inquiry.

C. Completion and Reports. Upon completion of the investigation, the Executive Director shall notify the complainant in writing of any determinations made. If the Executive Director determines that an improper governmental action has occurred, the Executive Director shall report the nature and details of the activity to the complainant; to the head of the department with responsibility for the action; and if a department head is implicated, to the Mayor and City Council; and to such other governmental officials or agencies as the Executive Director deems appropriate. If satisfactory action to follow up the report is not being taken within a reasonable time, the Executive Director shall report his or her determination to the Mayor and advise the City Council.

D. Closure. The Executive Director may close an investigation at any time he or she determines that no further action is warranted and shall so notify the complainant.

E. Decisions of the Executive Director under this section are not appealable to the Ethics and Elections Commission.

(Ord. 117039 § 1(part), 1994: Ord. 116368 § 92, 1992: Ord. 116005 § 11, 1991; Ord. 115464 § 1(part), 1990.)

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4.20.840Civil penalty.

A violation of subsection C of Section 4.20.810 is a civil offense. A person who is guilty thereof may be punished in the Seattle Municipal Court by a civil fine or forfeiture not to exceed Five Hundred Dollars ($500.00).

(Ord. 117039 § 1(part), 1994: Ord. 115464 § 1(part), 1990.)

4.20.850Definitions.

As used in Sections 4.20.800 through 4.20.860, the following terms shall have these meanings:

A. "Auditing official" means, each in connection with a report of improper governmental action within his, her, or its respective jurisdiction, the Executive Director of the Seattle Ethics and Elections Commission; a person to whom sexual harassment was properly reported according to City policy; the Office for Civil Rights; the Washington State Commission on Judicial Conduct; the Police Department's Internal Investigations Section; the county prosecuting attorneys of the State of Washington; and any authorized assistant or representative of any of them in cases within their respective appropriate jurisdictions.

B. "Employee" means anyone employed by the City, whether in a permanent or temporary position, including full-time, part-time, and intermittent workers. It also includes members of appointed boards or commissions, whether or not paid.

C. 1. "Improper governmental action" means any action by a City officer or employee that is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of employment, and:

a. Violates any state or federal law or rule or City ordinance, and, where applicable, King County ordinances, or

b. Constitutes an abuse of authority, or

c. Creates a substantial or specific danger to the public health or safety, or

d. Results in a gross waste of public funds.

2. "Improper governmental action" excludes personnel actions, including but not limited to: employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, violations of collective bargaining or civil service laws, or alleged violations of agreements with labor organizations under collective bargaining, or any action that may be taken under Chapter 41.08, 41.12, 41.14, 41.56, 41.59, or 53.18 RCW or RCW 54.04.170 and 54.04.180.

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3. A properly authorized City program or activity does not become an "improper governmental action" because an employee or auditing official dissents from the City policy or considers the expenditures unwise.

D. "Retaliate," and its kindred nouns, "retaliation" and "retaliatory action," mean to make, because of an activity protected under Section 4.20.810, any unwarranted adverse change in an employee's employment status or the terms and conditions of employment including, but not limited to, denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unsubstantiated letters of reprimand or unsatisfactory performance evaluations; demotion, reduction in pay; denial of promotion; transfer or reassignment; suspension or dismissal; or other unwarranted disciplinary action.

E. "Executive Director" means the Executive Director of the Seattle Ethics and Elections Commission.

(Ord. 118392 § 21, 1996; Ord. 117039 § 1(part), 1994: Ord. 116368 § 93, 1992; Ord. 116005 § 12, 1991; Ord. 115464 § 1(part), 1990.)

4.20.860Reporting and adjudicating retaliation.

A. Complaint. In order to seek relief, an employee who believes he or she has been retaliated against in violation of Section 4.20.810 C must file a signed written complaint within thirty (30) days of the occurrence alleged to constitute retaliation. The complaint shall be filed with the Office of the Mayor and must specify the alleged retaliatory action and the relief requested.

B. Investigation and Response. The Mayor's office shall forward the complaint to the head of the executive office or department in which the retaliation is alleged to have occurred, or, at the Mayor's option, to the President of the City Council or the Presiding Judge of the Municipal Court if their respective branches are implicated in the complaint. The head of the department, office, or branch to which the complaint was referred shall ensure that the complainant is sent a response within thirty (30) days after the filing of the complaint. If the head of an executive office or department is alleged to have retaliated in violation of Section 4.20.810, the Mayor shall ensure that the complainant is sent a response within thirty (30) days after the filing of the complaint.

C. Hearing. If an employee who has filed a complaint of retaliation under this section is dissatisfied with the response and desires a hearing pursuant to Section 42.41.040 RCW, the employee shall deliver a request for hearing to the Office of the Mayor within the time limitations specified in that section. Within five (5) working days of receipt of the request for hearing, the City shall apply to the state office of administrative hearings for a hearing to be conducted as provided in Section 42.41.040 RCW.

(Ord. 117039 § 2, 1994.)

Chapter 4.21
STANDBY DUTY

Sections:

4.21.010Standby duty—Definitions.
4.21.020Standby duty responsibilities.
4.21.030Determination of eligibility for standby duty.
4.21.040Standby pay—Rates.
4.21.050Standby pay not concurrent with regular or overtime pay.
4.21.060Standby duty schedules.
4.21.070Resolution of conflict with collective bargaining agreements.
4.21.080Reporting of standby pay.

4.21.010Standby duty—Definitions.

As used in this chapter, the following terms shall mean:

A. "Eligible employee" means an employee eligible for overtime compensation who is not working pursuant to a collective bargaining agreement.

B. "Standby duty" means the formal assignment, by the head of an employing unit or his/her designated representative, to an employee of responsibility to respond to emergencies and other problems during the employee's non-working hours. The act of carrying a pager or other such communication device does not, in itself, constitute standby duty.

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C. "Standby pay" means the monetary compensation paid to an employee who is assigned to standby duty.
(Ord. 117321 § 1(part), 1994: Ord. 112666 § 1(part), 1986.)

4.21.020Standby duty responsibilities.

An eligible employee on standby duty must remain contactable through some communications device (such as by carrying a pager) and be in a state of readiness to direct and/or participate in any City response to an emergency or other problem, through telephone response or personal appearance at some predetermined location, within fifteen (15) minutes after communication contact is made by the employing unit. The appointing authority may establish time parameters within which the employee assigned to standby duty must report to such work location when the occasion requires the employee's presence.
(Ord. 117321 § 1(part), 1994: Ord. 112666 § 1(part), 1986.)

4.21.030Determination of eligibility for standby duty.

The appointing authority may assign eligible employees to perform standby duty, based upon reasonable criteria which shall include: the likelihood of the occurrence of an off-hours emergency, the nature of the emergency, and the consequences of delaying response to the emergency until normal working hours or of assigning the emergency response to an employee who is already on regular duty or standby status.
(Ord. 117321 § 1(part), 1994: Ord. 112666 § 1(part), 1986.)

4.21.040Standby pay—Rates.

A. An eligible employee assigned by proper authority to be on standby duty to perform the duties of his or her position title shall be paid ten percent (10%) of his or her regular straight-time hourly rate of pay for each hour served on standby duty.

B. An eligible employee assigned to standby duty to perform the duties of another position title shall be paid ten percent (10%) of the regular straight-time hourly rate of pay of the salary step for each hour served on standby duty as follows:

1. If the employee's actual rate of pay is within the salary range of the applicable position title, standby pay shall be computed on his or her actual rate of pay.

2. If the employee's actual rate of pay is higher than that top step of the salary range of the applicable position title, standby pay shall be computed using the top step of the salary range of the applicable position title.

3. If the employee's actual rate of pay is lower than the first step of the salary range of the applicable position title, standby pay shall be computed using the first step of the salary range of the applicable position title.
(Ord. 117321 § 1(part), 1994: Ord. 112666 § 1(part), 1986.)

4.21.050Standby pay not concurrent with regular or overtime pay.

When an eligible employee on standby duty responds to an emergency or other problem, standby pay shall be discontinued when regular or overtime pay commences.
(Ord. 117321 § 1(part), 1994: Ord. 112666 § 1(part), 1986.)

4.21.060Standby duty schedules.

The appointing authority shall maintain standby duty schedules so that the affected employees have adequate advance notice as to when they are scheduled for assignment to standby duty. Eligible employees may volunteer for assignment to standby duty, and the schedules may consist of a mix of voluntary and nonvoluntary standby duty assignments.
(Ord. 117321 § 1(part), 1994: Ord. 112666 § 1(part), 1986.)

4.21.070Resolution of conflict with collective bargaining agreements.

In the event of any conflict between this chapter and the terms of any collective bargaining agreement entered into by the City, the terms of the collective bargaining agreement shall prevail for those employees covered by the collective bargaining agreement.
(Ord. 117321 § 1(part), 1994: Ord. 112666 § 1(part), 1986.)

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4.21.080Reporting of standby pay.

The appointing authority shall report as directed to the Personnel Director all authorizations for standby pay and how each satisfied the criteria as stipulated in this chapter. The Personnel Director shall provide a summary report of this information to the City Council on an annual basis.
(Ord. 117321 § 1(part), 1994.)

Chapter 4.24
SICK LEAVE

Sections:

Subchapter I General Provisions
4.24.005Definitions.
4.24.010Computation of sick leave—Exemptions.
4.24.020Officers and employees receiving disability benefits.
4.24.030Change in position or department.
4.24.035Paid sick leave—Use.
4.24.040Sick leave reporting—Payment.
4.24.050Temporary employees.
4.24.060Refusal of approval by department head—Review by Personnel Director.
4.24.070Designation of beneficiary.
4.24.080Authority to make rules—Recordkeeping.
4.24.090Report on denial of paid sick leave.
4.24.100Sick leave transfer program.

Subchapter II Retirement Accounts
4.24.200Establishment of account.
4.24.210Payment in lieu of account.
4.24.220Notification of unused sick leave and rates of pay.
4.24.230Administration.

Subchapter I General Provisions

4.24.005Definitions.

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

A. "Basic living expenses" means the cost of basic food, shelter and any other expenses of a domestic partner which are paid at least in part by a program or benefit for which the partner qualified because of the domestic partnership. The individuals need not contribute equally or jointly to the cost of these expenses as long as they agree that both are responsible for the cost.

B. "Dependent child" means a child under the age of eighteen (18) who is:

1. The natural offspring of;
2. An adopted or step child of;
3. Under the legal guardianship, legal custody or foster care of;
4. Financially dependent on; or
5. A resident in the dwelling unit of;

an officer or employee or an officer's or employee's spouse or domestic partner.

C. "Domestic partner" means an individual designated as such by an officer or employee in an Affidavit of Domestic Partnership or otherwise as provided by Seattle Municipal Code Section 4.30.010.

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

E. "Parent" means and includes one's natural or adoptive father or mother, stepfather or stepmother or foster father or foster mother.
(Ord. 114648 § 1, 1989: Ord. 112088 § 1, 1984.)

4.24.010Computation of sick leave—Exemptions.

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) hours a week, and all benefits of this subchapter shall be granted to all City officers and employees over whom the legislative authority has jurisdiction in this respect: provided, that members of the Police and Fire Departments who were members of the Washington State Law Enforcement and Fire Fighters Retirement System (the "LEOFF" System) as of or before September 30, 1977, 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 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) calendar days of employment.

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(Ord. 107905 § 2, 1978: Ord. 101861 § 1, 1973: Ord. 101720 § 1, 1972: Ord. 100879 § 1, 1972: Ord. 99422 § 1, 1970: Ord. 96867 § 1, 1968: Ord. 93066 § 1, 1964: Ord. 89939 § 1, 1961: Ord. 88522 § 1, 1959.)

4.24.020Officers and employees receiving disability benefits.

Officers and employees receiving disability benefits by virtue of any law or ordinance now or hereafter enacted, or under the City Charter,[1] shall be entitled to sick leave pay only in the amount regular compensation exceeds such benefits, and any sick leave accumulation shall be reduced in the same ratio as such sick leave pay bears to regular compensation.
(Ord. 88522 § 2, 1959.)

1.Editor's Note: The Charter is included at the beginning of this Code.

4.24.030Change 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 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.
(Ord. 93257 § 1, 1964: Ord. 88522 § 3, 1959.)

4.24.035Paid sick leave—Use.

A. An officer's or employee's request for paid sick leave may be granted when the officer or employee is required to be absent from work because of:

1. A personal illness, injury or medical disability incapacitating the officer or employee for the performance of duty, or personal medical or dental appointments; or

2. An illness, injury, or medical or dental appointment of an officer's or employee's spouse, domestic partner, or the parent or dependent child of such officer or employee or his or her spouse or domestic partner when the officer or employee has established his or her eligibility for a non-personal sick leave use as contemplated by SMC Chapter 4.30 and the absence of the officer or employee from work is required, or when such absence is recommended by a health care professional.

B. 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.
(Ord. 117958 § 1, 1995: Ord. 114648 § 2, 1989: Ord. 112088 § 2, 1984.)

4.24.040Sick leave reporting—Payment.

Compensation for absence of an officer or

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employee from duty for any reason contemplated in Section 4.24.035 shall be paid upon approval of such absentee's appointing authority or that authority's designee. In order to receive compensation for such absence, an officer or employee shall make himself or herself available for such investigation, medical or otherwise, as such appointing authority or the Personnel Director deems appropriate. Either such appointing authority or the Personnel Director may require a supporting report of a health care professional from the officer or employee. Compensation for absences beyond four (4) 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 SMC Section 4.24.035 A2, or by a health care professional selected by the Personnel Director.
(Ord. 114648 § 3, 1989: Ord. 112088 § 3, 1984: Ord. 107905 § 3, 1978: Ord. 885 § 4, 1959.)

4.24.050Temporary 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 Personnel Director.
(Ord. 107905 § 4, 1978: Ord. 88522 § 5, 1959.)

4.24.060Refusal of approval by department head—Review by Personnel Director.

At the request of the employee concerned the Personnel Director shall review the refusal of a department head to approve a request for sick leave and the decision of the Personnel Director shall be final.
(Ord. 107905 § 5, 1978: Ord. 88522 § 6, 1959.)

4.24.070Designation of beneficiary.

Any City officer or employee eligible for sick leave benefits under this subchapter may designate a beneficiary to receive a cash payment in an amount equal to twenty-five percent (25%) of such officer's or employee's accumulated and unused sick leave, which designation shall be in writing and filed with the Personnel Director and in the event of the death of such officer or employee while employed by the City, such payment shall be made to the designated beneficiary at the rate of pay of such officer or employee in effect on the day prior to his death; provided, that the provisions of this section shall not apply to officers and employees of the Police and Fire Departments who are members of the Washington Law Enforcement Officers' and Fire Fighters' Retirement System.
(Ord. 107905 § 6, 1978: Ord. 105991 § 1, 1976: Ord. 105005 § 1, 1975: Ord. 88522 § 6.1, 1959.)

4.24.080Authority to make rules—Recordkeeping.

The Personnel Director is authorized to make the necessary rules and regulations to enforce and administer the provisions of this subchapter, to furnish the necessary forms and to keep the necessary records, provided that the City Finance Director shall maintain all records of accumulated sick leave of active officers and employees.
(Ord. 116368 § 94, 1992: Ord. 107905 § 7, 1978: Ord. 88522 § 7, 1959.)

4.24.090Report on denial of paid sick leave.

The heads of departments shall report as to the final disposition of all cases when an employee has been included on the payroll for paid sick leave which subsequently is denied and shall make such other reports and keep such records as the Personnel Director and the City Finance Director shall require.
(Ord. 116368 § 95, 1992: Ord. 107905 § 8, 1978: Ord. 88522 § 8, 1959.)

4.24.100Sick leave transfer program.

A. The Personnel Director shall implement by rule a sick leave transfer program allowing for the transfer of accumulated sick leave hours from the account of any officer or employee who desires to participate in such program to the accumulated sick leave hours account of another officer or employee designated by the donor-officer or -employee. Such sick leave transfer program shall include at least the following elements:

1. The sick leave being transferred shall be translated into a dollar figure based upon the donor-officer's or -employee's straight-time rate of pay.

2. An officer or employee may receive sick leave from a donor-officer or -employee if the appointing authority of the receiving officer or employee finds that:

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a. The receiving officer or employee presently suffers from an illness, injury, impairment, or physical or mental condition, and it has caused, or is likely to cause, the receiving officer or employee to:

(1) Go on leave without pay, or

(2) Leave City employment;

b. The receiving officer's or employee's absence and the use of contributed leave are justified;

c. Depletion of the receiving officer's or employee's available accumulated sick leave has occurred or is imminent;

d. The receiving officer or employee has diligently attempted to accrue sick leave reserves; and

e. The receiving officer or employee is not eligible for benefits under SMC Chapter 4.44 or under the State Industrial Insurance and Medical Aid Acts.

3. The Personnel Director shall establish, by rule, limits for:

a. The maximum number of hours of sick leave a receiving officer or employee may personally have accrued before such officer or employee may receive sick leave hours from another officer or employee;

b. The minimum number of sick leave hours a donor-officer or -employee must have accrued and must retain if allowed to transfer additional accrued sick leave hours to another officer or employee;

c. The maximum number of accrued sick leave hours that a donor-officer or -employee may transfer to another officer or employee; and

d. The maximum number of sick leave hours, as equated to the receiving officer's or employee's straight-time rate of pay, that a receiving officer or employee may receive, which number, in no event, shall exceed five hundred sixty (560) hours.

4. The donor-officer or -employee and the receiving officer or employee shall each file with the appointing authority for their respective employing units their affidavit or declaration, in a form provided by the Personnel Director, acknowledging that such sick leave transfer is intended to be a gift and has been or will be accomplished for no, or without the exchange of any, compensation or consideration whatsoever.

5. Hours of donated sick leave shall no longer be used by the receiving officer or employee once the medical or mental condition upon the basis of which donated sick leave was received ceases to exist. Unused donated sick leave remained in the receiving officer's or employee's account shall be returned to the donor-officer(s) or -employee(s) in accordance with rules established by the Personnel Director.

B. The appointing authority of an officer or employee who requests to receive donated sick leave shall report in a manner to be prescribed by the Personnel Director, the approval for and receipt of any such sick leave and/or the denial of any such request to receive donated sick leave.

(Ord. 115851 § 1, 1991: Ord. 114648 § 4, 1989.)

Subchapter II Retirement Accounts

4.24.200Establishment of account.

Upon the retirement of any member of the City Employees' Retirement System or any Health Department employee who has retained membership in the State Retirement System under Ordinance 83017, or upon the award of a retirement allowance in accordance with Section 13(c) of Ordinance 78444[1] to a member whose employment with the City has been terminated by layoff, or, at the election of a member of the system, upon retirement after transfer of such member to another governmental entity under any agreement for merger or consolidation of governmental services between the City and such other governmental entity, the Board of Administration of the City Employees' Retirement System shall establish for such member an account to which it shall credit an amount equal to twenty-five percent (25%) of such employee's unused and accumulated sick leave, while employed by the City, at the rate of pay of such member in effect on the day prior to his retirement or layoff, as the case may be. Such account shall be used only to pay health care benefit premiums of such member and spouse at the time of retirement or award of such retirement allowance, to such carrier or carriers as shall be designated by such member. The Board of Administration shall pay such health care benefit premiums from the Health Care Fund, charge the respective members' accounts in the amount thereof and cease payments on behalf of any such member when the balance in his account has been exhausted, or upon the deaths of such member and spouse, whichever shall first occur. The Board of Administration shall periodically notify the de-

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partments from which members are retired or laid off and for whom such health care premiums have been paid, of the amount of premiums so paid and the Health Care Fund shall be reimbursed for such premium payments from the proper funds.
(Ord. 104100 § 1, 1974: Ord. 102366 § 1, 1973: Ord. 101720 § 2, 1972: Ord. 100879 § 2, 1972: Ord. 93631 § 1, 1965: Ord. 93065 § 1, 1964: Ord. 90789 § 1, 1961.)

1.Editor's Note: Section 13(c) of Ord. 78444 is codified in Section 4.36.200 C of this Code.

4.24.210Payment in lieu of account.

In lieu of the establishment of the account and the crediting thereto of the amount provided in Section 4.24.200, any such member of the City Employees' Retirement System or Health Department employee who has retained membership in the State Retirement System under Ordinance 87017,[1] upon retirement, award of retirement allowance, or upon retirement after transfer of such member to another governmental entity under any agreement for merger or consolidation of governmental services between the City and such other governmental entity, as the case may be, may by written request to the head of the City department in which such person is employed elect to receive a cash payment of an amount equal to the amount provided in Section 4.24.200; provided, that, in the event such member is transferred under any agreement for merger or consolidation of governmental services between the City and another governmental entity, such written request shall be directed to the Executive Secretary of the retirement system. Upon receipt of such written request, the head of the department in which such person was employed, or the Executive Secretary of the retirement system, as the case may be, is authorized to pay such amount to such person and for such purpose to use unexpended and unencumbered budget salary funds accumulating in the budget of such department, or such other funds as may be appropriated therefor.
(Ord. 104100 § 2, 1974: Ord. 102965 § 1, 1974: Ord. 102366 § 2, 1973: Ord. 101720 § 3, 1972: Ord. 100879 § 3, 1972: Ord. 99754 § 1, 1971: Ord. 98848 § 1, 1970: Ord. 90789 § 1.1, 1961.)

1.Editor's Note: Ordinance 87017 is on file in the City Clerk's office.

4.24.220Notification of unused sick leave and rates of pay.

The Personnel Director of the City, or other responsible boards or commissions shall notify the Board of Administration of the City Employees' Retirement System in writing of the unused and accumulated sick leave and the applicable hourly rate of pay of retiring members of the retirement system.
(Ord. 107905 § 10, 1978: Ord. 90789 § 2, 1961.)

4.24.230Administration.

The Board of Administration of the City Employees' Retirement System shall administer the provisions of this subchapter and may make necessary rules to effectuate the same.
(Ord. 90789 § 3, 1961.)

Chapter 4.26
FAMILY AND MEDICAL LEAVE

Sections:

4.26.005Definitions.
4.26.010Leave provisions.
4.26.020Notice.
4.26.030Leave taken intermittently or on a reduced leave schedule.
4.26.040Medical certification requirement.
4.26.050Employment and benefit protection.
4.26.060Failure to return to work.
4.26.070Paid leave.
4.26.080Rulemaking.

4.26.005Definitions.

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

A. "City" means The City of Seattle.

B. "Days" means calendar days.

C. "Domestic partner" means an individual designated by a City officer or employee in an affidavit filed pursuant to Seattle Municipal Code Section 4.30.020 and qualified under Section 4.30.010.

D. "Eligible employee" means an employee, as defined by subsection E of this section, who has completed six (6) months of employment.

E. "Employee" means a person employed in a permanent position on a full-time or part-time

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basis. The term "employee" shall not include part-time workers employed less than twenty (20) hours per week, intermittent, seasonal, or temporary workers.

F. "Group health plan" means health insurance coverage for medical and dental care provided as an incident of employment and on existing terms and conditions as provided to employees similarly situated.

G. "Health care provider" means any provider included within Seattle Municipal Code Section 4.24.005 D.

H. "Medical leave" means leave requested to recuperate, recover or treat a serious health condition for the son, daughter, spouse/domestic partner, parent, or employee.

I. "Parent" means the parent of an employee or the parent of an 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 employees spouse/domestic partner was a son or daughter.

J. "Reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

K. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

1. Inpatient care in a hospital, hospice, or residential, medical care facility; or

2. Continuing treatment by a health care provider.

L. "Son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:

1. Under eighteen (18) years of age; or

2. Eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.

M. "Spouse" means a husband or wife.

(Ord. 116761 § 1(part), 1993.)

4.26.010Leave provisions.

Eligible employees are entitled to up to ninety (90) calendar days of unpaid leave in addition to any paid leave to which they may otherwise be entitled during any twelve (12) month period for one or more of the following:

A. The birth of a son or daughter of the employee and in order to care for such son or daughter.

B. The placement of a son or daughter with the employee for adoption or foster care.

C. To care for the spouse/domestic partner, or a son or daughter, or parent, of the employee or spouse/domestic partner, if such spouse/domestic partner, son, daughter, or parent has a serious health condition.

D. A serious health condition that makes the employee unable to perform the functions of the position of such employee.

Expiration of entitlement. The entitlement to leave under subsections A and B above for birth or placement of a son or daughter shall expire at the end of the twelve (12) month period beginning on the date of such birth or placement.

(Ord. 116761 § 1(part), 1993.)

4.26.020Notice.

A. In any case in which the necessity for leave under subsection A or B of Section 4.26.010 is foreseeable based on an expected birth or placement, the employee shall provide the City with at least thirty (30) days' notice, before the date of leave is to begin, of the employee's intention to take leave, except that if the date of birth or placement requires leave to begin in less than thirty (30) days, the employee shall provide such notice as is practicable.

B. In any case in which the necessity for leave under subsection C or D of Section 4.26.010 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 employee or the health care provider of the son, daughter,

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spouse/domestic partner, or parent, as appropriate; and

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

C. Failure to provide notice as prescribed in this section shall be grounds to deny leave.

(Ord. 116761 § 1(part), 1993.)

4.26.030Leave taken intermittently or on a reduced leave schedule.

A. Leave under subsection A or B of Section 4.26.010 shall not be taken by an employee intermittently or on a reduced schedule unless the employee and City agree otherwise.

Leave under subsection C or D of Section 4.26.010 may be taken intermittently or on a reduced leave schedule when medically necessary. Medical necessity shall be determined and certified by a health care provider as provided in subsection F or G or Section 4.26.040.

B. If an employee requests intermittent leave, or leave on a reduced leave schedule, under subsection C or D of Section 4.26.010, that is foreseeable based on planned medical treatment, the City may require such employee to transfer temporarily to an available alternative position offered by the City for which the employee is qualified and that:

1. Has equivalent base pay and benefits; and

2. Better accommodates recurring periods of leave than the regular employment position of the employee.

(Ord. 116761 § 1(part), 1993.)

4.26.040Medical certification requirement.

Medical certification is required for medical leave under subsection C or D of Section 4.26.010. The medical certification must be issued by the health care provider of the eligible employee or of the son, daughter, spouse/domestic partner, or parent, as appropriate, 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;

D. A statement that the eligible employee is needed to care for the son, daughter, spouse/domestic partner, or parent, or a statement that the employee is unable to perform the functions of the position of the employee;

E. In the case of certification for intermittent leave, or leave on a reduced leave schedule, for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment;

F. In the case of certification for intermittent leave, or leave on a reduced leave schedule, under Section 4.26.010 D, a statement of the medical necessity for the intermittent leave or leave on a reduced leave schedule, and the expected duration of the intermittent leave or reduced leave schedule; and

G. In the case of certification for intermittent leave, or leave on a reduced leave schedule, under Section 4.26.010 C, a statement that the employee's intermittent leave on a reduced leave schedule is necessary for the care of the son, daughter, parent, or spouse/domestic partner who has a serious health condition, or will assist in their recovery, and the expected duration and schedule of the intermittent leave or reduced leave schedule.

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 above.

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 above 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 recertifications on a reasonable basis.

(Ord. 116761 § 1(part), 1993.)

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4.26.050Employment and benefit protection.

Eligible employees who have been granted leave under this chapter shall be entitled, on return from such leave, to be restored by the City to the position of employment held by the employee when the leave commenced if that position is vacant. If that position is not vacant, the employee shall be restored to an equivalent position with equivalent employment benefits, base pay, and other terms and conditions of employment in effect at the time the leave commenced.

Taking family leave shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

The City shall maintain coverage under any group health plan for the duration of an approved leave at the level, and under the conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

(Ord. 116761 § 1(part), 1993.)

4.26.060Failure to return to work.

The City may recover the premium that the City paid for maintaining coverage for the employee under a group health plan during any period of unpaid leave under this chapter if the employee fails to return from the leave, after the period of leave to which the employee is entitled has expired, for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the control of the employee.

(Ord. 116761 § 1(part), 1993.)

4.26.070Paid leave.

Notwithstanding Seattle Municipal Code Section 4.20.360,[1] an employee need not exhaust his or her accrued sick leave, compensatory time and/or vacation leave prior to requesting or taking family or medical leave under this chapter.

(Ord. 116761 § 1(part), 1993.)

1.Editor's Note: Section 4.20.360 was repealed in 1996 by Ord. 118265.

4.26.080Rulemaking.

The Personnel Director is authorized to promulgate such rules as are necessary to apply or interpret this chapter.

(Ord. 116761 § 1(part), 1993.)

Chapter 4.28
FUNERAL LEAVE

Sections:

4.28.010Granting of funeral leave.
4.28.020Definitions.
4.28.030Certification to Finance Director.

4.28.010Granting of funeral leave.

All City officers and employees over whom the legislative authority has jurisdiction in this respect, except employees in temporary positions specified by provisions of salary ordinances as not entitled to vacations, holidays, sick leave or health care, and except employees covered by that certain collective bargaining agreement entered into between the City and Seattle Police Officers' Guild shall be allowed one (1) day off without salary reduction for the purpose of attendance at the funeral of any close relative of such officer or employee; provided, that where such attendance requires total travel time of two hundred (200) miles or more, one (1) additional day with pay shall be allowed; provided further, that department heads may when circumstances require and upon application stating the reasons therefor authorize for such purpose not to exceed an additional four (4) days chargeable to the sick leave account of any such officer or employee, but no combination of paid absence under this section shall exceed five (5) days for any one (1) period of absence. In like circumstances and upon like application department heads may authorize for the purpose of attending the funeral of a relative other than a close relative, not to exceed five (5) days chargeable to the sick leave account of any such officer or employee.

(Ord. 107905 § 11, 1978: Ord. 100916 § 1, 1972: Ord. 99963 § 1, 1971: Ord. 99753 § 1, 1971.)

4.28.020Definitions.

A. For the purpose of this chapter, the term “close relative” means the spouse or domestic partner, child, mother, father, brother, sister, grandchild, grandfather or grandmother of an officer or employee or of the spouse or domestic partner of such officer or employee. “Relative other than close relative” means the uncle, aunt, cousin, niece, or nephew of such officer or employee; or the spouse or domestic partner of the brother, sister, child or grandchild of such officer

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or employee; or the uncle, aunt, cousin, niece, nephew, spouse or domestic partner of the brother or sister of the spouse or domestic partner of such officer or employee.

B. For the purpose of this chapter, the term "domestic partner," when used in reference to a person other than the domestic partner of an officer or employee, means a person identified by the officer or employee as the relative's domestic partner in an affidavit or declaration of domestic partnership in form prescribed therefor by the Personnel Director.

(Ord. 114648 § 5, 1989: Ord. 111620 § 1, 1984: Ord. 107905 § 12, 1978: Ord. 100916 § 2, 1972: Ord. 99963 § 3, 1971: Ord. 99753 § 3, 1971.)

4.28.030Certification to Finance Director.

Upon certification by the appropriate department head that sick leave was allowed to an officer or employee for the purpose of attendance at a funeral in accordance with this chapter, the Finance Director shall correspondingly reduce such officer's or employee's sick leave balance on the payroll record.

(Ord. 116368 § 96, 1992: Ord. 99753 § 4, 1971.)

Chapter 4.30
DOCUMENTATION OF ELIGIBILITY FOR CERTAIN USES OF SICK LEAVE AND FUNERAL LEAVE

Sections:

4.30.010Establishment of eligibility for certain funeral leave and nonpersonal sick leave uses.
4.30.020Affidavit of marriage/domestic partnership.
4.30.030Notice of termination of domestic partnership.

4.30.010Establishment of eligibility for certain funeral leave and nonpersonal sick leave uses.

A. Any officer or employee who, on or after the effective date of the ordinance codified in this chapter:[1]

1. Commences service for the City; or

2. Recommences City service following a break in such service; or

3. Becomes another person's spouse or domestic partner;

may use sick leave under SMC Chapter 4.24 for the care of his or her spouse, domestic partner, parent, or the parent or child of his or her spouse or domestic partner, and funeral leave under SMC Chapter 4.28 in connection with the death of his or her spouse or domestic partner or any other person added by this chapter, or family and medical leave under the terms and conditions of Chapter 4.26 by filing with the appointing authority for his or her employing unit, within a period specified in subsection C of this section, an affidavit as contemplated in SMC Section 4.30.020.

B. The Personnel Director shall specify, by rule, what documentation, if any, that a person who is a City officer or employee[1] and who is (1) married, or (2) participating in a domestic partnership, must provide to the appointing authority of such officer's or employee's employing unit to establish City knowledge of such officer's or employee's participation in a marriage or domestic partnership and the eligibility of that officer or employee to use sick leave under SMC Chapter 4.24 for the care of his or her spouse, domestic partner, or the parent or child of his or her spouse or domestic partner, and funeral leave under SMC Chapter 4.28 in connection with the death of a spouse or domestic partner or any other person added by this chapter, or family and medical leave under the terms and conditions of Chapter 4.26.

C. An officer or employee may file the documentation required under subsections A or B of this section only:

1. Within the first thirty (30) days after the commencement date of his or her marriage or domestic partnership;

2. Within the first thirty (30) days after the commencement or recommencement of such officer's or employee's service; and

3. During an open enrollment period of ninety (90) days as specified by the Personnel Director following the effective date of the ordinance codified herein[1] and, thereafter, during a regular annual open enrollment period as specified by the Personnel Director.

(Ord. 116761 § 2, 1993; Ord. 114648 § 6(part), 1989.)

1.Editor's Note: Ordinance 114648 was passed by the Council on August 14, 1989.

4.30.020Affidavit of marriage/domestic partnership.

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The documentation sufficient to qualify an officer or employee to use sick leave or funeral leave or family and medical leave as contemplated in subsection A of SMC Section 4.30.010 shall consist of an affidavit in a form prescribed and furnished by the Personnel Director, on which such officer or employee dates and signs his or her name and:

A. Attests:

1. If married, that he or she is currently married to the individual identified by name on said form; or

2. If participating in a domestic partnership, that:

a. He or she and his or her domestic partner (who shall be identified, by name, on such form) share the same regular and permanent residence, have a close personal relationship, and have agreed to be jointly responsible for basic living expenses incurred during the domestic partnership,

b. They are not married to anyone,

c. They are eighteen (18) years of age or older,

d. They are not related by blood closer than would bar marriage in the State of Washington;

e. They were mentally competent to consent to contract when their domestic partnership began,

f. They are each other's sole domestic partner and are responsible for each other's common welfare; and

g. Any prior domestic partnership in which he or his or her domestic partner participated with a third party was terminated not less than ninety (90) days prior to the date of such affidavit, or by the death of that third party, whichever was earlier, and, if such earlier domestic partnership had been acknowledged pursuant to subsection A or B of SMC Section 4.30.010, that notice of the termination of such earlier domestic partnership was provided to the City pursuant to SMC Section 4.30.030 not less than ninety (90) days prior to the date of such affidavit;

B. Agrees to notify the City if there is a change of the circumstances attested to in the affidavit; and

C. Affirms, under penalty of law, that the assertions in the affidavit are true.

(Ord. 116761 § 3, 1993: Ord. 114648 § 6(part), 1989.)

4.30.030 Notice of termination of domestic partnership.

For the purposes of this chapter, a domestic partnership that has been acknowledged as contemplated in subsection A or B of SMC Section 4.30.010 shall be effectively terminated upon the death of a domestic partner or on the ninetieth day after notice of the termination thereof was provided to the City in the form prescribed therefor by the Personnel Director, whichever is earlier. (Ord. 114648 § 6(part), 1989.)

Chapter 4.34
VACATIONS

Sections:

4.34.005 Definitions.
4.34.010 Annual vacations provided—Exemptions.
4.34.020 Vacation credit accrual rate.
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4.34.040 Fire Department employees' vacation allowance.
4.34.045 Eligibility for use of accrued vacation credit.
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4.34.100 Accrual rate—Temporary employees acquiring permanent status.

4.34.005 Definitions.

As used in this chapter, the following terms shall have the meanings indicated unless another meaning is clearly indicated from the context:

A. "Employee" means an individual who works for wages or a salary in the service of the City other than (1) a person elected or appointed

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to a term of office, or (2) a person who, individually or with others, is the head of an employing unit. It includes full-time and part-time personnel, interim employees, and temporary workers.

B. "Employing unit" means any department of the City, and within the Executive Department, the Division of Purchases and any office created by ordinance; and any City board or commission that is an appointing authority.

C. "Interim employee" means an employee appointed to fill a permanent position for which no certification is available.

D. "Regular pay status" means regular straight-time hours of work and includes paid time off such as vacation time, holiday time off and sick leave. It excludes hours of work outside regular straight-time hours for overtime pay.

E. "Service year" means the period of time between an employee's date of hire and the one (1) year anniversary date of the employee's date of hire, and thereafter, the period of time between any two (2) consecutive anniversaries of the employee's date of hire.

F. "Temporary worker" means an employee who is hired to fill a temporary, emergency or short-term need. It includes an employee who occupies a seasonal or intermittent position or who works less than an average of twenty (20) hours per week during a year.

(Ord. 111757 § 1, 1984.)

4.34.010Annual vacations provided—Exemptions.

Annual vacations with pay or premium pay in lieu of paid vacation shall be provided to City employees in accordance with the provisions of this chapter, except as otherwise provided in authorized collective bargaining agreements.

(Ord. 111757 § 2, 1984: Ord. 110195 § 2(part), 1981.)

4.34.020Vacation credit accrual rate.

A. Basic Structure. Except as provided in SMC 4.34.055 D and E, City employees shall accrue annual vacation credit at the rate and up to the maximum vacation balance shown in the "Accrual Rate and Maximum Accumulation Table" in SMC 4.34.020 B for each hour worked on regular pay status as shown on the payroll.

B. Accrual Rate and Maximum Accumulation Table. The vacation accrual rate shall be determined in accordance with rates set forth in Column No. 1 of Table 4.34.020 B. Column No. 2 depicts the corresponding equivalent annual vacation creditable to a full-time employee. Column No. 3 depicts the normal maximum number of hours of vacation credit that can be accrued and accumulated at any time.

C. Maximum Accrual. No employee may accrue credit for annual vacation time for more than eighty (80) hours per pay period except employees in the Health Department paid through the King County payroll system, who may accrue credit for annual vacation time up to eighty-seven (87) hours per pay period. Except as is provided in SMC 4.34.055 D and E, accrual and accumulation of vacation time shall cease at the time an employee's vacation credit balance reaches the normal maximum balance and shall not resume until the employee's vacation credit balance is below the normal maximum balance.

(Ord. 111757 § 3, 1984: Ord. 111621 § 1, 1984: Ord. 110195 § 2(part), 1981.)

4.34.030Vacation allowance for department heads.

For department heads, the annual vacation allowance shall be thirty (30) days in each calendar year. Unused days may not be carried over into subsequent years.

(Ord. 110195 § 2(part), 1981.)

4.34.040Fire Department employees' vacation allowance.

For uniformed Fire Department employees, annual vacation allowances shall be as follows:

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TABLE FOR SECTION 4.34.020 B

Column No. 1			Column No. 2		Column No. 3	
Accrual Rate			Equivalent Annual Vacation Creditable to a Full-Time Employee		Normal Maximum Vacation Balance*	
Hours on Regular Pay Status		Vacation Accrued Per Hour	Years of Service	Working Days Per Year	Hours	(Hours)
Less than 08321	. . .	.0460	0 through 4	12	(96)	192
08321 through 18720	. . .	.0577	5 through 9	15	(120)	240
18721 through 29120	. . .	.0615	10 through 14	16	(128)	256
29121 through 39520	. . .	.0692	15 through 19	18	(144)	288
39521 through 41600	. . .	.0769	20.	20	(160)	320
41601 through 43680	. . .	.0807	21.	21	(168)	336
43681 through 45760	. . .	.0846	22.	22	(176)	352
45761 through 47840	. . .	.0885	23.	23	(184)	368
47841 through 49920	. . .	.0923	24.	24	(192)	384
49921 through 52000	. . .	.0961	25.	25	(200)	400
52001 through 54080	. . .	.1000	26.	26	(208)	416
54081 through 56160	. . .	.1038	27.	27	(216)	432
56161 through 58240	. . .	.1076	28.	28	(224)	448
58241 through 60320	. . .	.1115	29.	29	(232)	464
60321 and over	. . .	.1153	30.	30	(240)	480

* SMC Section 4.34.055 D and E authorize temporary exceptions to this maximum balance.

A. Uniformed Fire Department employees who work an average workweek of 45.7 hours and are working on a twenty-four (24) hour shift schedule shall accrue vacation allowances as follows:

1 through 6 years' service	5 shifts	(24-hour shifts)
7 through 14 years' service	6 shifts	(24-hour shifts)
15 through 19 years' service	7 shifts	(24-hour shifts)
19 through 20 years' service	8 shifts	(24-hour shifts)
21 through 24 years' service	9 shifts	(24-hour shifts)
25 years' service	10 shifts	(24-hour shifts)
26 or more years' service	11 shifts	(24-hour shifts)

Uniformed Fire Department employees who work an average workweek of 45.7 hours and are working on a schedule of ten (10) hour day shifts and fourteen (14) hour night shifts, shall accrue vacation as follows:

1 to 7 years' service	10 shifts	(12 hours average shift)
7 to 15 years' service	12 shifts	(12 hours average shift)
15 to 20 years' service	14 shifts	(12 hours average shift)
20 to 21 years' service	16 shifts	(12 hours average shift)
21 to 22 years' service	18 shifts	(12 hours average shift)
22 to 23 years' service	18 shifts	(12 hours average shift)
23 to 24 years' service	18 shifts	(12 hours average shift)
24 to 25 years' service	18 shifts	(12 hours average shift)
25 to 26 years' service	20 shifts	(12 hours average shift)
26 years and over	22 shifts	(12 hours average shift)

B. Uniformed Fire Department employees who work an average workweek of less than 45.7 hours shall receive vacation allowances based on service in proportion to the equivalent hours of vacation allowance provided herein for uniformed fire personnel who work an average workweek of 45.7 hours.

C. Uniformed Fire Department employees may, following one (1) full calendar year of employment, carry over and/or accumulate two (2) shifts of vacation annually, provided, the number of vacation days carried over and/or accumulated shall not exceed the number of annual vacation days for which such employee is currently eligible.

D. Increased vacation allowance for uniformed Fire Department employees who have seven or more years of service shall accrue on January 1st of the year in which the service requirement is met.
(Ord. 110195 § 2(part), 1981.)

4.34.045Eligibility for use of accrued vacation credit.

A. Except as provided in SMC Section 4.34.065 B, upon attaining eligibility for the same, a City employee may use accrued vacation credit, with approval of the head of the employing unit. An employee shall attain eligibility for the use of vacation credit by completing more than one thousand forty (1040) hours of work or more than six (6) months of continuous service, whichever is earlier, each on regular pay status with the City.

B. The hours of work and continuous service requirements of SMC Section 4.34.045 A, shall be measured from (1) the date of a regularly appointed full-time or part-time employee's initial regular appointment unless a break in service occurs prior to the attainment of eligibility, in which case such measurement shall be from such employee's most recent regular appointment; (2) the date of an interim employee's most recent interim appointment; and (3) the date of a temporary worker's most recent temporary appointment. In measuring six (6) months of continuous service, no credit shall be given an employee for any single period of fifteen (15) days or more during which he or she was excused from work by an unpaid leave of absence or was suspended from work for disciplinary purposes.
(Amended during 12-96 supplement; Ord. 111757 § 4, 1984.)

4.34.055Use and scheduling of vacations.

A. The minimum vacation allowance to be used by an employee shall be one-half (½) day or, at the discretion of the appointing authority or his or her designated management representative, such lesser amount as may be approved by the department head.

B. The appointing authority shall arrange vacation time for employees on such schedules as shall least interfere with the functions of the employing unit.

C. 1. An employee may, with the prior approval of the appointing authority or his or her designated management representative, go on unpaid leave of absence for a period of no more than twelve (12) months, without first using accrued vacation credit or compensatory time off. The appointing authority or his or her designated management representative may deny the use of vacation to an employee who has exhausted his or her sick leave balance and requests further paid leave for medical reasons.

2. However, if an employee has City-provided long-term disability benefits and has accumulated a vacation, compensatory time, or sick leave balance in excess of that necessary to cover the long-term disability plan elimination period, he/she can choose either to receive the long-term disability benefits after the elimination period or to remain on vacation, compensatory time, or sick leave (with approval of the appointing authority or his or her designated management representative) until all such paid leave is exhausted and receive the appropriate long-term disability benefit.

D. In the event that the City cancels an employee's already scheduled and approved vacation leaving no time to reschedule such vacation before the employee's maximum balance will be reached, the head of any employing unit may request the Personnel Director to allow an employee to exceed the normal maximum vacation balance and to continue to accrue vacation credit above the normal maximum credit balance for three (3) months after such maximum has been reached. Any such request must contain an explanation of the circumstances and reasons leading to the need for such allowance. When the explanation submitted documents, circumstances and reasons consistent with the conditions specified herein, the Personnel Director shall authorize such an exception being made; otherwise, the Personnel Director shall deny the request. No similar exception shall be authorized for such employee until twelve (12) months after the Personnel Director's authorization.

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