Clerk File No. 310244

Clerk File No. 310244

Personnel Department Rule No. 7.1, relating to Family and Medical Leave.

Related Legislation File: _____

Date Introduced and Referred:	To: (committee):
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action:	Disposition: Filed

Oct. 23, 2009

Date Filed with City Clerk

Emilia M. Sanchez

By

The City of Seattle – Legislative Department

Clerk File sponsored by: _____

Committee Action:

Date	Recommendation	Vote

This file is complete and ready for presentation to Full Council. _____

Full Council Action:

Date	Decision	Vote

FILED
CITY OF SEATTLE
2009 OCT 23 PM 2:38
CITY CLERK

Personnel Rule 9.1 – Alternative Work Schedule

9.1.0 Authority

SMC 3.102.010 and subsequent revisions thereto, Office Hours

SMC 4.04.030 and subsequent revisions thereto, Definitions

SMC 4.04.040 and subsequent revisions thereto, Administration

SMC 4.04.050 and subsequent revisions thereto, Rule-making Authority

SMC 4.04.220 and subsequent revisions thereto, Layoff

SMC 4.20.170 and subsequent revisions thereto, Eight-hour Day—Five-day Week

SMC 4.20.190 and subsequent revisions thereto, Holiday Pay or Time Off

9.1.1 Definitions

A. "Appointing authority" shall mean the head of an employing unit, authorized by ordinance or City Charter to employ others on behalf of the City. The term includes and can be used interchangeably with department head, department director, superintendent, or chief.
B. "Compressed workweek" shall mean any schedule which allows a full-time employee to work a 40 hour workweek in less than five days.
C. "Core work hours" shall mean a designated period of time during the employee's workweek when he or she is expected to be working and available in person or via the telephone or computer unless the employee is on approved leave.
D. "Employing unit" shall mean any department of the City and, within the Executive and Legislative Departments, any office created by ordinance.
E. "Flex time" shall mean a work scheduling system which allows employees to alter their own work hours within parameters set by the appointing authority and with prior approval of the employee's supervisor.
F. "4/10 workweek" shall mean a compressed workweek comprised of a work schedule which allows employees to work 40 straight time hours per workweek in four ten-hour days.
G. "9/80 workweek" shall mean a compressed workweek comprised of a work schedule which allows employees to work 80 straight time hours per pay period over a nine day period.
H. "Hourly employee" shall mean employee who is compensated on an hourly basis for each hour of work performed, including time worked beyond 40 hours in a work week.
I. "Job Sharing" shall mean an alternative work arrangement by which the responsibilities and job duties of a single full-time position are shared by two part-time employees.
J. "Part-time employee" shall mean an employee whose authorized work schedule is at least 20 hours but less than 40 hours per week.

K. "Straight time" shall mean non-overtime hours for which the employee is compensated. Straight time shall include paid leave as well as work hours of 40 hours or less in a workweek.
L. "Workweek" shall mean a designated block of 168 hours within which an employee's work schedule is contained.

9.1.2 Application of this Rule

A. The provisions of this Rule apply to regularly appointed employees.
B. For regularly appointed employees who are represented under the terms of a collective bargaining agreement, this Rule prevails except where it conflicts with the collective bargaining agreement, any memoranda of agreement or understanding signed pursuant to the collective bargaining agreement, or any recognized and established practice relative to the members of the bargaining unit.
C. This Rule does not apply to individuals who are employed under the terms of a grant that includes employment provisions that conflict with this Rule.
D. This Rule does not apply to individuals hired by the City on a temporary, intermittent or seasonal basis, or for a work schedule of fewer than 20 hours per week, nor does it apply to individuals hired under contract to the City.
E. Appointing authorities may establish written policies and procedures for the implementation and administration of this Rule to facilitate the management of the personnel system within their employing units, provided that such policies and procedures do not conflict with the provisions of this Rule.

9.1.3 General Provisions

The City's normal hours of operation are from 8:00 a.m. to 5:00 p.m. each day from Monday through Friday, except on days designated as City holidays. The appointing authority may establish employee work schedules that vary from the statutory schedule as long as business operations continue as required by municipal law.

9.1.4 Purpose

Alternative work schedules, including part-time employment, job sharing arrangements, compressed workweeks and/or flex time may be implemented as work management alternatives when it benefits the City of Seattle by improving employee recruitment and retention or otherwise suits the City's business needs.

9.1.5 Alternative Work Schedule Request and Approval

A. When the appointing authority determines that the position's work can be effectively carried out and accounted for under such conditions, the appointing authority or a designated management representative may approve an employee's request for;
    1. A job sharing work arrangement; or
    2. A flex time work schedule with designated core work hours; or

3. A compressed workweek schedule that may include a 4/10 workweek, or a 9/80 workweek,

B. Terms and conditions of individual alternative work schedules shall be set forth in written agreements signed by each participating employee and authorized prior to implementation by the appointing authority or designated management representative.

C. An employee who is hired into a full-time position may request to reduce his or her hours to part-time for a stated period of time, may request his or her hours be reduced to part-time on a permanent basis, or may request transfer to a part-time position in the same class. The appointing authority must approve any reduction in hours in order for an alternative work schedule to go into effect.

D. The appointing authority's decision regarding the establishment of an alternative work schedule is final and not subject to appeal.

9.1.6 Work Hours

A. Unless the appointing authority approves otherwise, an employee who is appointed to a position with an alternative schedule shall either work his or her assigned hours or submit a request and/or relevant documentation supporting his or her use of available paid leave as appropriate.

B. Employees who are appointed to part-time positions may be assigned additional hours periodically or continuously. The addition of hours shall not be a guarantee of these hours unless a permanent change in hours is approved in writing by the appointing authority or designated management representative.

9.1.7 Part-time Employment Service Credit

A. For a part-time employee, each calendar day subsequent to regular appointment is counted for purposes of length of probation. A part-time employee's actual non-overtime paid hours count toward paid leave accrual, and service credit for layoff, step progression and retirement.

B. A regularly appointed part-time employee must complete 1040 regular pay hours or 6 calendar months of continuous employment, whichever is earlier, to be eligible to use accrued vacation.

9.1.8 Leaves Pro-rated

A. Holidays. The holiday benefit consists of up to eight hours of pay per holiday. An hourly employee whose normal day off falls on an officially observed holiday shall receive another day off, with pay, during the same workweek in which the holiday occurs.

1. An hourly employee on a full-time compressed workweek schedule will receive eight hours of holiday pay per holiday and may charge the difference against an appropriate paid leave balance or with supervisory approval, be unpaid or flex the time during the workweek in which the holiday occurs. Alternatively, the appointing authority may approve a regular 8-hour-per-day, 5-days per week schedule during the pay periods that include a holiday.

2. A part-time employee receives holiday pay pro-rated based on his or her work schedule. If his or her schedule regularly fluctuates, or changes for at least 30 days prior to the holiday, the holiday benefit is based on the average straight time hours compensated during the pay period immediately prior to the pay period in which the holiday falls.

B. Funeral Leave. The appointing authority may approve eight hours of funeral leave per occurrence for a full-time employee to attend the funeral of a close relative. An additional eight hours may be granted if funeral attendance requires round-trip travel of 200 miles or more. Funeral leave is pro-rated for a part-time employee based on his or her work schedule. If the employee's schedule regularly fluctuates, or changes for at least 30 days prior to the funeral for which the leave is required, the leave benefit is based on the average of straight time hours compensated during the pay period immediately prior to the pay period in which the funeral leave occurs. An hourly employee on a full-time compressed workweek schedule will receive eight hours of funeral leave compensation for each day of funeral leave authorized by the appointing authority. The amount of funeral leave for which a part-time employee is eligible shall be pro-rated based on his or her normal work schedule.

C. Family and Medical Leave. To calculate the availability and usage of an employee's Family and Medical Leave entitlement, unpaid leave may be converted to a work hour equivalent for a full-time employee. The conversion is pro-rated for a part-time employee based on the normal work schedule. An employee with a fluctuating work schedule is eligible for a pro-rated amount of Family and Medical Leave based on the average number of straight time hours worked per pay period in the previous twelve months.

D. Merit Leave. A salaried part-time employee shall be eligible for consideration for a pro-rated award of merit leave based on the number of hours he or she is authorized to work per pay period regardless of the number of hours actually worked.

9.1.9 Overtime

Hourly employees are eligible to receive overtime compensation for all hours worked beyond 40 in a work week.

9.1.10 Discontinuation of Alternative Work Schedules

A. The appointing authority may terminate alternative work schedules when the schedule ceases to meet the business needs of the employing unit.

B. The appointing authority's decision regarding the revocation of an alternative work schedule is final and not subject to appeal.

C. The appointing authority, or designated management representative, may terminate a job sharing arrangement at any time, for any reason, upon written notice to the affected employees. Recognizing that termination of a job sharing arrangement may result in the layoff of one or both of the participating employees, fourteen (14) calendar days prior written notice shall be provided to the affected employees unless the appointing authority determines that the reason for the termination of the job sharing arrangement warrants shorter notice. The appointing authority's decision shall be final.

9.1.11 Part-time Employee Options for Transfer to Avoid Layoff

In the event a part-time employee displaces a full-time employee holding a full-time position, or vice versa, the appointing authority may require the displacing employee to work on the same part-time or full-time basis as does the employee to be displaced.