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4.34.055 Use and scheduling of vacations.

A. The minimum vacation allowance to be used by an employee shall be no more than one-half (1/2) day or, at the discretion of the appointing authority or his or her designated management representative, such lesser amount as may

be deemed appropriate, but no less than fifteen (15) minutes.

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 appointing authority or his or her designated management representative may allow the 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. No similar exception shall be authorized for such employee until twelve (12) months after the appointing authority's authorization.

E. Any employee receiving disability compensation pursuant to SMC

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Chapter 4.44 may exceed the normal maximum vacation balance until such time as the employee ceases to receive such disability compensation. If the employee returns to regular pay status upon discontinuance or exhaustion of such disability compensation, such

employee's vacation balance may exceed the normal maximum vacation balance specified in SMC Section 4.34.020 B for three (3) months after the date of such employee's return; otherwise, the employee shall be paid in a lump sum for any unused vacation credit balance.

F. Upon transfer, the employing unit receiving the employee shall grant any earned vacation due such employee at its expense, subject to the provisions set forth in this chapter.

(Ord. 118685 § 1, 1997; Ord. 118265 § 1, 1996; Ord. 115797 § 2, 1991; Ord. 111757 § 5, 1984.)

4.34.065 Payment in lieu of use of vacation credit.

A. An employee who assumes an elective office in the City, accepts appointment as a head of an employing unit, or transfers from a position in which he or she receives vacation benefits to a position in City employment in which he or she is not entitled to accrue annual vacation credit, shall be paid in a lump sum for any unused vacation credit balance upon leaving or transferring from his or her regular position.

B. An employee who is separated from the payroll shall be paid in a lump sum for all of his/her accrued vacation credit even though such employee may not have been able to use such vacation credit because of his/her ineligibility to do so pursuant to SMC Section 4.34.045; provided, that in the event such separation occurs as a consequence of the death of the employee, such payment shall be made to the employee's beneficiary.

(Ord. 111757 § 6, 1984.)

4.34.100 Accrual rate—Temporary employees acquiring permanent status.

A. Settlement Agreement. This section implements the Settlement Agreement dated June 5, 1989, in the case of **Scannell v. The City of Seattle**, King County Superior Court Cause No. 844600, and should be interpreted and applied accordingly.

B. Transition from Temporary to Permanent Status. For temporary employees who acquire permanent employee status the vacation accrual rate will be determined as follows:

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1. Those Becoming Permanent Employees Before January 1, 1982. The vacation accrual rate for former temporary employees who became permanent employees before January 1, 1982, is based on calendar years of service until January 1, 1982 (effective date of 1982 amended vacation ordinance). Temporary employees who became permanent employees retained their vacation accrual rate earned in temporary service and continued to earn credit toward higher vacation accrual rates based on years of service until January 1, 1982. After January 1, 1982, they are entitled to receive subsequent increases in accrual rates based on cumulative hours worked from date of hire, as provided in the City's vacation ordinance, Chapter 4.34.

2. Those Becoming Permanent Between January 1, 1982, and August 1, 1984. The vacation accrual rate for former temporary employees who became permanent employees between January 1, 1982, and August 1, 1984 (the effective date of the 1984 amended vacation ordinance), is based on calendar years of service until the date they became permanent. After the date they became permanent, they retained their accrual rates earned in temporary service and are entitled to receive subsequent increases in accrual rates based on cumulative hours worked from date of hire, as provided in the City's vacation ordinance, Chapter 4.34.

3. Those Becoming Permanent On or After August 1, 1984. Temporary employees who did not become permanent employees before August 1, 1984, accrued credit toward higher vacation accrual rates based on calendar years of service until August 1, 1984. On August 1, 1984, and thereafter, temporary employees and former temporary employees who became permanent employees after August 1, 1984, retain their vacation accrual rates earned in temporary service. After August 1, 1984, they are entitled to receive subsequent increases in accrual rates based on cumulative hours worked from date of hire, as provided in the City's vacation ordinance, Chapter 4.34.

C. Accrual Rate. Employees within subsection B of this section retain any accrual rate attained based on calendar years of service and there will be no reduction in their accrual rate as a result of this transition from calculating vacation accrual based on calendar years to accrual based on cumulative hours worked. Cumulative hours

worked for accrual purposes will be based on total hours from last hire date, times a multiplier of 1.135 to account for paid leave which the employee did not receive and paid leave for which premium pay may be substituted.

D. Transitional Adjustment. Temporary employees and permanent employees who were formerly temporaries whose vacation premium pay or vacation credits were calculated without including the employees' previous temporary service, or were not increased in accordance with the vacation accrual rates specified herein, shall receive additional vacation pay or vacation credits based on the accrual rates set forth in subsection B of this section. The City shall receive credit for the actual amount of vacation premium pay or vacation previously received by the employee.

E. Break in Service. The accrual rate increases in this section are based on employment with the City without a voluntary break in service. For vacation accrual purposes, "voluntary break in service" must be greater than thirty (30) days and is defined as a quit, resignation, service retirement, separation of temporary employee as shown in the Personnel Payroll System, or failure to return from unpaid leave of absence. If an employee has not worked for at least one (1) calendar year, a voluntary break in service is presumed.

(Ord. 117301 § 3, 1994.)

Chapter 4.36 CITY EMPLOYEES' RETIREMENT SYSTEM

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Statutory Reference: For statutory provisions on retirement of personnel in first-class cities, see RCW Ch. 41.28; for Charter provisions authorizing the City to provide a retirement system for its officers and employees, see Charter Art. XXII, § 13.

Severability: If any one or more sections, subsections, subdivisions, sentences, clauses or phrases of this chapter are for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of

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the remaining portions of this chapter, but the same shall remain in full force and effect.
(Ord. 78444 § 27, 1949.)

4.36.010 Purpose.

The purpose of this chapter is to continue the retirement and pension system for superannuated and disabled officers and employees of the City and of the Seattle Public Library as authorized by Article XXII, Section 13 of the Charter¹ and by state law and established by Ordinance No. 57075 (as amended) and to establish a system of death benefits for such officers and employees.
(Ord. 78444 § 1, 1949.)

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

4.36.020 Employees' Retirement Fund created.

A fund is created and established to be known as the "Employees' Retirement Fund" and shall consist of all the moneys paid into it in accordance with the provisions of this chapter, whether such moneys shall take the form of cash, securities or other assets.
(Ord. 78444 § 8, 1949.)

4.36.030 Definitions—Alphabetical "A" through "B."

Unless a different meaning is plainly required by the context the terms used in this chapter shall have the following meanings:

A. "Accumulated additional contributions" means the sum of all additional contributions deducted from the compensation of a member, standing to the credit of his individual account, together with regular interest thereon.

B. "Accumulated contributions" means accumulated normal contributions plus accumulated additional contributions but shall not include death benefit assessments.

C. "Accumulated normal contributions" means the sum of all normal contributions, deducted from the compensation of a member, standing to the credit of his individual account, together with regular interest thereon.

D. "Actuarial equivalent" means a benefit of equal value when computed upon the basis of

such mortality tables and regulations as shall be adopted by the Board.

E. "Additional contributions" means the contributions provided for in subdivision (d), Section 5, of this ordinance.¹

F. "Adjusted benefit" means the initial benefit plus the cumulative cost of living adjustments provided for in Section 4.36.215 B1.

G. "Annuity" means the payments derived from contributions made by a member as provided in Sections 4.36.210 and 4.36.230.

H. "Basic pension" means the annuity derived from normal contributions of members; the pension derived from matching contributions of the City and the pension for prior service, if any.

I. "Beneficiary" means any person in receipt of a pension, annuity, retirement allowance, disability allowance, or any other benefit provided in this chapter.

J. "Board" means "Board of Administration" as provided in Section 4.36.130.

(Ord. 119275 § 1, 1998; Ord. 118497 § 1, 1997; Ord. 107228 § 1(part), 1978; Ord. 104572 § 1(part), 1975; Ord. 104156 § 1(part), 1974; Ord. 103175 § 1(part), 1974; Ord. 89073 § 1(part), 1960; Ord. 88897 § 1(part), 1960; Ord. 81521 § 1(part), 1952; Ord. 79403 § 2, 1950; Ord. 78444 § 2(e), (j), (o), (q), (r), (s), (u) and (aa), 1949.)

1. Editor's Note: There is no subdivision (d) in § 5 of Ord. 78444, as amended.

4.36.040 Definitions—Alphabetical "C" through "D."

Unless a different meaning is plainly required by the context the terms used in this chapter shall have the following meanings:

A. "City" means The City of Seattle.

B. "City service" means service rendered to the City for compensation, and for the purpose of this chapter, a member shall be considered as being in the "City service" only while he or she is receiving compensation for such service or is on leave of absence on account of sickness or injury, or on family or medical leave under Chapter 4.26 and makes contributions covering such period as provided in Section 4.36.120 A.

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C. "Compensation" means the salary or wage, exclusive of overtime, indicated on payrolls and/or vouchers. Compensation in excess of the limitations set forth in Section 401(a)(17) of the Internal Revenue Code shall not be included in determining contributions or in determining benefits. This restriction does not apply to any individual who was a member prior to January 1, 1996.

tive cost of living adjustments provided for in Section 4.36.215 B1.

D. "Compensation earnable" by a member means the average compensation as determined by the Board of Administration upon the basis of the average period of employment of members in the same group or class of employment and at the same rate of pay. Any other provisions of this chapter, particularly Section 4.36.110 B, insofar as in conflict herewith are hereby superseded.

E. "Continuous service" means uninterrupted employment by the City, except that discontinuance of City service of a member caused by layoff, sick leave under Chapter 4.24, family or medical leave under Chapter 4.26, leave of absence, suspension, or dismissal, followed by reentrance into City service within one (1) year, shall not count as a break in the continuity of service; provided, that for the purpose of establishing membership in the retirement system continuous service shall mean six (6) months' service in any one (1) year.

F. "Creditable service" means such City service as is evidenced by the record of normal contributions received from the employee plus prior service if credit for same is still intact or not lost through withdrawal of accumulated normal contributions as provided in Section 4.36.190.

G. "Current benefit" means the annual payment currently paid on behalf of a member. It includes, where applicable, the permanent benefit increase granted by Ordinance 99566 and Ordinance 104156. It takes into account any reductions based on options selected by the member under Section 4.36.260. It shall also mean payments of accumulated contributions made under Section 4.36.270 A, and payments received by a beneficiary as a result of an option selected under Section 4.36.260. It shall not include the cumula-

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H. "Death benefit" means the payment upon proof of death of a member provided for in Section 4.36.320.

I. "Death benefit assessment" means the payments required of members of the death benefit system under Sections 4.36.320 and 4.36.330.

J. "Domestic partner" as used in this chapter means an individual designated by an unmarried City officer or employee in an affidavit filed pursuant to Seattle Municipal Code Sections 4.30.020 and 4.36.185 and qualified under Section 4.30.010.

(Ord. 119707 § 1, 1999; Ord. 119275 § 2, 1998; Ord. 119220 § 1, 1998; Ord. 117978 § 1, 1995; Ord. 117241 § 2, 1994; Ord. 107228 § 1(part), 1978; Ord. 104572 § 1(part), 1975; Ord. 104156 § 1(part), 1974; Ord. 103175 § 1(part), 1974; Ord. 89073 § 1(part), 1960; Ord. 88897 § 1(part), 1960; Ord. 83744 § 1, 1955; Ord. 83534 § 1, 1954; Ord. 81521 § 1(part), 1952; Ord. 78444 § 2(d), (g), (i), (k), (l), (x), (y) and (z), 1949.)

4.36.050 Definitions—Alphabetical "E" through "M."

Unless a different meaning is plainly required by the context the terms used in this chapter shall have the following meanings:

A. "Employee" means all officers and employees of the City and of the Seattle Public Library eligible to membership in the retirement system pursuant to law.

B. "Final compensation" means the average annual compensation earnable by a member during his twenty-four (24) highest consecutive months prior to termination of employment with the City.

C. "Fiscal year" means any year commencing with January 1st and ending with December 31st next following.

D. "Indexed benefit" means the initial benefit payable on behalf of a member, adjusted for inflation in an amount equal to the ratio of the June Seattle-Tacoma-Bremerton ("STB") Consumer Price Index for Urban Wage Earners and Clerical Workers ("CPI-W") for the current year over the STB CPI-W for the first half of the calendar year

in which a benefit payable on behalf of a member was first paid. If the benefit was first paid during a year in which this index did not exist, the Board shall establish a similar index value to represent the June index value based on published Consumer Price Index information for the Seattle area.

E. "Initial benefit" means the retirement allowance as calculated to be effective on the date of the member's retirement. It takes into account any reductions based on options selected by the member under Section 4.36.260. It shall also mean payments of accumulated contributions made under Section 4.36.270 A, and payments received by a beneficiary as a result of an option selected under Section 4.36.260.

F. "Member" means any person included in the retirement system as provided in Section 4.36.100.

(Ord. 119275 § 3, 1998; Ord. 119220 § 2, 1998; Ord. 107228 § 1(part), 1978; Ord. 104572 § 1(part), 1975; Ord. 104156 § 1(part), 1974; Ord. 103175 § 1(part), 1974; Ord. 99566 § 1, 1970; Ord. 94354 § 1, 1965; Ord. 89073 § 1(part), 1960; Ord. 88897 § 1(part), 1960; Ord. 81521 § 1(part), 1952; Ord. 78444 § 2(b), (c), (m) and (w), 1949.)

4.36.060 Definitions—Alphabetical "N" through "Q."

Unless a different meaning is plainly required by the context the terms used in this chapter shall have the following meanings:

A. "Normal contribution" means contribution at the rate provided for in Section 4.36.110 A.

B. "Pension" means payments derived from any contributions made by the City.

C. "Prior service" means City service of a member prior to July 1, 1929, except as follows: In the case of officers and employees of the Seattle Public Library prior to July 1, 1937; in the case of employees entering the classified civil service under the Charter Amendments of March 12, 1940, and March 13, 1945, prior to March 16, 1940, and March 16, 1945, respectively; and in case of employees entering such service under RCW 35.22.450, prior to September 1, 1943.

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(Ord. 107228 § 1(part), 1978: Ord. 104572 § 1(part), 1975: Ord. 104156 § 1(part), 1974: Ord. 103175 § 1(part), 1974: Ord. 89073 § 1(part), 1960: Ord. 88897 § 1(part), 1960: Ord. 81521 § 1(part), 1952: Ord. 78444 § 2(h), (n) and (t), 1949.)

4.36.070 Definitions—Alphabetical “R” through “Z.”

Unless a different meaning is plainly required by the context the terms used in this chapter shall have the following meanings:

A. “Regular interest” means interest compounded annually at such rate as shall have been adopted by the Board of Administration in accordance with the provisions of this chapter.

B. “Retirement allowance” means the annual amount payable to the member, and shall be equal to the sum of the member's pension plus the annuity.

C. “Retirement fund” means “Employees' Retirement Fund” created and established in Section 4.36.020.

D. “Retirement system” means the “City Employees' Retirement System” provided for in Section 4.36.080 and the system of death benefits established therein.

(Ord. 119220 § 3, 1998: Ord. 107228 § 1(part), 1978: Ord. 104572 § 1(part), 1975: Ord. 104156 § 1(part), 1974: Ord. 103175 § 1(part), 1974: Ord. 89073 § 1(part), 1960: Ord. 88897 § 1(part), 1960: Ord. 81521 § 1(part), 1952: Ord. 78444 § 2(a), (f), (p) and (v), 1949.)

4.36.080 Continuance of City Employees' Retirement System.

The retirement system created and established effective July 1, 1929 by Ordinance No. 57075 (as amended) known as the “City Employees' Retirement System” is continued in full force and effect. (Ord. 78444 § 3(part), 1949.)

4.36.090 Death benefit system created.

There is created and established in addition to the retirement system a death benefit system to become effective January 1, 1950.

(Ord. 78444 § 3(part), 1949.)

4.36.100 Membership in retirement system.

Officers and employees of the City (except those excluded by subsection H of this section) and of the Seattle Public Library shall become members of the retirement system upon completion of six (6) months' continuous service, as follows, except that six (6) months' continuous service shall not be required for officers and employees to whom subsection L of this section applies:

A. Mandatory Membership. Every officer or employee of the City and of the Seattle Public Library, who enters City service on or after June 21, 1986, shall become a member of the retirement system upon completion of six (6) months' continuous service, except:

1. Elective officials exempt under subsection D of this section;

2. Individuals with a statutory right to continuation of their membership in a Washington State or federal government retirement system under subsection E of this section;

3. Certain officers in positions exempt from civil service under subsections C and F of this section;

4. Employees who are excluded under subsection H4 of this section; and

5. Temporary, interim, intermittent, provisional and part-time workers under Sections 4.36.103 and 4.36.195.

B. Continuation of Current Membership. All officers and employees of the City and of the Seattle Public Library, who on or after June 21, 1986, are or are required to become members of the retirement system, shall continue their membership or become members upon completion of six (6) months' City service. A member may not withdraw from membership in the system while in City employment.

**Seattle Municipal Code
July, 2000 code update file
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C. 1986 Nonmembers. An officer or employee with six (6) months' continuous City service, who on June 21, 1986, held an appointive position exempt from the classified civil service (1) could elect to join or rejoin the retirement system by completing and filing an election form with

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the Board of Administration on or before December 31, 1986, ("Option (1)"), or (2) after the effective date of this ordinance may elect to join or rejoin the retirement system as authorized by subsection F of this section ("Option (2)"). Option (1) also extended to officers and employees, who held such position before June 21, 1986, and on or before December 31, 1986, with respect to such a position (a) were recalled from a layoff status; (b) returned from an approved leave; or (c) completed six (6) months' continuous City service. An officer or employee within Option (1) could, on or before December 31, 1986, contract for credit for "prior service" (creditable service before December 31, 1986) in the retirement system in accord with subsection B of Section 4.36.190. An officer or employee, who failed to exercise his or her option under Option (1) of this subsection in a timely manner by December 31, 1986, may join the retirement system while holding a position exempt from civil service under Option (2) as authorized by subsection F of this section and may acquire creditable service only for City service performed after the date of his or her membership. This subsection does not apply to officers or employees covered by subsections D, E and G of this section, or subject to RCW 41.04.120, officers or employees re-entering City service after December 31, 1986.

D. Elective Officials. An elective official may elect to join the retirement system at any time during his or her City service, and may contract for credit for continuous "prior service" in accord with Seattle Municipal Code Section 4.36.190 B, provided that credit for such "prior service" shall not cover any period during which the City made payments to another retirement system on the official's behalf nor after December 31, 1987, shall a contract authorize more than five (5) years' "prior service" credit for prior City service.

E. Election Under Statutory Right. An officer or employee, who has a statutory right to continue his or her membership in a retirement system of the State of Washington or the United States of America during his or her City service may in lieu of membership in the City Employees' Retirement

System arrange with the Personnel Director for a deduction from his or her pay and the City's payment for retirement system purposes to be paid directly to his or her other governmental retirement system.

F. Election by Officers Exempt from Civil Service. An officer, who holds a position exempt from the civil service system and is not already a member of the City Employees' Retirement System, may become a member of the system upon completion of six (6) months' continuous City service, by filing with the Executive Director of the City Employees' Retirement System his or her election to participate in the system. Such an officer shall receive "creditable service" for retirement system purposes only for City service accruing from and after the date of his or her membership. If an officer who is a member should leave City service and later return, the officer shall within sixty (60) days resume his or her membership by making a redeposit as contemplated by Section 4.36.190 or become a member upon completion of six (6) months' continuous service on his or her returning employment with creditable service accruing thereafter. An officer or employee, who is a member of the retirement system at the time of his or her appointment or election to an exempt position, shall maintain his or her membership.

G. Re-Entry. An officer or employee who withdrew his or her deposit in the retirement system before or upon his or her separation from City service and later re-enters City service, shall either (a) within sixty (60) days resume his or her membership by making a redeposit as contemplated by Section 4.36.190, or (b) rejoin the retirement system upon six (6) months' continuous service after his or her re-entry with creditable service accruing thereafter. An officer or employee who is called to active duty in the armed forces of the United States of America or the State of Washington or who is given other military leave prior to completing six (6) months of continuous service may on re-entering City service include his or her active duty time in computing six (6) months of continuous City

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service for purpose of determining eligibility to join the retirement system. An officer or employee, who maintains his or her deposit in the retirement system during a separation from City service, shall continue his or her membership upon re-entry into City service.

H. The following employees shall not become members of the retirement system, except as contemplated by RCW 41.04.110:

1. Members of the Police Department entitled to the benefits of the Police Relief and Pension Fund under State law;
2. Members of the Fire Department entitled to the benefits of the Firemen's Relief and Pension Fund under State law;
3. Members of the Police Department and Fire Department entitled to the benefits of the Washington Law Enforcement Officers' and Fire Fighters' Retirement Fund;
4. Employees in positions established primarily to provide training leading to qualification for positions of Police Officer or Firefighter.

I. The head of each office or department of the City shall give immediate notice in writing to the Board of the change in status of any member of his office or department, resulting from transfer, promotion, leave-of-absence, family and medical leave, resignation, reinstatement, dismissal or death. The head of each office or department shall furnish such other information concerning any member as the Board may require.

J. Each member shall be subject to all the provisions of this chapter and the rules and regulations of the Board. Should any member be, in the opinion of the Board, permanently separated from City service or should the member die he or she shall thereupon cease to be a member.

K. Temporary, Interim, Intermittent, Provisional and Part-time Workers. See Sections 4.36.103 and 4.36.195, and for 1989-1990 opportunity, Section 4.36.197.

L. Membership On and After January 1, 1999. The six (6) months' continuous service requirement shall not apply to any officer or employee, including any part-time employee authorized to become a member pursuant to Section 4.36.103,

who would otherwise be obliged or have the option to become a member of the retirement system upon completion of six (6) months' continuous service, if such officer or employee enters City service on or after January 1, 1999, or has been in City service less than six (6) months as of January 1, 1999. Officers and employees who have been in City service less than six (6) months as of January 1, 1999 may become members as of January 1, 1999.

(Ord. 119291 § 1, 1998; Ord. 117018 § 1, 1994; Ord. 114592 § 1, 1989; Ord. 112833 § 1, 1986; Ord. 107164 § 1, 1978; Ord. 106588 § 1, 1977; Ord. 104382 § 1, 1975; Ord. 100918 § 1, 1972; Ord. 98597 § 1, 1970; Ord. 81727 § 1, 1953; Ord. 81521 § 2, 1952; Ord. 78444 § 4, 1949.)

4.36.103 Membership—Temporary, interim, intermittent and part-time workers.

A. Opportunities. A worker in active City service on and after January 1, 1989, who has a position that is classified as temporary, interim or intermittent, or a part-time position of less than twenty (20) hours per week over a one (1) year period, has the three (3) following opportunities to join the retirement system:

1. Within six (6) calendar months of completion of one thousand forty-four (1,044) hours of compensated straight-time service;
2. Upon appointment to an eligible full- or part-time position or election to a City office after completing six (6) months (one thousand forty-four (1,044) hours) of City service but before five and one-half (5¹/₂) years (eleven thousand four hundred eighty-four (11,484) hours) of City service. Unless the position is elective or exempt under Section 4.36.100 D and F or the worker has an election under a statutory right under Section 4.36.100 E, membership in the retirement system is thereafter mandatory; and
3. Within six (6) calendar months of completion of five and one-half (5¹/₂) years (eleven thousand four hundred eighty-four (11,484) hours) of continuous compensated straight-time service.

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For purposes of this section and Sections 4.36.125, 4.36.195 and 4.36.197, "straight-time service" means regular hours worked, including premium hours but excluding paid overtime hours.

B. **Waiting Period—Buy-in Option.** If the worker elects to join the retirement system or becomes a member upon appointment to an eligible position, his or her first one thousand forty-four (1,044) hours of continuous City service are applied to his or her six (6) month waiting period and the worker accrues creditable service thereafter. After deducting hours applied to his or her waiting period, the worker may determine whether or not he or she will acquire ("buy in") service credit for the remainder of his or her earlier service as a temporary, provisional, interim, intermittent, or part-time worker, as contemplated by Section 4.36.195.

C. **Exercise of Option.** To exercise an option to join the retirement system or to buy in prior service, a worker must file the documents reasonably required by the Board of Administration before the expiration date.

D. **Expiration.**

1. If not exercised, the opportunity to join the retirement system under subsection A1 of this section expires six (6) calendar months after the worker becomes eligible, and such a worker may only join the retirement system thereafter by becoming eligible under subsection A2 or A3 of this section; if not exercised, the opportunity under subsection A3 expires six (6) calendar months after the worker becomes eligible and such a worker may only become a member of the retirement system thereafter by appointment to an eligible full- or part-time position or by serving as an elective officer. If the opportunity under subsection A3 of this section has expired, the worker shall not receive creditable service for his or her City service in a temporary, interim, intermittent position or a part-time position of less than twenty (20) hours per week over a one (1) year period.

2. If not exercised, the opportunity for a worker under subsection A2 or A3 of this section to acquire ("buy in") service credit for prior City service in a temporary, interim, intermittent posi-

tion or a part-time position of less than twenty (20) hours per week over a one (1) year period expires six (6) calendar months after the worker becomes eligible for membership in the retirement system, and no creditable service shall thereafter be allowed therefor.

E. **Coverage and Exclusions.** This section extends to workers in active City service on or after January 1, 1989. Workers in active City service in temporary, interim, intermittent, and part-time positions of less than twenty (20) hours per week, who have exceeded the hours in Section 4.36.103 A3 on the effective date of the ordinance codified in this section¹ shall have six (6) months thereafter to acquire service credit for prior service in such positions. Except for the 1989-90 opportunity under Section 4.36.197, this section and Section 4.36.195 provide the exclusive methods for temporary, interim, intermittent, provisional workers or workers in part-time positions of less than twenty (20) hours per week over a one (1) year period to become members of the retirement system.

(Ord. 114592 § 4, 1989.)

1. Editor's Note: Ordinance 114592 was passed by the City Council on July 10, 1989.

4.36.110 Contributions—City matching funds.

A. Members of the retirement system shall make contributions to the retirement fund at the rate of 8.03% of the compensation of each such member; provided, that any member whose rate of contribution prior to June 23, 1972, was less than six (6) percent shall have such rate increased by 2.03%; provided, further, that any reinstated member who has redeposited his/her withdrawn contributions plus interest as provided in Section 4.36.190 B, who was a member of the retirement system at any time prior to June 23, 1972, and whose rate of contribution at such prior time was less than six (6) percent compensation shall have such rate increased by 2.03% of the compensation of such member. Contributions shall be calculated, at the rates established herein, on all compensation paid to members from and after the first pay period following January 1, 1984.

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B. Subject to the provisions of this chapter, the Board of Administration shall adopt rules and regulations governing the making of deductions from the compensation of employees and shall certify to the head of each office or department the normal rate of contribution for each member provided for in subsection A of this section. The head of each department shall apply the rate of contribution to the compensation of each member, exclusive of overtime, and shall certify to the City Finance Director on each and every payroll the amount to be contributed and shall furnish immediately to the Board a copy of each and every payroll; and each of the amounts shall be deducted by the City Finance Director and shall be paid into the retirement fund, provided for in this chapter, and shall be credited by the Board together with regular interest to an individual account of the member for whom the contribution was made.

Every member shall be deemed to consent and agree to the contribution made and provided for in this section, and shall receipt in full for his or her salary or compensation. Payment less said contributions shall be a full and complete discharge of all claims and demands whatsoever for the service rendered by such person during the period covered by such payment, except his or her claim to the benefits to which he or she may be entitled under the provisions of this chapter.

C. The City shall match the normal contributions of members and the board shall determine the amount of normal contributions to be matched each month and shall notify the proper authorities when such matching contributions are due and payable. The proper authorities shall then provide for payment of the matching contributions into the retirement fund at the earliest time possible.

The City shall also contribute, in excess of the matching contributions, the actuarially determined City contribution to provide the moneys necessary to guarantee benefits payable under Sections 4.36.210 and 4.36.230.

D. No City or employee contribution shall be made for the first six (6) months of City service before an employee, who commences City service on or after January 1, 1988, becomes eligible for

membership in the retirement system, except when an officer or employee becomes a member during the first six (6) months of City service as authorized by subsection L of Section 4.36.100.

(Ord. 119291 § 2, 1998; Ord. 116368 § 97, 1992; Ord. 113847 § 1, 1988; Ord. 111303 § 2, 1983; Ord. 109514 § 1, 1980; Ord. 108612 § 1, 1979; Ord. 108009 § 1, 1979; Ord. 104572 § 2, 1975; Ord. 101024 § 1, 1972; Ord. 92193 § 1, 1963; Ord. 89420 § 1, 1960; Ord. 88897 § 2, 1960; Ord. 84566 § 1, 1955; Ord. 81521 § 1(part), 1952; Ord. 79403 § 2, 1950; Ord. 78444 § 5, 1949.)

4.36.120 Modification of allowance for service.

A. Subject to the following and all other provisions of this chapter, including such rules and regulations as the Board shall adopt in pursuance thereof, the Board, subject to the approval of the City Council, shall determine and may modify allowance for service.

Time during leave on account of sickness or injury, time during family and medical leave under Chapter 4.26, or time served in either the Police or Fire Departments, or time during which a member was under temporary or provisional appointment before becoming a member, or time during which a member was on extended leave of absence while serving as an officer of a labor organization the membership of which includes City employees, may be allowed in computing creditable service, provided such members shall pay into the retirement fund an amount equal to the normal contributions covering the period for which creditable service is claimed; and provided, further, that as to employees retiring after July 1, 1973, who commenced City service on or before December 31, 1987, the first six (6) months of such members' employment shall be allowed in computing creditable service without such payment. The first six (6) months of service of an employee who commences City service on or after January 1, 1988, and time during which a member is absent on leave without pay for reasons other than those specified in this section shall not be allowed in computing creditable service.

Each member shall file with the Board such information affecting his or her status as a member of the retirement system as the Board may require.

B. Credit for "prior service" as defined by this chapter shall be granted members entering the retirement system as of the dates specified in Section 4.36.060 C and to those members reentering after such dates if reentry is within one (1) year after City service prior to such dates. Such credit shall be granted those becoming members pursuant to RCW 41.28.250, in the same proportion as the amount of money deposited to cover service from July 1, 1929, to date of entry into the system, bears to the amount of money necessary to cover all service during that period, excluding, however, all service after the first of the month following attainment of age sixty-seven (67).

Provided, that the Board may grant credit for prior service to any eligible entering the retirement system after the dates above mentioned if he, because of sickness or other disability or while serving as an officer of a labor orga-

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nization, the membership of which includes City employees, has been on leave of absence, regularly granted, since discontinuance of City service, regardless of the length of such leave.

C. Any member who shall make his normal contributions to the retirement system while on leave of absence under Section 1 of Ordinance 69816¹ or while absent in the active service of the United States Public Health Service in fulfillment of military service obligations under laws of the United States, or who after his return to City service shall make the same in full or in monthly payments equal to his current normal contribution, shall for the period of such leave of absence be entitled to all rights, privileges and benefits allowable under such system, including the allowance of such time as creditable service. In addition, any member in the City service on December 27, 1972, who heretofore or who hereafter enters the active military or naval service after having been laid off from City employment and who reentered or reenters City service subsequent to such active military or naval service shall be entitled to all rights, privileges and benefits allowable under such system, including the allowance of such period of military or naval service as creditable service provided that such member pay to the retirement system his normal contributions for such period.

(Ord. 117241 § 1, 1994; Ord. 113847 § 2, 1988; Ord. 104912 § 1, 1975; Ord. 104244 § 1, 1975; Ord. 104156 § 2, 1974; Ord. 101615 § 1, 1972; Ord. 79798 § 1, 1951; Ord. 78444 § 6, 1949.)

1. Editor's Note: Ord. 69816 was repealed by Ord. 107790.

4.36.125 Determination of creditable service.

A. A member in an eligible full-time position, with creditable service for every day, will accrue a creditable year of service for twelve (12) months' service. No additional credit is given for Leap Year's Day.

B. For a member in a temporary, intermittent or part-time position, eight (8) hours constitutes one (1) day; and a creditable year of service is measured as two hundred sixty-one (261) credited days or two thousand eighty-eight (2,088) hours of compensated service at straight-time pay.

C. When shown on the City's payroll, paid vacation, sick leave, military leave, funeral leave, and, if the employee pays his or her contribution,

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"time loss" on worker's compensation or time during family and medical leave under Chapter 4.26, are counted. Overtime (whether or not paid), unpaid leave, time not worked during a layoff, strike or disciplinary suspension, and service as a volunteer are not counted. Service on a temporary City assignment to another government or organization may be counted, in the discretion of the Board, if the member or the member's employer pays the employee contribution.

D. Creditable service is calculated by an employee's hours or time worked, as certified by the City Finance Director to the retirement system. When payroll records are available, the City Finance Director shall multiply the hours worked by a temporary, interim, seasonal, or provisional worker and a worker in a part-time position of less than twenty (20) hours per week over a one (1) year period by a factor of one and one hundred thirty-five thousandths (1.135) in reporting creditable service to the retirement system, to account for paid leave which was not received and for premium pay which may be substituted for paid leave. The City Finance Director shall reduce the hours or days determined by application of the multiplier by the amount of any paid leave actually provided to the employee and counted in the hours or days worked.

E. No creditable service may accrue for City employment during which the City contributes to another retirement system on the employee's behalf or for a member's City employment after he or she retires on a service retirement and, except for the annual death benefit assessment, no deduction shall be made from his or her pay for retirement purposes.

(Ord. 117241 § 3, 1994; Ord. 116368 § 98, 1992; Ord. 114592 § 7, 1989.)

4.36.130 Retirement System Board of Administration.

A. There is created and established a Retirement System Board of Administration which shall, under the provisions of this chapter and the direction of the City Council, administer the retirement and death benefit systems and the retirement fund created by this chapter. Under and

pursuant to the direction of the City Council, the Board shall provide for the proper investment of the moneys in the retirement fund. The Board of Administration shall consist of seven (7) members as follows:

1. The Chair of the Finance Committee of the City Council;
2. The City Finance Director;
3. The City Personnel Director;
4. Three (3) persons who are members of the retirement system or who are retired members and who shall be elected by the members of the retirement system including retired members; provided, that persons who have elected upon termination of their employment to leave all their contributions in the retirement fund pursuant to the provisions of Section 4.36.200 C shall not be eligible to vote for or be elected to such positions; and provided, further, that at the time of such member's election to the Board, no more than one (1) Board member may be a retired member and no more than one (1) elected member may be employed in any single City department or other employment unit; and

5. One (1) member who shall be appointed by the other six (6) members; provided that such appointed member shall not be a City employee or a retired City employee and shall not be an employee of the Municipality of Metropolitan Seattle who has membership in the retirement system.

B. Elected members and the appointed member shall serve for a three (3) year term ending July 1st of the third year of such term, provided that the initial terms of the elected members expire July 1, 1971, July 1, 1972, and July 1, 1973; and the initial term of the appointed member shall expire July 1, 1973.

C. Elections for the members of the Board who are elected as provided in this section shall be administered by the Board. Ballots shall be accepted only if received by the Board's designated ballot counter on or before its close of business on the first Monday in June of each calendar year.

D. Any vacancy occurring in an elected position shall be filled by the City Council by appointment to such position of a member eligible to be elected thereto, and provided the member so appointed shall be retired or shall come from the same employing unit as the vacating member. The member so appointed shall serve until such vacancy is filled by the election for the unexpired term

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of a member eligible to be elected for a full term to such position at the next succeeding first Monday in June, unless the vacancy occurred less than one (1) year before the expiration of the term of such elected member, in which case the member so appointed shall serve for the remainder of the unexpired term. Any vacancy occurring in the appointed member position, shall be filled by appointment by the City Council for the unexpired term.

E. The Chair of the Finance Committee of the City Council shall be ex officio chair, the Personnel Director ex officio Secretary, and the City Finance Director ex officio Treasurer of the Board.

F. The investment of all or any part of the retirement fund shall be in accordance with RCW 35.39.060.

G. Subject to such provisions as may be prescribed by law for the deposit of municipal funds in banks, cash belonging to the retirement fund may be deposited in any licensed national bank or banks in this state, or in any bank, banks or corporations authorized or licensed to do a banking business and organized under the laws of this state, and a clearing account may be maintained with a depository which holds securities as a nominee for funds received pending transmission to the retirement system as contemplated by RCW 35.39.070.

H. The Finance Director shall be the custodian of the retirement fund. All payments from said fund shall be made upon warrant duly executed by the Finance Director. As custodian, the City Finance Director with the approval of the Board of Administration, may cause securities of the retirement system to be registered in the name of a nominee and authorize the safekeeping of retirement system securities in the physical custody of the Federal Reserve System, a depository trust company, or a bank as contemplated by RCW 35.39.070.

I. Except as herein provided, no member and no employee of the Board shall have any interest, direct or indirect, in making of any investments from the retirement fund, or in the gains or profits accruing therefrom. And no member or employee of the Board, directly or indirectly, for himself or as an agent or partner of others, shall borrow any of its funds or deposits or in any manner use the same except to make such current and necessary payments as are authorized by the Board; nor shall any member or employee of the Board become an

endorser or surety or become in any manner an obligor for moneys invested by the Board.

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J. No City employee who is elected to the Board shall suffer a monetary loss or other penalty on account of his/her absence from his/her regular position during regular hours while attending meetings of the Board or its sub-committees.

(Ord. 116368 § 9, 1992; Ord. 113309 § 1, 1987; Ord. 111493 §§ 1—3, 1983; Ord. 111136 § 1, 1983; Ord. 111135 § 1, 1983; Ord. 107312 § 1, 1978; Ord. 101794 § 1, 1973; Ord. 101738 § 1, 1973; Ord. 100877 § 1, 1972; Ord. 98861 § 1, 1970; Ord. 98163 § 1, 1969; Ord. 83534 § 2, 1954; Ord. 78444 § 9, 1949.)

4.36.135 Lending retirement system securities.

The Board of Administration, after consultation with the Investment Advisory Committee and the City Finance Director, is authorized to contract with a bank, which holds securities in its name for the retirement system as contemplated by RCW 35.39.070, for the lending of all or part of these securities to reputable brokers and financial institutions, for a fee, provided that collateral equal to at least one hundred two (102) percent of the market value of the securities loaned is continuously maintained.

(Ord. 116368 § 99, 1992; Ord. 111493 § 5, 1983.)

4.36.140 Powers and duties of Board.

The administration of the Retirement and Death Benefit System is vested in the Board of Administration created in Section 4.36.130. The Board shall exercise the powers and duties conferred upon it by said section, and in addition thereto:

A. The Board shall keep in convenient form such data as shall be necessary for the actuarial valuation of the retirement fund created by this chapter. At the end of the three (3) year period beginning with the year 1974, and at the end of every three (3) year period thereafter, the Board shall cause to be made an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries as defined by this chapter; and shall further cause to be made an actuarial valuation of the assets and liabilities of the retirement fund, and upon the basis of such investigation and valuation and subject to the approval of the City Council, shall:

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1. Make any necessary changes in the rate of interest;

2. Adopt for the retirement system such mortality, service, and other tables as shall be necessary;

3. Revise or change the rate of contribution by the City on the basis of such mortality, service and other tables as may be necessary;

4. Establish an investment advisory committee as contemplated by RCW 35.39.080 through 35.39.090. A copy of the investment policy contemplated by RCW 35.39.060 and the recommendation and report of the investment advisory committee required by RCW 35.39.090 shall be filed with the City Finance Director and the City Clerk.

B. The Board shall promptly transmit to the City Council a report covering the actuarial investigation and actuarial valuation provided for in subsection A of this section.

C. In addition to other records and accounts, the Board shall keep such detailed records and accounts as shall be necessary to show the financial condition of the retirement fund at all times.

D. The Board shall annually transmit to the City Council a report showing the financial condition of the fund established by this chapter.

E. Nothing in this section shall be construed to limit the right of the Board, subject to approval of the City Council, to make changes in rates of interest whenever the Board deems it necessary or advisable, or to secure actuarial reports more often than every three (3) years.

F. Whenever the Board deems it necessary or advisable, it may recommend that the City Council change the rates of contributions of members on the basis of mortality, service, and other tables adopted by the Board pursuant to subsection A of this section.

G. The Board may adopt rules deemed appropriate to carry out this chapter, and may delegate to the Executive Director the adoption of policies, procedures, and/or guidelines, which are consistent with its rules and with the ordinance codified herein.

(Ord. 116368 § 100, 1992; Ord. 112833 § 3, 1986; Ord. 111493 § 4, 1983; Ord. 105887 § 1, 1976; Ord. 104572 § 3, 1975; Ord. 102931 § 1, 1974; Ord. 101024 § 2, 1972; Ord. 99566 § 2, 1970; Ord. 78444 § 7, 1949.)

4.36.145 Finality of Board decisions.

A. A decision of the Board of Administration shall be final and conclusive on the following matters subject only to review by a court of record, and reversal if the decision is arbitrary or capricious or makes an error of law:

1. The eligibility or obligation of an officer or employee to participate in the Retirement System;

2. The accrual and amount of creditable service; the amount of contributions due to the Retirement System, the amount of contributions received, and the opportunity extended members to redeposit or buy-in of service credit, and the terms thereof;

3. The eligibility for, amount, and kind of benefits payable to any member or beneficiary;

4. A member's eligibility for disability retirement and recall to active duty;

5. The portability of retirement benefits;

6. Termination of benefits; and

7. Compliance with ordinance procedures and Board rules.

B. The Board may delegate the hearing of any of the foregoing to a committee consisting of at least three (3) members of the Board. A member, the Executive Director, if affected, or a City department aggrieved by a committee decision may appeal the decision to the Board within ten (10) days after receipt thereof, and the board shall hear the matter de novo.

(Ord. 116070 § 1, 1992.)

4.36.155 Annual bonus dividend for current and future retirees.

Each January, the Board of Administration shall declare a supplemental monthly dividend payable to all members and beneficiaries who will receive a current benefit during that year as described in subsection I of this section. Each December, the Board of Administration shall declare and pay to all retired members and beneficiaries receiving a current benefit the base annual bonus dividend described in subsections A through H, inclusive, plus the supplemental dividend adjustment described in subsection I of this section, if applicable. Such dividends will be calculated and paid in accordance with the following formula:

A. One (1) percent of the current benefit, payable on behalf of members who retired in the current and immediately preceding year;

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B. Three (3) percent of the current benefit, payable on behalf of members who have been retired from two (2) to five (5) years, inclusive;

and the total supplemental dividend payable for that calendar year.

C. Six (6) percent of the current benefit, payable on behalf of members who have been retired from six (6) to nine (9) years, inclusive;

D. Nine (9) percent of the current benefit, payable on behalf of members who have been retired from ten (10) to thirteen (13) years, inclusive;

E. Twelve (12) percent of the current benefit, payable on behalf of members who have been retired from fourteen (14) to eighteen (18) years, inclusive;

F. Fifteen (15) percent of the current benefit, payable on behalf of members who have been retired from nineteen (19) to twenty-three (23) years, inclusive;

G. Eighteen (18) percent of the current benefit, payable on behalf of members who have been retired from twenty-four (24) to twenty-eight (28) years, inclusive;

H. Twenty-one (21) percent of the current benefit, payable on behalf of members who have been retired twenty-nine (29) or more years;

I. This subsection applies to members, or beneficiaries receiving payments on behalf of any such member, who retired before January 1, 1998. If the sum of that beneficiary's current benefit plus the base annual bonus dividend as established in subsections A through H of this section above is less than sixty (60) percent of the beneficiary's indexed benefit, then the beneficiary's total annual bonus dividend shall be equal to the difference between the current benefit and sixty (60) percent of the beneficiary's indexed benefit. However, in no year may the amount of the total annual bonus dividend be less than the amount of the total annual bonus dividend paid in the previous calendar year. The total annual bonus dividend is paid as the base annual bonus dividend plus supplemental monthly dividends and a supplemental dividend adjustment to the base annual bonus dividend. Each year in January the Retirement Board shall compute the supplemental monthly dividend based upon the total supplemental dividends paid during the previous calendar year divided by twelve (12). In December of each year, a supplemental dividend adjustment shall be computed equal to the difference between the sum of the supplemental monthly dividends paid in January through November of that calendar year

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(Ord. 119360 § 1, 1999; Ord. 119275 § 4, 1998;
Ord. 119220 § 4, 1998; Ord. 111303 § 1, 1983.)

4.36.160Borrowing of money.

The Board for and on behalf of the retirement system, is authorized to borrow money from time to time, in amounts not to exceed One Million Dollars (\$1,000,000) outstanding at any one (1) time, and at interest rates not to exceed six (6) percent per year and to execute the necessary notes and pledge as collateral securities held by the retirement system, all in connection with the investment of moneys in the retirement fund authorized by Section 4.36.130. Such notes or other evidence of indebtedness shall not constitute an indebtedness of the City, and shall be payable solely from the retirement fund.

(Ord. 87916 § 1, 1959; Ord. 78444 § 9-1, 1949.)

4.36.170Contributions by City.

There shall be paid into the retirement fund by contributions of the City, the amounts necessary to pay all pensions as shall be actuarially determined from time to time and all other benefits allowable to members and their beneficiaries under the provisions of this chapter including death benefits, except such as are provided by the accumulated contributions and death benefit assessments of members. All contributions of the City from all of its departments are available for payment of obligations of the retirement system without segregation by employing departments.

(Ord. 114592 § 2, 1989; Ord. 104572 § 4, 1975;
Ord. 78444 § 10, 1949.)

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4.36.175 Released-matching contributions by Transit Fund.

Released-matching contributions of the Transit Fund in the Employees' Retirement Fund shall be identified in the records of the Employees' Retirement Fund and of the General Fund as assets of the General Fund, and the City Comptroller and the Board of Administration of the Employees' Retirement System are authorized and directed to make the necessary accounting transactions required to effect such identification. (Ord. 110257 § 1, 1981.)

4.36.180 City obligations.

A. The payments of the City due the retirement fund as provided for in this chapter are made obligations of the City except as provided in subsection B of this section. The Board shall annually, on or before the tenth day of July each year, prepare and submit to the City Council an estimate of the amounts necessary to meet such obligations, and the City Council shall provide for the raising of such amounts as are necessary to make such payments.

B. The City may at any time change, modify or repeal this chapter or any part thereof in respect to its future obligations to any member not at that time receiving or being eligible to a pension hereunder. It is specifically provided, however, and the City covenants and guarantees, that the City's obligation to those members receiving or eligible to a retirement allowance prior to such change, modification or repeal shall continue in full force and effect as provided in this chapter; and that the City's obligation to those members not receiving or being eligible to a pension at the time of such change, modification or repeal, will be a retirement allowance at pension age equal to the actuarial equivalent of the accumulated value of the member's contribution standing to his credit at date of pension, and the value of the City's obligation as actuarially determined under Section 4.36.170 to the date of such change, modification or repeal.

(Ord. 104572 § 5, 1975; Ord. 78444 § 11, 1949.)

4.36.185 Beneficiaries—Domestic partners.

An unmarried officer or employee may designate his or her domestic partner as his or her beneficiary for purposes of the benefits set forth in Sections 4.36.200, 4.36.210, 4.36.230, 4.36.260, 4.36.270 and 4.36.320 of this chapter upon the following terms and conditions.

A. The officer or employee shall file an affidavit of domestic partnership as described in Section 4.30.010 and 4.30.020 of the Seattle Municipal Code and file a copy of said affidavit with the

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Executive Director of the Retirement System. If the member is no longer an officer or employee of the City, he or she may designate his or her domestic partner by signing an affidavit as described in Section 4.30.020 of the Seattle Municipal Code and filing said affidavit with the Executive Director of the Retirement System.

B. A member who is married may not file an affidavit of domestic partnership. If a member has filed an affidavit of domestic partnership and is married, or thereafter becomes married, such affidavit shall be considered void. A member who has filed an affidavit of domestic partnership pursuant to this section shall immediately notify the Executive Director in writing if he or she has married and shall promptly file with the Executive Director a termination of the affidavit of domestic partnership. Termination of domestic partnership shall otherwise be as provided in Section 4.30.030 of the Seattle Municipal Code provided that the member shall also file a notice of termination of domestic partnership with the Executive Director.

C. Nothing in this chapter shall be construed as granting to a domestic partner a property right to retirement benefits of a member. A member who has filed an affidavit of domestic partnership with the Executive Director does not need the consent of his or her domestic partner to take action with respect to his or her retirement benefits, including selection of a retirement option.

The Retirement Board is authorized to promulgate such rules as it deems necessary to implement this section.

(Ord. 119707 § 2, 1999.)

4.36.190 Discontinuance or reentrance of eligible employee.

A. 1. Should the City service of a member not eligible for retirement under the provisions of this chapter, be discontinued, except by death, prior to completion of five (5) years' membership in the retirement system, he shall be paid six (6) months after the date of discontinuance such part of his accumulated contributions as he shall demand; provided, however, that such member may apply to the Board and by unanimous vote the Board may grant a request for immediate withdrawal of contributions. If in the opinion of the Board such member is permanently separated from City service by reason of such discontinuance, he shall be paid forthwith all his accumulated contributions, with interest. Should the City service of an em-

ployee not eligible for retirement under subsections A and B of Section 4.36.200 who has been a member of the retirement system for at least five (5) years be discontinued, except by death, he may apply for immediate withdrawal of his accumulated contributions as hereinabove provided, or elect in writing within six (6) months after such termination to leave his accumulated contributions in the retirement fund, and thereafter, upon reaching the required age and making application therefor, he shall receive a retirement allowance as provided in Section 4.36.200 C; provided, that if discontinuance of City service is caused by intemperance, wilful misconduct or violation of law on the part of the member, of which the Board shall be the judge, the Board, in its discretion, may pay to the member, in one (1) lump sum, his accumulated contributions, in lieu of all other rights, privileges or benefits under this chapter; and such payment shall constitute full satisfaction of all obligations of the City to such member, and upon receipt of such payment he shall cease to be a member of the system.

2. Any member eligible for retirement under subsections A and B of Section 4.36.200 whose City service has been discontinued, except by death, and any member whose City service has been discontinued and who has elected to leave his accumulated contributions in the retirement fund, may, in the manner hereinabove provided, apply to the Board for withdrawal of contributions, but in such case the Board may, in its discretion, approve such request or disapprove the same and, if such member then be eligible, authorize his retirement. Upon withdrawal of contributions the full amount deposited by the City in the retirement fund for such member's benefit, plus interest, shall be available to meet the obligations of the City under this chapter.

B. Redeposit.

1. Subject to rules and regulations established by the Board, any member or former member who reenters City service may redeposit in the retirement fund an amount equal to that which he or she previously withdrew therefrom at the last termination of his or her membership plus compound interest which would have accumulated on the amount, as determined by the Board, between the last termination of his or her membership and his or her reinstatement in the

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system. Such redeposit shall be paid into the retirement fund.

Within thirty (30) days after his or her re-entry into City service, a former member must redeposit the entire sum determined to be due or sign and file with the Board a redeposit contract in accord with subsection C in order to reestablish his or her "prior service" credit. If a member within thirty (30) days after reentering the retirement system after a termination of his or her membership does not make such a redeposit or file a properly executed redeposit contract, his or her credit for "prior service" shall not be reestablished and the rate of his or her contributions for future years shall be at the rate provided for in subsection A of Section 4.36.110. In the event such redeposit is made by a member, his rate of contribution shall be as determined under Section 4.36.110 A, and the City shall reinstate the "prior service" credit for such member.

2. Any former employee who prior to March 1, 1977, discontinued City service to accept other public employment and who because of such subsequent public employment was permitted to leave his contributions in the retirement fund and retain membership in the retirement system shall be eligible to receive a retirement allowance as provided in Section 4.36.200 C.

C. Redeposit Contract. These terms and conditions govern redeposit contracts for reentering City officers and employees and deposit contracts of officers and employees joining the system under subsections C and E of Section 4.36.110.

1. The unpaid balance shall accrue interest at the assumption rate established by the Board for actuarial purposes and in effect at the time the redeposit agreement is signed;

2. The redeposit must be completed within five (5) years from the date of the member's re-entry into City service;

3. After deducting any immediate redeposit, the balance shall be payable in approximately equal installments every pay period, computed by amortizing interest over the contract term, unless the Board by rule authorizes redeposit in installments of equal payments of principal with interest computed on declining balances;

4. Installment payments shall be deducted from the member's pay during each pay period; and

5. Redeposit agreements shall be subject to the approval of the Board.

The Board of Administration in its discretion may include supplemental terms and conditions by rule or by approving a form of agreement on the following subjects, among others:

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a. A minimum installment payment per pay period;

b. The deferral of a redeposit of an installment during a member's layoff, military leave, or other approved leave, with catch-up redeposits upon the member's resumption of pay status;

c. Allocation of payments between interest and principal;

d. Appropriate arrangements in the event of a member's suspension or separation from City service, including the making of set-offs, acceleration of payments, continuation of payments from other sources during the interim, or adjusting "prior service" credit on a pro-rata basis;

e. Other terms and conditions as the Board may deem appropriate.

The Board may also require the execution of contracts by members, who are redepositing in installments through payroll deductions on August 31, 1986.

(Ord. 112833 § 2, 1986; Ord. 110219 § 1, 1981; Ord. 106272 § 1, 1977; Ord. 104572 § 6, 1975; Ord. 104156 § 3, 1974; Ord. 98122 § 1, 1969; Ord. 78444 § 12, 1949.)

4.36.192 Discontinuance of membership of terminally ill member.

A. Authority. The Board of Administration may in its discretion authorize an employee to discontinue his or her membership in the City Employee's Retirement System and it may refund all contribution that the employee has made, together with interest thereon, if the employee makes written application therefor and all the conditions in subsection B of this section are met.

B. Conditions and Application. The member's application shall be accompanied by the following documents:

1. Competent medical evidence that the member is suffering from a terminal illness or condition, that is, a disease or infirmity which will most probably cause his or her death within two (2) years, and the member's prospects of recovery or a longer life span are low;

2. The member's acknowledgment that by discontinuing his or her membership in the system, he or she will become ineligible for all retirement benefits under the system; for death benefits under Sections 4.36.320—4.36.330; and for reentry into the system under Section 4.36.190

for one (1) year, and then may reenter only with consent of the Board; that, if the member has a spouse or domestic partner, discontinuing membership will render his or her spouse or domestic partner ineligible for spousal or domestic partner benefits upon a member's death or disability; and that refund of his or her contributions may result in withholdings, taxes, and penalties under the Internal Revenue Code; and

3. If the member is married, a signed written consent of the member's spouse to his or her discontinuance of membership and withdrawal of contributions, including an acknowledgment that discontinuing the employee's membership may forgo spousal benefits in event of the employee's death.

C. Examination. The Board may require an applicant to undergo a physical examination by a physician selected by the Board and/or require the applicant to permit verification of his or her medical condition by allowing an examination of the applicant's medical records or an interview with his or her doctor or caregiver.

D. Reentry/Redeposit. After the lapse of one (1) year, the Board of Administration may in its discretion allow a member who has discontinued membership and recovers from his or her terminal illness to reenter the City Employee's Retirement System. If the member's application is granted, the member shall accrue service credit from the date of his or her reentry into the system, provided, that if the member's application for reentry occurs within three years after the date of the member's discontinuance of his or her membership, the Board may allow the member to make redeposit into the retirement fund of his or her withdrawn contributions plus interest in the manner contemplated by Section 4.36.190, and, upon completing all such payments, thereby acquire creditable service for the earlier period.

E. Discretionary Determination. This section confers enabling authority on the Board to be exercised in extraordinary circumstances and it imposes no duty upon the Board to grant any particular application. The Board's decision upon an application shall be final.

(Ord. 119707 § 3, 1999; Ord. 117302 § 1, 1994.)

4.36.193 Election to rollover to an eligible retirement plan.

Notwithstanding any provision of the City Employee's Retirement System to the contrary

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that would otherwise limit a distributee's election under this section, a distributee may elect, at the time and in the manner prescribed by the Board of Administration to have any portion of any eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

The following definitions apply to this Section:

A. **Eligible rollover distribution:** An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten (10) years or more; any distribution to the extent such distribution is required under Section 401(a)(9) of the Internal Revenue Code; and the portion of any distribution that is not includible in gross income (determined without regard to the exclusion, for net unrealized appreciation with respect to employer securities).

B. **Eligible retirement plan:** An eligible retirement plan is an individual retirement account described in Section 408(a) of the Internal Revenue Code, and individual retirement annuity described in Section 408(b) of the Code, an annuity plan described in Section 403(a) of the Code, or a qualified trust described in Section 401(a) of the Code, that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse an eligible retirement plan is an individual retirement account or individual retirement annuity.

C. **Distributee:** A distributee includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Internal Revenue Code, are distributees with regard to the interest of the spouse or former spouse.

D. **Direct rollover:** A direct rollover is a payment by the plan to the eligible retirement plan specified by the distributee.

(Ord. 117978 § 2, 1995.)

4.36.195 Buy-in of creditable service by temporary, interim, intermittent, provisional and part-time workers.

These terms and conditions apply to workers acquiring ("buying in") creditable service under Sections 4.36.103 and 4.36.197 for earlier work in temporary, interim, intermittent and provisional positions or part-time positions of less than twenty (20) hours per week during the course of the year.

A. **Eligible Services.** Only hours in continuous City service as shown on City payrolls can be counted subject to the multiplier in Section 4.36.125. A break in the continuity of City service excludes hours before the break. Such a break in on-call, seasonal or intermittent service occurs if a worker:

1. Removes his or her name from a roster or listing for work assignments;
2. In seasonal employment, declines the opportunity to work for a season; or, in other employment, fails to work at least one hundred (100) hours in any twelve (12) month period;
3. Takes other actions indicating that he or she has stopped or suspended for a year providing his or her services to the City; or
4. Is discharged from City employment.

B. **Amount of Creditable Service.** Creditable service shall be granted only for the hours for which both the worker and the City make contributions to the retirement system at the rate contemplated by Section 4.36.110. To receive creditable service for prior City service, such a worker shall deposit into the retirement system an amount determined by the Board of Administration equal to the sum that he or she would have paid had he or she become a member when first eligible and had deductions been made from his or her pay warrants, through the years, for creditable service, together with interest thereon. Interest shall accrue at the Board's assumption rate established for actuarial purposes from the date of the wage or salary payment to the date of deposit and shall be compounded annually.

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Seattle Municipal Code

July, 2000 code update file

Text provided for historic reference only.

See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.

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C. **Waiting Period, Service Before 1988.** A worker, who began his or her continuous City service on or before December 31, 1987 and has not already received such credit, shall receive creditable service for the first one thousand forty-four (1,044) hours, or portion thereof, of continuous service that he or she worked before January 1, 1988. This is a transitional exception to subsection B of Section 4.36.103.

D. **Administration.** The Board, in its discretion, may delegate to the Executive Director the calculation of the amount of contribution for such a worker to acquire ("buy in") in prior creditable service and may authorize its Executive Director to use an approximate formula to simplify computations and/or to determine credit for vacation and other paid leave when City records are not available therefor. For example, for hourly workers, who have held the same or similar positions over the duration of the buy-back period, the Board may determine the amount due by:

1. Classifying the worker's creditable hours by the contribution rate in effect at the time the hours were worked;

2. Multiplying the creditable hours in each rate classification by the worker's current hourly wage rate and by the applicable contribution rate; and

3. Adding the total of the products of all such classifications together.

E. **Maintenance of Membership.** Such a worker who joins the retirement system shall maintain his or her membership in the retirement system for the duration of his or her City service until retirement. A member of the retirement system, who has not retired from the City and who accepts temporary, intermittent, or part-time work, shall continue to make his or her contributions to the retirement system.

F. **Deposit Contract.** The Board may authorize such a worker to make his or her deposit under an agreement for installment payments under the following terms and conditions:

1. The deposit must be completed within five (5) years from the date of the member's eligibility to join the retirement system, except current workers may be allowed until August 30, 1994 to complete their deposits.

2. After deducting any immediate deposits, the balance shall be payable in approximately equal amortized installments unless the Board authorizes otherwise. Installments shall be deduct-

ed from the worker's pay whenever practical. By rule the Board may establish a minimum initial deposit and allowable installment payment and may include other appropriate terms and conditions in the agreement.

3. A member may accelerate and prepay all or part of his or her deposits at any time before he or she dies, retires, or discontinues City service, whichever may be sooner. In the event of extenuating circumstances that preclude an earlier payment, the Executive Director may allow a member up to ten (10) days after his or her retirement or discontinuance of City service to make a lump sum payment of the balance.

4. If a member dies, retires, or discontinues city service before completion of the contract, the member shall receive creditable service on his or her buy-in on a pro rata basis.

5. The member is responsible for making any adjustments appropriate under the Internal Revenue Code with respect to individual retirement accounts and privately administered retirement plans.

G. **City Matching Money.** The City shall match the member's contributions and deposits, including interest, in the same manner as other members. If the worker provided services in two (2) or more departments, the City Finance Director shall apportion the amount of the City contribution among the employing departments. The City Finance Director's apportionment shall be final.

(Ord. 116368 § 101, 1992; Ord. 114592 § 5, 1989.)

4.36.1971989-90 buy-in of prior service.

A. Within four (4) months after the date of mailing of notice of buy-in rights in the settlement in **Scannell v. City of Seattle**, King County Cause No. 844600, a member who was in active service on or after January 1, 1989 and who had worked one thousand forty-four (1,044) hours or more as a temporary, intermittent, interim, provisional, seasonal or part-time worker before becoming a member, may secure creditable service for his or her continuous City service, worked directly and without a break in service before his or her becoming a member, by making the member's contribution plus interest for the creditable service in accordance with Section 4.36.195, provided that no creditable

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service shall be allowed for such hours as are used to reduce the six months (one thousand forty-four (1,044) hours) of City service required for membership after January 1, 1988 and the member's contribution must cover at least one thousand forty-four (1,044) hours.

B. Within four (4) months after the date of mailing of notice of buy-in rights in the settlement in **Scannel v. City of Seattle**, King County Cause No. 844600, a member, who on or after January 1, 1984 has retired or separated from City service with his or her accumulated contributions on deposit, and had worked ten thousand four hundred forty (10,440) hours or more as a temporary, intermittent or seasonal worker or in a part-time position of less than twenty (20) hours per week over a one (1) year period may secure creditable service for his or her continuous City service, worked directly and without a break in service, before his or her becoming a member by making the member's contribution plus interest for the creditable service in accordance with Section 4.36.195. A retired member, who augments his or her retirement benefits under this subsection, may not change his or her selection of a retirement option under Section 4.36.210. The increased payments shall first take effect for periods after his or her deposit.

C. The opportunities under this section are not available to heirs or beneficiaries of members or employees who died before May 15, 1989. The opportunities under this section are available to members of the retirement system, who retired on or before December 31, 1988 and to former City employees, who have left City service, whether or not members, only as expressly provided by this section.

(Ord. 114592 § 6, 1989.)

4.36.200 Retirement of a member for service by Board.

Retirement of a member for service shall be made by the Board as follows:

A. Any member in the City service may retire by filing with the Board a written application, stating when he desires to be retired, such application to be made at least thirty (30) days prior to date of retirement; provided, however, that the member, at the time specified for his retirement, shall have completed five (5) years of City service as defined in this chapter, and shall have attained the age of sixty-two (62) years, or shall have com-

pleted ten (10) years of City service, and shall have attained the age of fifty-seven (57) years, or shall have completed twenty (20) years of City service and shall have attained the age of fifty-two (52) years, or shall have completed thirty (30) years of City service as defined

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in this chapter. Permanent discontinuance of City service after the member has become eligible for a retirement allowance under the provisions of this chapter shall entitle such member to his retirement allowance: Provided that if discontinuance of City service is caused by intemperance, wilful misconduct or violation of law on the part of the member, of which the Board shall be the judge, the Board of Administration, in its discretion, may pay to the member, in one lump sum, his accumulated contributions, in lieu of a retirement allowance, and such payment shall constitute full satisfaction of all obligations of the City to such member, and upon receipt of such payment he shall cease to be a member of the system.

B. Any member of the retirement system who, upon termination of his employment with the City after at least five (5) years' membership in the retirement system, elects to leave all his contributions in the retirement fund pursuant to Section 4.36.190 A shall be eligible to receive a retirement allowance upon reaching the age of sixty-two (62) years; provided, that if such member completed ten (10) years of service prior to termination of his employment, he shall be eligible to receive a retirement allowance upon reaching the age of fifty-seven (57) years, and if such member completed twenty (20) years of service prior to termination of his employment, he shall be eligible to receive a retirement allowance upon reaching the age of fifty-two (52) years. Such person shall file with the Board a written application, stating the date when he wishes the payment of his retirement allowance to commence, at least thirty (30) days prior to said date. He shall thereupon be awarded a retirement allowance as provided for members in Section 4.36.210, and shall be eligible to elect in lieu thereof any of the options provided in Section 4.36.260; provided, that any person leaving the City service prior to qualifying for retirement under subsection A of this section shall not be eligible for the alternative retirement allowance computations provided in subsections D and E of Section 4.36.210, nor shall he be eligible to receive any disability retirement allowance under Sections 4.36.230, 4.36.240 and 4.36.250, nor shall his estate or his beneficiaries receive the death benefit provided in Section 4.36.320; provided further, that persons leaving the City service prior to qualifying for retirement under subsection A of Section 4.36.200 shall, if and when eligible to receive a retirement allowance as provided in this subsection, be

eligible for the alternative allowance computation provided in subsection F of Section 4.36.210, based upon his age at the time of commencement of payment of such member's retirement allowance, and in the event any such former employee dies before commencement of his retirement allowance pursuant to this subsection, the provisions of Section 4.36.270 B shall be applicable to such person's spouse or domestic partner, if named as beneficiary, and if there is no surviving spouse or domestic partner, the provisions of Section 4.36.270 C shall be applicable to such person's child or children under the age of eighteen (18) years, if named as beneficiary.

C. Any former employee who prior to March 1, 1977, discontinued his City service to accept other public employment and who, because of such subsequent public employment, was permitted to leave his contributions in the retirement fund, shall be eligible to receive a retirement allowance upon reaching the age of sixty-five (65) years; provided, that if such former employee completed five (5) years of City service, he shall be eligible to receive a retirement allowance upon reaching the age of sixty-two (62) years, and if such former employee completed ten (10) years of City service, he shall be eligible to receive a retirement allowance upon reaching the age of fifty-seven (57) years; and if such former employee completed twenty (20) years of City service, he shall be eligible to receive a retirement allowance upon reaching the age of fifty-two (52) years. Such person shall file with the Board a written application, stating the date when he wishes the payment of his retirement allowance to commence, at least thirty (30) days prior to said date. He shall thereupon be awarded a retirement allowance as provided for members in Section 4.36.210, and shall be eligible to elect in lieu thereof any of the options provided in Section 4.36.260; provided, that any former employee to whom this subsection is applicable shall not be eligible for the alternative services allowance computation provided in subsections D and E of Section 4.36.210, nor shall he be eligible to receive any disability retirement allowance under Sections 4.36.230, 4.36.240 and 4.36.250, nor shall his estate or his beneficiaries receive the death benefit provided in Section 4.36.320; provided further, that such former employees shall, if and when eligible to receive a retirement allowance as provided in this subsection, be eligible

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for the alternative allowance computation provided in subsection F of Section 4.36.210, based on his or her age at the time of commencement of payment of such member's retirement allowance, and, in the event any such person dies before commencement of his retirement allowance pursuant to this subsection, the provisions of Section 4.36.270 B shall be applicable to such person's spouse or domestic partner, if named as beneficiary, and if there is no surviving spouse or domestic partner, the provisions of Section 4.36.270 C shall be applicable to such person's child or children under the age of eighteen (18) years, if named as beneficiary.

(Ord. 119707 § 4, 1999; Ord. 110219 § 2, 1981; Ord. 107164 § 2, 1978; Ord. 106272 § 2, 1977; Ord. 104382 § 2, 1975; Ord. 104156 § 4, 1974; Ord. 99566 § 3, 1970; Ord. 98122 § 2, 1969; Ord. 84510 § 1, 1955; Ord. 78444 § 13, 1949.)

Cases: Seattle ordinance establishing a retirement system for superannuated officers and employees of the City and setting the age limit at sixty-seven years was valid. **Browning v. Seattle**, 50 W.2d 813,314 P.2d 648 (1957).

4.36.210 Retirement allowances designated.

A. A member, upon retirement from service, shall receive a retirement allowance subject to the provisions of subsection B of this section, which shall consist of:

1. An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

2. A pension purchased by the contributions of the City, equal to the annuity purchased by the accumulated normal contributions of the member.

3. For any member having credit for prior service, an additional pension purchased by the contributions of the City equal to one and one-third (1 1/3) percent of the final compensation multiplied by the number of years of prior service credited to the member, if total prior service credit at such rate shall amount to sixteen and two-thirds (16 2/3) percent or more of final compensation; if such total prior service credit shall not equal sixteen and two-thirds (16 2/3) percent of final compensation such additional pension shall be increased by one-third (1/3) of one (1) percent of final compensation, multiplied by the number of years of prior service credited to the member for the period between July 1, 1919, and July 1, 1929, but such prior service credit for the member shall not exceed a total of sixteen and two-thirds (16 2/3)

percent of final compensation; provided, further, that if a member shall retire before attaining the age of sixty-two (62) years the total additional pension computed as above shall be reduced by the following percentages:

At age 61	6.48	At age 55.....	36.18
At age 60	12.48	At age 54.....	39.92
At age 59	18.02	At age 53.....	43.38
At age 58	23.12	At age 52.....	46.52
At age 57	27.85	At age 51.....	49.52
At age 56	32.12	At age 50.....	52.30

Appropriate reductions shall be made in case of retirement, under age fifty (50) consistent with the above schedule.

B. If at the time of retirement the basic pension, as defined herein, is in excess of sixty (60) percent of final compensation then the retirement allowance of the member shall be limited to sixty (60) percent of final compensation, allowing full credit for prior service as provided in this chapter and applying accumulated normal contributions of the member and of the City in equal amounts to make up the sixty (60) percent of final compensation. Any residue of the accumulated normal contributions of the member over the amount so applied shall be considered as accumulated additional contributions and may be subject to such rules as the Board may have adopted governing the same. Any residue of the accumulated contributions of the City over the amount so applied shall remain in the retirement fund to be applied to the City's obligations to the fund.

All retirement allowances shall be limited to sixty (60) percent of final compensation except that increases in retirement allowances after retirement may be received without limitation; and further, that where an allowance is One Hundred Ten Dollars (\$110) per month or less, the sixty (60) percent of final compensation limit shall not apply.

C. The monthly benefits of all members retired for service or disability prior to January 1, 1974, and the monthly benefits payable to any person as the result of the death of any member who was retired for service or disability prior to January 1, 1974, shall be increased as of January 1, 1975, by the percentage indicated in the following table opposite the year of retirement of the member upon whose service such benefits are based:

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Year of retirement **Percentage increase of monthly benefit payable immediately prior to January 1, 1975**

1973	1%
1972	2
1971	3
1970	5
1969	7
1968	9
1967	11
1966	13
1965	15
1964	17
1963	19
1962	21
1961	23
1960	25
1959	27
1958	29
1957	31
1956	33
1955	35
1954	37
1953	39
1952	41
1951	43
1950	45
1949	47
1948	49
1947	51
1946	53
1945	55
1944	57
1943	59
1942	61
1941	63
1940	65
1939	67
1938	69
1937	71
1936	73
1935	75
1934	77
1933	79
1932	81
1931	83
1930	85
1929	87;

Provided, that the increases herein shall not be applicable to persons receiving benefits as the result of the death of a member who elected "Option B" as provided in Section 4.36.260. The increases provided herein shall be paid from available retirement system funds or from contributions of the City. Nothing in this subsection shall affect the amount of any bonus dividend declared pursuant to Section 4.36.150, nor shall any such bonus dividend be considered as a part of monthly benefits for the purpose of computing the percentage increases authorized in this subsection.

D. For members retiring for service subsequent to January 1, 1951, there is established the following scale of minimum retirement allowances, subject to subsection G of this section and subject to the member being sixty (60) years of age or over and having at least ten (10) years of creditable service. The amounts shown in the scale shall be subject to pro rata adjustments for service and/or age but for half-year fractions only.

LENGTH OF SERVICE IN YEARS

Attained Age	10	11	12	13	14
65	\$60	\$60	\$60	\$60	\$60
64	56	58	60	60	60
63	47	50	54	58	60
62	43	45	47	49	53
61	38	40	43	47	49
60	37	39	41	44	47

LENGTH OF SERVICE IN YEARS

Attained Age	15	16	17	18	19	20
65	\$60	\$60	\$63	\$66	\$69	\$73
64	60	60	61	64	67	71
63	60	60	60	62	65	69
62	56	58	59	61	63	67
61	53	56	58	59	62	65
60	50	52	55	57	60	63

The pension payable over and above the basic pension shall be purchased by contributions of the City.

E. For members retiring for service subsequent to January 1, 1953, there is established the following "dollar" scale which may be used in fixing the amount of a service retirement allowance but when used the allowance indicated shall not be in excess of One Hundred Ten Dollars (\$110) per month which shall be subject to sub-

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section G and shall not be subject to the limitation of sixty (60) percent of final compensation except when such final compensation is more than Two Hundred Dollars (\$200) per month. The pension payable over and above the basic pension shall be purchased by contributions of the City.

For Each Year of Creditable Service

\$3.65 for each year at age sixty-five (65) or over

3.55 for each year at age 64

3.45 for each year at age 63

3.35 for each year at age 62

3.25 for each year at age 61

3.15 for each year at age 60

F. For members retiring for service after December 31, 1974, there is established the "percentage" scale in Table 4.36.210 F which may be used in fixing the amount of a service retirement allowance, to be computed by multiplying the number of years of creditable service by the indicated percentage of final compensation; provided that such scale may also be used in determining benefits of surviving spouses and domestic partners of employees receiving disability retirement benefits under Section 4.36.230 E but shall not add more than One Hundred Thirty Dollars (\$130) per month to the basic pension upon which such surviving spouses' benefits are based; provided, further, that such scale may also be used in determining benefits payable under Section 4.36.270 B to the surviving spouse and domestic partner of any member who was at least forty-eight (48) years of age at the time of such member's death. Use of this scale is subject to subsection G of this section and to the limitation of sixty (60) percent of final compensation except where final compensation is less than Two Hundred Dollars (\$200) per month, in which case the retirement allowances may not exceed One Hundred Ten Dollars (\$110) per month. The pension payable over and above the basic pension shall be purchased by contributions of the City. The application of the scales herein established and in subsections D and E of this section shall be at the option of the members.

G. Any member who has heretofore elected or who may hereafter elect to receive one of the options provided for in Section 4.36.260 and whose retirement allowance will be increased by the foregoing provisions, shall receive only the proper actuarial equivalent of such increase.

H. The alternative retirement allowance computations set forth in subsections D and E of this section shall be available only to members who remain in City service until they attain age sixty (60) and shall not be available to members who retire or are otherwise separated from City service prior to age sixty (60). Except as provided in Section 4.36.200 C and D, no person leaving the service of the City prior to attaining the age of forty-eight (48) shall be eligible for the alternative retirement allowance computation provided in Section 4.36.210 F; provided, that the surviving spouse or domestic partner of an employee retired for disability shall be entitled to the benefits under Section 4.36.230 E based upon the alternative retirement allowance computation provided in accordance with subsection F of this section if such employee attained the age of forty-eight (48) prior to death.

I. The "final compensation" of a member who retires from a temporary, interim, provisional, intermittent or part-time position is determined by multiplying the member's average hourly rate during his or her highest consecutive four thousand one hundred seventy-six (4,176) hours of service by two thousand eighty-eight (2,088) hours.

(Ord. 119707 § 5, 1999; Ord. 114592 § 3, 1989; Ord. 108009 § 2, 1979; Ord. 106272 § 3, 1977; Ord. 104572 § 7, 1975; Ord. 104244 § 2, 1975; Ord. 104156 §§ 5, 6, 1974; Ord. 100792 § 3, 1972; Ord. 99566 §§ 4, 5, 6, 1970; Ord. 98543 § 1, 1970; Ord. 98122 § 3, 1969; Ord. 97303 §§ 1, 2, 1968; Ord. 96293 § 1, 1967; Ord. 95183 § 1, 1966; Ord. 94354 § 2, 1965; Ord. 90730 § 1, 1961; Ord. 86133 § 1, 1957; Ord. 84566 § 3, 1955; Ord. 83534 § 3, 1954; Ord. 81521 § 1(part), 1952; Ord. 79403 § 3, 1950; Ord. 78444 § 14, 1949.)

4.36.215 Annual cost of living adjustment.

A. Applicability. This section applies to all members, and beneficiaries receiving payment on behalf of any such member, who retired on or after January 1, 1998.

B. Annual Adjustment.

1. As of December 1st of each year, a member's or beneficiary's adjusted benefit shall be increased by one and one-half (1½) percent, except as otherwise provided in this section.

2. For any calendar year, the member or beneficiary shall receive the greater of:

TABLE FOR SECTION 4.36.210 F

Years of Service	Retirement Age (or, for Surviving Spouse's Benefits, Deceased Member's Age at Death)									
	48	49	50	51	52	53	54	55	56	57
30 or more	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
29	1.70	1.80	1.90	2.00	2.00	2.00	2.00	2.00	2.00	2.00
28	1.60	1.70	1.80	1.90	2.00	2.00	2.00	2.00	2.00	2.00
27	1.50	1.60	1.70	1.80	1.90	2.00	2.00	2.00	2.00	2.00
26	1.40	1.50	1.60	1.70	1.80	1.90	2.00	2.00	2.00	2.00
25	1.30	1.40	1.50	1.60	1.70	1.80	1.90	2.00	2.00	2.00
24	1.20	1.30	1.40	1.50	1.60	1.70	1.80	1.90	2.00	2.00
23	1.10	1.20	1.30	1.40	1.50	1.60	1.70	1.80	1.90	1.90
22	1.00	1.10	1.20	1.30	1.40	1.50	1.60	1.70	1.80	1.80
21	.90	1.00	1.10	1.20	1.30	1.40	1.50	1.60	1.70	1.70
20	.82	.90	1.00	1.10	1.20	1.30	1.40	1.50	1.60	1.60
10 — 19	.82	.89	.96	1.03	1.10	1.20	1.30	1.40	1.50	1.50
	57	58	59	60	61	62	63	64	65	
30 or more	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
29	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
28	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
27	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
26	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
25	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
24	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
23	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
22	1.90	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
21	1.80	1.90	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
20	1.70	1.80	1.90	2.00	2.00	2.00	2.00	2.00	2.00	2.00
10 — 19	1.52	1.58	1.64	1.70	1.76	1.82	1.88	1.94	2.00	2.00
5 — 9	—	—	—	—	—	1.82	1.88	1.94	2.00	2.00

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- a. The adjusted benefit; or
 - b. The sum of the initial benefit plus the base annual bonus dividend provided for in SMC Section 4.36.155; or
 - c. Sixty (60) percent of the indexed benefit; or
 - d. The benefit paid in the prior calendar year.
- (Ord. 119360 § 2, 1999; Ord. 119275 § 5, 1998.)

4.36.220 Retirement for disability.

A. Any member may be retired for permanent and total disability, either ordinary or accidental, occurring while in City service and not connected with any illness or disability existing prior to entering City service, upon examination as hereinafter set forth, if such employee meets either of the following requirements:

- 1. The disability of such member arose out of and in the course of his employment as an employee of the City; or
- 2. Such member had, at the time of occurrence of such disability, at least ten (10) years of City service, over a period of not to exceed fifteen (15) years immediately preceding retirement, provided that City service lost while on previous disability retirement shall not be considered in determining if the applicant has City service in the limits specified.

B. Any member while in the City service, or within three (3) months after the discontinuance of City service, or while physically or mentally incapacitated for the performance of duty, if such incapacity has been continuous from discontinuance of City service, shall be examined by a physician or surgeon, appointed by the Board of Administration, upon the application of the head of the office or department in which the member is employed, or upon application of the member, or a person acting in his behalf, stating that the member is permanently and totally incapacitated, either physically or mentally, for the performance of duty and ought to be retired. If such medical examination shows, to the satisfaction of the Board, that the member is permanently and totally incapacitated either physically or mentally for the performance of duty and ought to be retired, the Board shall retire the member for disability forthwith.

C. The Board shall secure such medical services and advice as it may deem necessary to carry out the purpose of this section and of Section 4.36.240, and shall pay for such medical

services and advice such compensation as the Board shall

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deem reasonable.

D. The provisions of this section shall not be applicable to employees pensioned for permanent and total disability, as defined in and pursuant to state law.

(Ord. 115600 § 1, 1991; Ord. 101274 § 1, 1972; Ord. 89419 § 1, 1960; Ord. 78444 § 15, 1949.)

4.36.230 Disability allowances designated.

A. Upon retirement for disability, as provided in Section 4.36.220, provided the disability is not due to intemperance, wilful misconduct or violation of law, of which the Board shall be the judge, a member shall receive a retirement allowance calculated as follows:

One and one-half (1½) percent of final compensation multiplied by years of creditable service, if such retirement allowance exceeds one-third (1/3) of his final compensation; otherwise one and one-half (1½) percent of final compensation multiplied by years of service which would be creditable to him were his services to continue until attainment of age sixty-two (62) but such alternative disability retirement allowance shall not exceed one-third (1/3) of such final compensation; provided, that no disability retirement allowance shall exceed sixty (60) percent of final compensation. Notwithstanding any provision of this section to the contrary, the minimum retirement allowance shall be One Hundred Forty Dollars (\$140) per month.

The retirement allowance as above calculated shall consist of:

1. An annuity which shall be the actuarial equivalent of the member's accumulated normal contributions;
2. A pension which shall be the actuarial equivalent of the City's matching contributions;
3. A pension for prior service, if any, calculated at the rate of one and one-half (1½) percent of final compensation for each year of prior service, which shall be provided by contributions of the City;
4. An additional pension, provided by contributions of the City, should the calculation of the allowance show that subsections A1, 2 and 3 above are not enough to produce the retirement allowance indicated;
5. When use of proper annuity and pension rates results in a retirement allowance amounting to more than would be realized by adherence to the formula indicated in the second paragraph of this section the Board shall allow the higher amount.

B. The disability allowances of all members retired for disability prior to January 1, 1971, shall on January 1, 1971, be increased by Twenty Dollars (\$20) per month over the monthly benefit

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payable immediately prior to January 1, 1971, but no such pension of members retired for disability shall be less than One Hundred Forty Dollars (\$140) per month as of such date. Nothing in this subsection shall affect the amount of any bonus dividend declared pursuant to Section 4.36.150.¹ Such increases shall be paid from available retirement system funds or from contributions of the City; provided, that such increases shall not be applicable to persons retired for disability on and after September 1, 1970 and on and before December 31, 1970 who pursuant to Ordinance 99271² select benefits applicable to persons who retire on and after January 1, 1971.

C. If disability is due to intemperance, wilful misconduct, or violation of law, on the part of the member, the Board in its discretion, may pay to the member, in one lump sum his accumulated contributions in lieu of a retirement allowance; and such payment shall constitute full satisfaction of all obligations of the City to such member; and upon receipt of such payment he shall cease to be a member of the system.

D. Upon the death of a member, while in receipt of a disability retirement allowance, the member's accumulated contributions, as they were at the date of his or her retirement, less any annuity payments made to him or her, shall be paid to the member's estate, or to such persons as he or she shall have nominated by written designation duly executed and filed with the Board; provided, that:

1. Such refund of contributions may be made in monthly payments if requested by the beneficiary and approved by the Board; and

2. If the member's estate is not being probated, the Board, in its discretion, may as an alternative to making payment to his or her estate, authorize payment to an heir who would inherit if the estate were probated, such as a surviving spouse named under a community property agreement or in the member's will.

E. Any surviving spouse or domestic partner of a member receiving a disability retirement allowance may, if named as beneficiary, elect to receive and thereupon shall be paid in lieu of benefits under Section 4.36.230 D a monthly benefit the equivalent of a survivor's "Option E" retirement allowance computed on the basis of the member's age at date of death, years of creditable service, and normal and matching contributions reduced by all sums theretofore paid the deceased member as annuity on normal contributions and

pension on matching contributions, and, if applicable, by payments to an alternate payee under a court or department order as contemplated by Section 4.36.295. The spouse or domestic partner may elect to receive a cash payment of not to exceed one-half (1/2) of the deceased member's remaining normal contributions, and such cash payment shall effect a reduction of the survivor's monthly benefit by the amount of annuity such payment would have purchased.

The Board may in its discretion authorize such payments to a surviving spouse, who is not named as a beneficiary, if (1) the surviving spouse is the principal beneficiary of the member's estate and named under a community property agreement or in the member's will; or (2) the member died without leaving a will and the retirement allowance was the property of the marital community and the surviving spouse.

(Ord. 119707 § 6, 1999; Ord. 116802 § 2, 1993; Ord. 116069 § 2, 1992; Ord. 107228 § 2, 1978; Ord. 100792 § 4, 1972; Ord. 99566 §§ 8, 9, 1970; Ord. 95183 §§ 2, 3, 1966; Ord. 88897 § 3, 1960; Ord. 83534 § 4, 1954; Ord. 81521 § 1(part), 1952; Ord. 79403 § 4, 1950; Ord. 78444 § 16, 1949.)

1.Editor's Note: SMC Section 4.36.150 was repealed by Ord. 111303 and replaced by SMC Section 4.36.155.

2.Editor's Note: Ord. 99271 is a previous amendment to this chapter.

4.36.240 Examination of disability beneficiary—Cancellation of allowance.

A. The Board may require any disability beneficiary, under age sixty-two (62) years, to undergo medical examination by a physician or surgeon, appointed by the Board at a place to be designated by the Board. Upon the basis of such examination the Board shall determine whether such disability beneficiary is still totally and permanently incapacitated, either physically or mentally, for City service. If the Board shall determine that the beneficiary is no longer so incapacitated, he shall be returned to City service at the earliest opportunity in accordance with civil service rules and regulations and upon such return his retirement allowance shall be cancelled.

B. Should a disability beneficiary reenter City service his retirement allowance shall be cancelled and he shall immediately become a member of the retirement system, his rate of contribution for future years being that established for his age at the time of such reentry. His

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individual account shall be credited with his accumulated normal contributions less the annuity payments made to him, except as provided in Section 4.36.240 C. Such member shall receive credit for prior service in the same manner as if he had never been retired for disability.

C. Should any disability beneficiary under age sixty-two (62) refuse to submit to medical examination, his pension may be suspended and should refusal continue for one (1) year, his retirement allowance may be cancelled. Should any such disability beneficiary engage in a gainful occupation he shall immediately report his gross monthly income to the Board and upon receipt of such information the Board shall reduce the retirement allowance to an amount, which when added to the compensation earned by him in such occupation, shall not exceed the amount of the salary or wages presently attached to the regular position held by the disability beneficiary at the time of his retirement.

Should any such disability beneficiary fail to report his gainful occupation the Board shall, whenever information regarding such gainful occupation is received, cause his retirement allowance to be suspended either partially or in full, for the period of time necessary to make up for disability retirement allowance payments drawn by him during the time suspension should have been in effect and should such a beneficiary die before suspended disability retirement allowance payments have equaled payments illegally drawn, the Board shall recover such payments from any benefits which would otherwise be payable to his estate or to a designated beneficiary. Suspension of a disability retirement allowance under such circumstances may be made even after such a disability beneficiary has attained age sixty-two (62). Should such disability beneficiary reenter City service the Board may reduce the accumulated contributions which would otherwise be credited to his account, as contemplated in Section 4.36.240 B, to compensate for payments drawn during time suspension should have been in effect.

When any disability beneficiary reaches age sixty-two (62) his retirement allowance shall be established at the amount which would normally be payable to him and shall not be modified for any cause except as provided in this chapter.

D. Should the retirement allowance of any disability beneficiary be cancelled for any cause other than reentrance into City service, he shall be

paid his accumulated contributions, less annuity payments made to him.

If, in the judgment of the Board, a disability beneficiary has failed to properly report his earnings from gainful occupation, the Board may cancel his disability retirement allowance.

E. Should any disability beneficiary who was eligible to receive a service retirement allowance

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at the time he was retired for disability, desire to convert his disability retirement allowance into the service retirement allowance he was eligible to at time of retirement on disability, the Board may grant his petition so to do.
(Ord. 104572 § 8, 1975; Ord. 78444 § 17, 1949.)

4.36.250 Temporary total disability.

A. Any member who has not attained the age of sixty-five (65) and who has at least ten (10) years of City service over a period of not to exceed fifteen (15) years may, upon his application therefor, be retired by the Board for temporary total disability occurring while in City service and not connected with any illness or disability existing prior to entering such service. Such temporary total disability shall include only a physical or mental incapacity which the Board finds and determines temporarily and totally incapacitates such member for City service.

B. Temporary total disability retirement allowances shall be computed and paid until such disability has ceased, in the same manner and amounts as for permanent and total disability, and shall commence immediately after termination of all payments to the member on account of sick leave, vacation, accumulated time, industrial insurance benefits, and disability payments under Charter Article XVI, Section 24,¹ or any other such benefits.

C. Upon determining that any such temporary total disability has ceased, the Board shall terminate the temporary total disability retirement, and the retirement allowance therefor shall be cancelled; or if a member is otherwise eligible, the Board shall convert such temporary total disability retirement to a permanent total disability retirement or a service retirement.

D. In determining eligibility for temporary total disability retirement and termination thereof, the Board may secure such medical assistance as it deems necessary.

E. Upon termination of any temporary total disability retirement, a member who returns to active City service shall be reinstated as a nonretired member of the retirement system and his accumulated contributions less annuity payments shall be credited to his account and he shall contribute at the rate applicable to him at the time he was retired. Any member who does not return to City service after termination of temporary total disability retirement shall be entitled to his accu-

mulated contributions less any annuity payments made to him.

F. Periods during which a member is retired for temporary total disability shall not be recognized as creditable service on any subsequent retirement.

(Ord. 89752, 1960; Ord. 78444 § 17-1, 1949.)

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

4.36.260 Optional lesser retirement allowances.

A member may elect to receive, in lieu of the retirement allowance provided for in Section 4.36.210, its actuarial equivalent in the form of a lesser retirement allowance, payable in accordance with the terms and conditions of one (1) of the options set forth in Options A through E of this section. Options F and/or G may be elected alone or in conjunction with one (1) of the options set forth in Options A through E. The election of Option F or G will result in the actuarial equivalent of the retirement allowance otherwise payable. Option G includes the lump sum payment of a partial refund. If a combination is elected, the lesser retirement allowance shall be determined by first applying the Option G factor, if applicable, then the Option F factor, if applicable, and then finally the Option A—E factor. Upon the death of a retired member, any death benefits will be payable in accordance with the provisions of the options elected under this section if any. Election of any option must be made by written application filed with the Board of Administration at least thirty (30) days in advance of retirement as provided in Section 4.36.200, and shall not be effective unless approved by the Board prior to retirement of the member. The amount paid to a member, a beneficiary or a surviving spouse shall be reduced by payments made to an alternate payee under a court or department order as contemplated by Section 4.36.295.

OPTION A. The lesser retirement allowance shall be payable to the member throughout his life; provided, that if he dies before he receives in annuity payments pursuant to Section 4.36.210 A1 a total amount equal to the amount of his accumulated contributions as of the date of his retirement, the balance of such accumulated contributions shall be paid in one (1) lump sum to his estate or to such person as he shall nominate by written

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designation duly executed and filed with the Board.

OPTION B. The lesser retirement allowance shall be payable to a member throughout his life provided that if he dies before he receives in annuity payments pursuant to Section 4.36.210 A1 a total amount equal to the amount of his accumulated contributions as of the date of his retirement, the annuity payments resulting from his accumulated contributions shall be continued and paid to his estate or to such person as he shall nominate by written designation duly executed and filed with the Board, until the total amount of annuity payment shall equal the amount of his accumulated contributions as it was at the date of his retirement.

OPTION C. The member shall elect a "guaranteed period" of any number of years. If he dies before the lesser retirement allowance has been paid to him for the number of years elected by him as the "guaranteed period," the lesser retirement allowance shall be continued to the end of the "guaranteed period," and during such continuation shall be paid to his estate or to such person as he shall nominate by written designation duly executed and filed with the Board.

OPTION D. The lesser retirement allowance shall be payable to the member throughout life, and after the death of the member, one-half ($\frac{1}{2}$) of the lesser retirement allowance shall be continued throughout the life of and paid to the individual who was the spouse or domestic partner of the member at the time of retirement. If the spouse or domestic partner predeceases the member, then upon receipt of written notice of such death by the Board, the member's retirement allowance shall increase to the amount that would have been provided as if the member had not selected this option.

OPTION E. The lesser retirement allowance shall be payable to the member throughout life, and after death of the member it shall be continued throughout the life of and paid to the individual who was the spouse or domestic partner of the member at the time of retirement. If the spouse or domestic partner predeceases the member, then upon receipt of written notice of such death by the Board, the member's retirement allowance shall increase to the amount that would have been provided as if the member had not selected this option.

OPTION F. A member who retires from service prior to the age of becoming eligible for

retirement payments under the federal system, commonly known as Social Security, and who at the time of retiring is fully insured under the federal system, may elect to have his retirement allowance payable during his or her life only, increased prior to the age at which the member could elect an unreduced Social Security retirement benefit and reduced after such age by amounts which have equivalent actuarial values. Prior to retirement, the member shall obtain, and provide to the Board, a written estimate of his Old-Age Benefit for the age at which the member could elect an unreduced Social Security benefit. If Option F is elected and the member's death occurs prior to the age at which the member could have elected an unreduced Social Security retirement benefit, any death benefit payable under any other option after the date the member would have attained such age, shall reflect the expected lesser amount of Option F.

OPTION G. The member may elect to receive a lump sum payment upon retirement, of either fifty (50) percent or one hundred (100) percent of his or her accumulated contributions. The member's retirement allowance as provided for in Section 4.36.210 shall be reduced by the actuarial equivalent of the withdrawn lump sum. (Ord. 119707 § 7, 1999; Ord. 118497 § 2, 1997; Ord. 116069 § 3, 1992; Ord. 107228 § 3, 1978; Ord. 78444 § 18, 1949.)

4.36.270 Death of member who is not retired.

A. Upon the death of any member who has not been retired pursuant to the provisions of this chapter, such member's accumulated contributions less any payments therefrom already made to such member shall be paid to such member's surviving spouse or domestic partner, or if the deceased member does not have a surviving spouse or domestic partner, or if the surviving spouse prior to the death of such member consented in writing to the naming as hereafter provided of a different beneficiary or beneficiaries and waived in writing all rights to benefits under Section 4.36.270 B, then to such member's estate, or to such person or persons as such member shall have nominated by written designation duly executed and filed with the Board. Such payment may be made in one lump sum or may be paid in installments over a period of not to exceed five (5) years, as may be designated by the member or his beneficiary, with such rate of interest as may be determined by the Board.

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B. Any surviving spouse or domestic partner, of a member not retired but having at the date of death at least ten (10) years of creditable service as defined in this chapter, who is entitled to receive such deceased member's accumulated contributions as provided in Section 4.36.270 A, may elect to receive and thereupon shall be paid in lieu of benefits under Section 4.36.270 A, a benefit the equivalent of a survivor's "Option E" retirement allowance. The spouse or domestic partner may, however, elect to receive in lieu of either the above retirement allowance or the benefits under Section 4.36.270 A, a lesser retirement allowance to cease at such spouse's or domestic partner's death and in addition a cash payment not to exceed one-half ($1/2$) of the deceased member's accumulated normal contributions. However, such withdrawal shall not serve to reduce such lesser retirement allowance except by the amount of annuity which such withdrawal would have purchased.

C. If there be no surviving spouse or domestic partner at the time of death of a member not retired, but having at least ten (10) years of creditable service as defined in this chapter, and such member has surviving one (1) or more children under the age of eighteen (18) years, and if such child or children are named as beneficiary or if the contributions of the deceased member are payable to such member's estate under the provisions of Section 4.36.270 A, then the legal guardian of such child or children may elect for such child or children a monthly benefit as hereinafter provided, which monthly benefit shall be paid in lieu of the benefits payable under Section 4.36.270 A. Such monthly benefits shall be equal to the monthly benefit which would have been paid to the last spouse of such deceased member if such last spouse had been living and married to the deceased member at the time of his death and was otherwise eligible for and elected to receive the benefits provided in Section 4.36.270 B equivalent to a survivor's "Option B" retirement allowance without a cash payment of a portion of the deceased member's accumulated normal contributions. The guardian may, however, elect to receive in lieu of either the above benefits or the benefits under Section 4.36.270 A, a lesser retirement allowance which will continue until such child or children reach the age of eighteen (18) years and in addition a cash payment not to exceed one-half ($1/2$) of the deceased member's accumulated normal contributions. However, such withdrawal

shall not serve to reduce such lesser allowance except by the amount of annuity which such withdrawal would have purchased. All benefits payable under this subsection shall be paid to the legal guardian of such child or children under the age of eighteen (18) years until all of such children have reached the age of eighteen (18) years, and shall be for the benefit of such minor children.

D. The amount paid to a member's estate, beneficiary or surviving spouse or domestic partner may be reduced by payments made to an alternate payee under a court or department order as contemplated by Section 4.36.295.

E. If the member's estate is not being probated, the Board, in its discretion, may as an alternative to making payment to his or her estate, authorize payment to an heir who would inherit if the estate were probated, such as a surviving spouse named under a community property agreement or in the member's will.

(Ord. 119707 § 8, 1999; Ord. 116802 § 1, 1993; Ord. 116069 § 4, 1992; Ord. 107228 § 4, 1978; Ord. 106798 § 1, 1977; Ord. 106587 § 1, 1977; Ord. 88897 § 4, 1960; Ord. 79403 § 5, 1950; Ord. 78444 § 19, 1949.)

4.36.280 Payments in monthly installments.

A pension, annuity, or a retirement allowance granted under the provisions of this chapter, unless otherwise specified herein, shall be payable in monthly installments, and each installment shall be for the current calendar month.

(Ord. 78444 § 20, 1949.)

4.36.290 Benefits not subject to garnishment or attachment.

The right of a person to a death benefit, pension, an annuity or a retirement allowance, to the return of contributions, the death benefit, pension, annuity or retirement allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter shall not be subject to execution, garnishment, attachment, or any other process whatsoever, and shall be unassignable except as in this chapter specifically provided.

(Ord. 78444 § 21, 1949.)

4.36.295 Qualified domestic relations orders—Orders of State

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Department of Social and Health Services to withhold and deliver.

A. Authority. The Director may make payments to:

1. A spouse, former spouse, child, or other dependent of a member as directed in an order of the court that constitutes a qualified domestic relations order under 26 U.S.C. § 414 (p); and/or

2. The Washington State Department of Social and Health Services as directed in an order to withhold and deliver under RCW 70.20A.080, each subject to the terms and conditions of this section, and to supplemental requirements that may be adopted by the Director by rule consistent with state and federal law to implement the ordinance codified in this section.

The term "order" as used in this section means either or both of the foregoing orders, and the term "alternate payee" means the recipient of payment on account of an order.

B. Limitations.

1. Any payment to an alternate payee pursuant to an order shall reduce by a like amount the payment of benefits or withdrawal of contributions that would otherwise have been payable to or on account of the member without the order. Payment of an order shall first commence when benefits or a withdrawal of contributions is made to or on account of the member. The amount paid shall not exceed the benefits payable under this chapter and the retirement option selected by the member, or in the case of a withdrawal of accumulated contributions, the amount on deposit to the credit of the member.

2. A payment to the alternate payee shall cease if the payment to a member would end on account of his or her death under a retirement option (Sections 4.36.210 through 4.36.260) or the member's reemployment (Sections 4.36.240 and 4.36.310) in the absence of the order. The Director may not, on account of such an order, limit or coerce the decision of an eligible member to accept a disability allowance (Sections 4.36.220 through 4.36.230) or, if on disability retirement, to return to City employment (Sections 4.36.240 and 4.36.250), or to convert to a service retirement allowance (Section 4.36.240); to withdraw accumulated contributions or to leave his or her contributions on deposit (Section 4.36.190), or to select a payment option (Sections 4.36.210 through 4.36.260).

C. Formula for Determination.

1. If the member is already receiving benefits or has arranged to receive payment at a proximate date, the order must identify the alternate payee and the amount to be paid as:

a. A precise sum to be paid in a single payment or in equal monthly installments and the duration of the installment payments; or

b. A fixed percentage of the member's "disposable earnings" as defined in RCW 74.20A.090 or "disposable benefits" as defined in RCW 41.50.500(2), which are payable under the payment option that the member has selected.

2. If the member is not yet receiving benefits or has not arranged to receive payment at a proximate date, the order may also determine the amount payable to an alternate payee by a formula or ratio that becomes complete upon the Director supplying the member's creditable or gross contributions; for example, a ratio that measures the member's creditable service on the date of the order to the member's creditable service at the time of retirement, or the member's contributions at a stated date, or a stipulated amount to the member's total contributions at the time benefits commence, or a withdrawal of accumulated contributions occurs. The City will not increase payments by an interest factor or adjust dollar values by a price index in calculating the payment to an alternate payee.

D. Rounding of Numbers. A percentage of disposable benefits or a ratio on a formula must be capable of being expressed as a decimal to no more than three (3) places; fractions extending beyond the third decimal place will be rounded to the nearest number at the third decimal place and the amount of any warrant rounded to the nearest cent.

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E. Filing of Orders for Future Use. The Director may keep orders on file until such time as the member makes a withdrawal of accumulated contributions or draws benefits. If such an order is on file as to a member, the Director may delay payment of benefits or of accumulated contributions for up to thirty (30) days in order to determine whether or not the order is current and in effect.

F. Alternate Payee's Responsibility. An alternate payee has the responsibility of supplying and maintaining with the Director a current mailing address for making payments; if payments are to commence upon occurrence of an event, informing the Director when the event occurs; and in the event of an erroneous overpayment, returning to the City the warrant for issuance of another in the correct amount. Warrants returned on account of an incorrect address may be held as unclaimed property.

(Ord. 116069 § 1, 1992.)

4.36.300 Estimate of length of service.

If it shall be impracticable for the Board to determine from the records the length of service, the compensation, or the age of any member, the Board may estimate for the purpose of this chapter, such length of service, compensation or age.

(Ord. 78444 § 22, 1949.)

4.36.310 Retired members who are employed on salary.

Effective January 1, 1953 annuity payments shall be paid to retired members who are in City service, but all pension payments shall be suspended while such retired members are employed on salary by the City, except as to the amount such pension payments may exceed the salary for the same period; provided, that such pension part of retirement allowances shall not be suspended as to any member who is temporarily employed in City service for periods not to exceed 1040 hours in any one (1) year.

(Ord. 107164 § 3, 1978; Ord. 81521 § 1(part), 1952; Ord. 79403 § 6, 1950; Ord. 78444 § 23, 1949.)

4.36.320 Death benefits—Payment.

A. Upon proof of the death on or subsequent to January 1, 1960, of a member of the retirement system who has paid all death benefit assessments as hereinafter provided and who has not been retired, the sum of Two Thousand Dollars (\$2,000) as a death benefit shall be paid to such member's surviving spouse or domestic partner or if such deceased member does not have a surviving spouse or domestic partner, or if the surviving spouse prior to the death of such member consented in writing to the naming as hereinafter provided of a different beneficiary or beneficiaries, then to such member's estate or to such person or persons as such member shall have nominated by written designation duly executed and filed with the Board. If the member's estate is not being probated, the Board, in its discretion, may as an alternative to making payment to his or her estate, authorize payment to an heir who would inherit if the estate were probated, such as a surviving spouse named under a community property agreement or in the member's will.

B. Any member of the retirement system may elect to continue in the death benefit system and pay the death benefit assessments: provided, that such payment shall not be required of a member retiring for disability until age sixty (60), whereupon such member shall be required to pay all death benefit assessments thereafter accruing if he or she desires to continue in the death benefit system. Upon proof of the death of such member, the payment shall be Two Thousand Dollars (\$2,000).

(Ord. 119707 § 9, 1999; Ord. 114543 § 1, 1989; Ord. 106798 § 2, 1977; Ord. 88901 § 1, 1960; Ord. 85562 § 1, 1956; Ord. 78444 § 24, 1949.)

1. Editor's Note: "This amendatory ordinance" indicates Ord. 114543, passed by the City Council on June 12, 1989.

4.36.330 Death benefits—Specifications.

A. All moneys paid into or out of the retirement fund on account of the death benefit system shall be accounted for by double entry separately in the records of the retirement system in such a manner as to reveal currently the amount of money held for payment of death benefits.

B. Death benefit assessments shall become due and payable January 1st of each year and collectible by payroll deduction or otherwise as directed by the Board. In order to insure coverage of members laid off or on leave of absence or on

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family or medical leave under Chapter 4.26, the Board is authorized to transfer amounts necessary to pay assessments due from such members from their normal contributions as temporary loans to be repaid by such members on return to City service.

Death benefit assessments shall be in such amount as shall be determined by the Board but shall not exceed the sum of Twelve Dollars (\$12) in any calendar year.

C. An employee becoming a member of the system during the year shall pay the death benefit assessment fixed for that year if such membership is effective prior to October 1st, which assessment shall be collectible by payroll deduction when the first normal contribution is made. Employees becoming members in October, November and December shall pay only one-half ($\frac{1}{2}$) of that annual assessment.

D. The City shall match all death benefit assessments collected from members and such matching payments shall become due and payable immediately following determination of the amount necessary, and should the death benefit system require payments by the City of more than the amount necessary to match an assessment of not to exceed Twelve Dollars (\$12), as determined by the Board on advice of its actuary, the same may be made from undivided earnings of the City and the employee in the retirement fund not otherwise obligated. All payments by the City shall be due and payable annually on January 1st. Assessments collected from retired members shall be matched by funds from departments from which such members retired.

E. Upon establishment of the death benefit system as of January 1, 1950, the Board shall recognize as beneficiaries thereunder all persons previously nominated to receive refund of accumulated contributions under Section 4.36.270 A unless a different designation is filed with regard to payment of death benefits.

F. Membership in the death benefit system shall terminate when any member resigns, quits or is discharged and no refund of any portion of death benefit assessments shall be made by reason thereof. Should the Board determine that a member of the retirement system not in City service was maintaining membership for the sole purpose of possibly receiving retirement benefits in the future, the Board shall deny participation in the death benefit system to such member.

G. The Board of Administration shall make all rules and regulations necessary to supplement the death benefit provisions of this chapter. (Ord. 117241 § 4, 1994; Ord. 114543 § 2, 1989; Ord. 88901 § 2, 1960; Ord. 85562 § 2, 1956; Ord. 78444 § 25, 1949.)

4.36.340 Appropriation for administration of retirement system.

The City Council shall appropriate annually from the retirement fund the amount it deems necessary for the purpose of paying the expenses of administering the retirement system. The Board of Administration shall annually submit to the City Council its estimate of the amount necessary to pay such expenses. (Ord. 78444 § 26, 1949.)

4.36.350 Members eligible prior to January 1, 1941.

A. In view of the covenants set forth in Section 4.36.180 B, any member eligible to a retirement allowance prior to the effective date of the change or modification effective January 1, 1941, shall elect whether to come under the provisions of Sections 4.36.110 A, 4.36.210 A3 and 4.36.160 B as amended January 1, 1941, or to remain under the provisions of such sections prior to such change or modification.

B. Such election shall be made by written declaration upon a form specified by the Board and filed with the Board within ninety (90) days of the effective date of such change or modification. (Ord. 78444 § 27(a), 1949.)

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4.36.360 Trust fund.

A. The retirement fund shall be a trust fund for the exclusive benefit of the members of the City Employees' Retirement System and their beneficiaries. No part of the corpus or income of the retirement fund shall be used for or diverted to, purposes other than for the exclusive benefit of the members of the system or their beneficiaries and the payment of fees and expenses of maintaining and administering the system.

B. This section shall be interpreted to allow the following:

1. A return of a contribution to the City or its application as a credit on future contributions, after the Board determines that the City has paid or overpaid the contribution under a mistake of fact;

2. The making of refunds required by law; and

3. Termination of the retirement system and distribution of its assets after all liabilities with respect to the members of the retirement system and their beneficiaries have been satisfied. (Ord. 111992 § 4, 1984.)

4.36.370 Status of benefits in event of termination of system.

If the City terminates or partially terminates the retirement system, members shall have a nonforfeitable right to benefits accrued prior to the date of such termination or partial terminations to the extent funded as of that date, or the amounts credited to the employees' accounts. As used in this section, "terminate" means to discontinue the system completely without a comparable replacement plan; "partially terminate" means to exclude a segment of employees from coverage without the provision of a comparable replacement; and "nonforfeitable" means that a member's or beneficiary's right to an immediate or deferred benefit that arises from the member's City service is unconditional and legally enforceable against the retirement system to the extent then accrued, except that rights to a benefit based upon the City's contribution and completion of a minimum term of City service may be lost by death of the member before the term has expired. (Ord. 111992 § 5, 1984.)

4.36.380 Maximum benefits payable.

A. The maximum benefits payable to any member shall not exceed the limitation for defined benefit plans for qualified pension trusts established by 26 U.S.C. § 415, a copy of which is attached hereto as Appendix "A" and by this reference incorporated herein.¹

B. The Board of Administration shall determine this limitation, advise members on inquiry as to its amount, and include a general description of the limitations in its annual report to members. (Ord. 111992 § 6, 1984.)

¹Editor's Note: Appendix A, attached to Section 4.36.380, and Ordinance 111992 adopting these provisions are on file in the office of the City Clerk.

4.36.385 Compliance with Internal Revenue Code.

This chapter shall be administered in a manner to comply with the applicable requirements of 26 U.S.C. Section 401(a) and the Board is authorized to promulgate rules as it deems necessary to effectuate such compliance.

(Ord. 119590 § 1, 1999; Ord. 117978 § 3, 1995.)

4.36.400 Election to participate in RCW Chapter 41.54.

As authorized by RCW 41.54.061, the City irrevocably elects to participate in the portability of public retirement systems as contemplated by RCW Chapter 41.54, and to pay for the additional cost it may incur as a result of the benefits provided.

The eligibility of members for the portability of public retirements benefits, the benefits available thereunder, the limitations (including RCW 41.54.080), and the procedures shall be as set out in RCW Chapter 41.54. A member may aggregate service credit in two (2) or more retirement systems for the purpose of determining the percentage factor to be used in calculating a service retirement allowance pursuant to SMC Section 4.36.210 F.

(Ord. 118498 § 2, 1997; Ord. 116810 § 1, 1993.)

4.36.410 Administration of chapter—Construction—Severability

A. The retirement plan created by this chapter shall be administered so as to comply with the federal Internal Revenue Code, Title 26 U.S.C., where applicable, and specifically with plan qualification requirements imposed on governmental

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plans by Section 401(a) of the Internal Revenue Code.

B. Any section or provision of this chapter which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to satisfy requirements imposed on governmental plans by Section 401(a) of the Internal Revenue Code.

C. If any section or provision of this chapter is found to be in conflict with the plan qualification requirements for governmental plans in Section 401(a) of the Internal Revenue Code, the conflicting part of this chapter is hereby inoperative solely to the extent of the conflict, and such finding shall not affect the operation of the remainder of this chapter.

(Ord. 118497 § 3, 1997.)

**Chapter 4.38
DEFERRED COMPENSATION PLAN**

Sections:

4.38.010 City of Seattle voluntary deferred compensation plan.

4.38.010 City of Seattle voluntary deferred compensation plan.

The City of Seattle hereby adopts the deferred compensation plan and trust for City employees as stated in The City of Seattle Voluntary Deferred Compensation Plan and Trust (“Plan and Trust Document”), which shall be filed with the City Clerk. The administration and investment of employee deferrals shall be governed by the provisions of the Plan and Trust Document.

(Ord. 119159 § 12, 1998.)

**Chapter 4.40
CITY UNEMPLOYMENT INSURANCE PROGRAM**

Sections:

4.40.010 Unemployment insurance program—Generally.

4.40.020 Unemployment insurance subfund established.

4.40.030 Excluded employees.

4.40.040 Repayment of benefits to which one is not entitled.

4.40.050 Violation—Penalty.

Statutory Reference: For statutory provisions making the State Employment Security Act applicable to political subdivisions, see RCW Ch. 50.44.

4.40.010 Unemployment insurance program—Generally.

A. A program of unemployment insurance is established for eligible employees of the City, including all such eligible employees of the Seattle Public Library upon adoption by the Board of Trustees of the Seattle Public Library of a resolution providing therefor. Employees whose service and pay are interrupted by layoff for lack of work or funds after November 1, 1974, including temporary employees who have completed a stipulated period of employment, and who were employed full time by the City continuously for a period of one (1) year immediately preceding such layoff, and who are not excluded by Section 4.40.030, and who provide evidence that they are available for and actively seeking employment, shall be entitled to receive unemployment compensation benefits for a maximum benefit period of twenty-six (26) weeks in an amount not less than Seventeen Dollars (\$17) per week nor more than fifty (50) percent of the statewide average weekly wage as determined annually by the Washington State Department of Employment Security, under the conditions established in and as more fully described in C.F. 280329.¹ An employee who has been on leave of absence during the year immediately prior to layoff shall be deemed in continuous employment immediately preceding such layoff for purposes of eligibility for unemployment compensation benefits as provided herein, but such leave time when taken without pay shall not be included in the computation of the one (1) year requirement.

B. The Director of Personnel is authorized and directed to administer the unemployment insurance program, and in such connection may promulgate administrative regulations from time to time in the manner provided in the Administrative Code (Ordinance 102228)² to carry out the intent and purpose of this chapter. The Director is further authorized to contract for necessary consulting services, for reinsurance, and for such other services as may be necessary from time to time to administer the unemployment insurance program.

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C. Beginning January 1, 1978, the Director of Personnel shall administer an unemployment insurance claims management system. The Director shall have the authority to employ such persons, in accordance with civil service laws and rules, make such expenditures, require such reports, make such investigations and to take such other action as he deems necessary or suitable in limiting the City's unemployment compensation liability and in operating a claims management system. The Director shall also coordinate and manage all recordkeeping and reporting functions required under the State Employment Tax Act and the Director is designated as the liaison for unemployment insurance purposes between the City, state and/or federal officials and agencies. All department heads are directed to cooperate with and aid the Director of Personnel in the operation of a successful claims management system.

D. Beginning January 1, 1978, the program of unemployment insurance shall be continued for all eligible employees of the City by virtue of the mandates and pursuant to the provisions of the State Employment Security Act (RCW Chapter 50). This subsection has been enacted to comply with the provisions of RCW Chapter 50, which mandate unemployment insurance coverage for political subdivisions. This subsection shall remain in effect only for so long as such mandatory coverage provisions of RCW Chapter 50 remain effective.

E. In the event the mandatory coverage ceases to be effective, then the section or subsections of this amendatory chapter, to the extent that they apply to unemployment insurance coverage of City employees under the State Employment Security Act (RCW Chapter 50), shall be deemed nullified and the language of the sections being amended shall be reinstated.

F. Represented employees, where the City has agreed so under current effective bargaining agreements, shall be assured of a weekly benefit amount under the state's program which is equivalent to the weekly benefit amount provided under subsection A of this section.

G. No employee of the City shall be entitled to collect City unemployment compensation benefits while drawing unemployment compensation benefits from another source. The intent of this subsection is to prevent an employee from collecting more than the maximum weekly bene-

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fit amount, regardless of the source, assured under subsections B and D of this section for the same base year wages.

(Ord. 107063 § 1, 1977; Ord. 104749 § 1, 1975; Ord. 104083 § 1, 1974.)

1. Editor's Note: C.F. 280329 (Comptroller's File) is not included in this Code. Copies are available for public inspection in the office of the City Clerk.

2. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

4.40.020 Unemployment insurance subfund established.

There is established in the City Treasury, as a special subfund of the General Fund, an "Unemployment Insurance Subfund." The unemployment insurance program established by this chapter shall be funded by annual and other appropriations, provided that the Lighting and Water Departments, the Engineering Department as to employees assigned to the Sewerage and Solid Waste Utilities, and all departments with respect to those eligible employees of such departments whose salaries were funded by state or federal grants, shall pay into the unemployment insurance fund amounts paid or expected to be paid during the calendar year for benefits to eligible persons laid off from each such department, together with a proportionate share of the cost of administering the program, upon appropriate billings from the Director of Personnel. Claims for benefits under the unemployment insurance program and all costs of administering the program shall be paid from the subfund upon vouchers approved by the Director of Personnel or his or her designee and the necessary appropriations are made.

(Ord. 117977 § 4, 1995; Ord. 116368 § 103, 1992; Ord. 107063 § 2, 1977; Ord. 104083 § 2, 1974.)

4.40.030 Excluded employees.

The following City employees are excluded from the City unemployment insurance program and shall not be entitled to benefits under the program, provided that beginning January 1, 1978 this section shall only apply according to the provisions of subsections D and E of Section 4.40.010:

A. Employees represented by the Police Officers Guild;

B. Employees represented by the International Association of Fire Fighters, Local No. 27;

C. Employees of the City who are employed under personal service contracts;

D. Employees whose salaries are funded by state or federal grants, except:

1. Where employees are included in the program by collective bargaining agreements with the City, or

2. Where the agency making the grant agrees to fund the costs incurred by participation in the program, or

3. Where the conditions of the grant provide that employees funded by the grant must be afforded benefits to the same extent as other employees.

(Ord. 107063 § 3, 1977; Ord. 105990 § 1, 1976; Ord. 104083 § 3, 1974.)

4.40.040 Repayment of benefits to which one is not entitled.

Anyone receiving a payment from the City pursuant to this chapter to which he or she is not entitled shall promptly repay the same to the City Finance Director.

(Ord. 116368 § 104, 1992; Ord. 107063 § 4, 1977; Ord. 104083 § 4, 1974.)

4.40.050 Violation—Penalty.

A. Anyone who knowingly makes any false statement or representation with intent to secure benefits to which he or she is not entitled under this chapter, and anyone who retains any payments made pursuant to this chapter knowing that he or she is not entitled to retain the same, shall be guilty of a violation of this chapter, and upon conviction thereof may be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500), but a conviction of a violation shall not give rise to any disability or legal disadvantage based on the conviction of a criminal offense.

B. Notwithstanding the civil nature of the penalty provided herein, nothing in this section shall deny any constitutional rights which a defendant would have were the penalty deemed criminal. (Ord. 107063 § 5, 1977; Ord. 104083 § 5, 1974.)

**Chapter 4.44
DISABILITY COMPENSATION**

Sections:

- 4.44.010 Deductions from employee's earnings.**
- 4.44.020 City compensation additional to State Industrial Insurance and Medical Aid.**
- 4.44.030 Compensation for holidays and earned vacation.**
- 4.44.040 Employment of disabled person in other suitable duties.**
- 4.44.050 Authority to make rules and regulations.**
- 4.44.060 Industrial Insurance Subfund established.**
- 4.44.070 City's self-insurance program.**
- 4.44.080 Eligibility for continued benefits.**

Statutory Reference: For statutory provisions on industrial insurance, see RCW Title 51.

4.44.010 Deductions from employee's earnings.

The City Finance Director is authorized and directed to deduct and pay from the earnings of any City employee, in accordance with RCW 41.04.030 and pursuant to written authorization therefor signed by such employee and filed with the City Finance Director in accordance with RCW 41.04.020, such amounts for disability insurance premiums, other than retroactive premiums, to such insurance groups or companies as shall be specifically designated therein; provided, that no deduction or payment shall be made unless:

A. Such insurance group or company shall provide authorization forms without expense to the City, which authorizations shall save the City harmless from any liability in connection with the making or failure to make any deduction or payment, and shall further specifically recognize that the City does not endorse the insurance group or company to which such payment is made and that such deduction and payment does not constitute sponsorship of the program; and

B. As to insurance groups or companies providing such insurance on an individual basis or on a group basis for groups of less than twenty-five (25) individuals, such insurance group or company, for reimbursement to the City of its costs in connection with such deductions and payment, shall pay to the City upon quarterly

billings by the City Finance Director Ten Cents (\$.10) for each payroll deduction for each employee who has authorized as provided herein deduction and payment of disability insurance premiums to such insurance group or company. (Ord. 116368 § 105, 1992; Ord. 103015 § 1, 1974.)

4.44.020 City compensation additional to State Industrial Insurance and Medical Aid.

A. Any City officer or employee otherwise entitled to sick leave and vacation benefits and for whom State Industrial Insurance and Medical Aid is provided, who shall be disabled in the discharge of his or her duties, and whose disablement results in absence from his or her regular duties, shall receive compensation, except as otherwise hereinafter provided, from the City in the amount his or her normal pay exceeds any state disability compensation to equal eighty percent (80%) of the employee's normal hourly rate of pay, not to exceed two hundred sixty-one (261) regularly scheduled workdays counted from the first regularly scheduled workday on or after the fourth calendar day following the injury; provided, the disability sustained must qualify the employee for benefits under State Industrial Insurance and Medical Aid Acts. Such compensation shall be authorized by the Personnel Director, or his or her designee, with the advice of such employee's department head, on request from the employee supported by satisfactory evidence of medical treatment of the illness or injury giving rise to such employee's claim for compensation under this chapter. Such employee shall continue to receive compensation at the rate provided for herein until such employee returns to full-time active duty or such employee exhausts his or her benefits hereunder, whichever occurs first.

B. Whenever an employee is injured on the job and compelled to seek immediate medical treatment, the employee shall be compensated in full for the remaining part of the day of injury without effect to his or her sick leave or vacation account. Scheduled workdays falling within only the first three (3) calendar days following the day

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of injury shall be compensable through accrued sick leave. Any earned vacation may be used in a like manner after sick leave is exhausted, provided that, if neither accrued sick leave nor accrued vacation is available, the employee shall be placed on no pay status for these three (3) days; provided, further, that this shall constitute the only authorized use of sick leave or vacation by an employee whose disability claim is subsequently approved. If the period of disability equals or extends beyond fourteen (14) calendar days, then (1) any accrued sick leave or vacation leave utilized that results in absence from his or her regular duties (up to a maximum of eighty (80) percent of the employee's normal hourly rate of pay per day) shall be reinstated by Workers Compensation; or (2) if no sick leave or vacation leave was available to the employee at that time, then the employee shall thereafter be compensated for the three (3) calendar days at the eighty (80) percent compensation rate described in subsection A of this section. The days reimbursed or thereafter compensated shall then count toward the two hundred sixty-one (261) day maximum.

C. An employee's department head may recommend to the Personnel Director denial of the employee's claim for benefits under the State Industrial Insurance and Medical Aid Acts and under this chapter, and the Personnel Director shall evaluate such recommendation and, if the Director concurs in such recommendation, request denial by the State Department of Labor and Industries of the employee's claim under said state acts. If the Personnel Director requests such denial, the employee shall be continued on the payroll of his or her department receiving continuous pay at a rate to be determined by the Personnel Director pursuant to applicable state law and City ordinances, until the State Department of Labor and Industries has reviewed and denied such claim.

(Ord. 118703 § 1, 1997; Ord. 115771 § 1, 1991; Ord. 111756 § 1, 1984; Ord. 104878 § 1, 1975; Ord. 91144 § 1, 1962; Ord. 90881 § 1, 1962.)

4.44.030 Compensation for holidays and earned vacation.

Compensation for holidays and earned vacation falling within a period of absence due to such disability shall be at the normal rate of pay including any state disability benefit, but such days shall not be considered as regularly sched-

uled work days as applied to the time limitations set forth in Section 4.44.020, and disabled employees affected by the provisions of this chapter shall continue to accrue vacation and sick leave as though actively employed.

(Ord. 104878 § 2, 1975; Ord. 90881 § 2, 1962.)

4.44.040 Employment of disabled person in other suitable duties.

Any employee eligible for the benefits provided by this chapter whose disability prevents him from performing his regular duties but, in the judgment of his physician could perform duties of a less strenuous nature, shall be employed at his normal rate of pay in such other suitable duties as the department head shall direct, with the approval of such employee's physician, until the Personnel Director requests closure of such employee's claim pursuant to this chapter or state law.

(Ord. 104878 § 3, 1975; Ord. 90881 § 3, 1962.)

4.44.050 Authority to make rules and regulations.

The Personnel Director is authorized to make such rules and regulations as are necessary for the administration of the provisions of Sections 4.44.020, 4.44.030, and 4.44.040.

(Ord. 104878 § 4, 1975; Ord. 90881 § 4, 1962.)

4.44.060 Industrial Insurance Subfund established.

There is established in the City Treasury, as a subfund of the General Fund, an "Industrial Insurance Subfund" into which shall be paid all amounts charged to departments for workers' compensation for departmental employees and from which shall be paid all costs and expenses arising from self insurance by the City of workers' compensation.

(Ord. 117977 § 3, 1995; Ord. 116368 § 106, 1992; Ord. 101715 § 1, 1972.)

4.44.070 City's self-insurance program.

The Personnel Director shall administer the City's self-insurance program for worker's compensation; establish rules and procedures for the administration of benefits; in consultation with the City Finance Director adjust rates of contributions from the respective City departments to reflect their cost experience; contract for consult-

ing services; and, through the Executive Services Director, contract for reinsurance and other services and similar items as may be required to administer such program.

(Ord. 118397 § 68, 1996; Ord. 116368 § 107, 1992; Ord. 104878 § 5, 1975; Ord. 101715 § 3, 1972.)

4.44.080 Eligibility for continued benefits.

To remain eligible for the City's supplemental benefits, an employee must be eligible for benefits

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under Title 51, Revised Code of Washington, and must comply with all Department of Labor and Industries rules and regulations and related City of Seattle and employing unit policies and procedures, including:

A. Be responsive to attempts to schedule, and attend:

1. All medical appointments, treatments, and meetings related to vocational rehabilitation; and

2. Any work hardening, conditioning, or other treatment arranged by the City and authorized by the attending physician.

B. Accept modified or alternative duty assigned by his or her supervisor when released to perform it by the attending physician.

C. Attend all meetings scheduled by The City of Seattle Workers' Compensation Unit or the employing unit concerning the employee's status or claim; provided, that the City or the employing unit provides at least five (5) working days' advance notice of such meeting and provided, further, that the meeting date and time do not conflict with scheduled medical treatment. The employee shall provide at least twenty-four (24) hours' notice of his or her inability to attend a scheduled meeting with the Workers' Compensation Unit or the employing unit because the meeting time conflicts with medical treatment.

D. Workers' Compensation supplemental benefits will be terminated for an employee who fails to attend two (2) meetings or medical appointments as described in this section. The Workers' Compensation Unit will provide a minimum of seven (7) days' notification to the employee prior to terminating benefits. (Ord. 118703 § 2, 1997.)

**Chapter 4.50
ADMINISTRATION OF BENEFIT
PROGRAMS**

Sections:

4.50.010 Administration of certain benefit programs.

4.50.010 Administration of certain benefit programs.

Consistent with annual budgets of the City and other applicable City law, the Personnel Director is hereby authorized and directed to:

A. Enter into agreements for dental, life, long-term disability, and voluntary accidental death and dismemberment insurance benefits with such providers as he or she may determine to be the most responsive providers for such benefits;

B. Administer and make such modifications to the City's group life, long-term disability, and voluntary accidental death and dismemberment insurance coverages for the betterment of eligible City officers' and employees' health and welfare for represented employees whose unions have negotiated benefit changes, and for nonrepresented employees as the Personnel Director deems appropriate, provided such modifications fall within biennial budget limitations established by the City Council;

C. Enter into agreements with one (1) or more medical and hospitalization benefits providers, at least one (1) of which shall be a health maintenance organization;

D. Administer and make such modifications to the City's medical plans and group dental plans, for the betterment of eligible City officers' and employees' health and welfare as may be agreed upon by the Joint Labor-Management Health Care Committee for employees whose union representatives are a party to the memorandum of understanding forming that committee, for represented employees whose unions are not a party to the memorandum of understanding but have negotiated benefit changes otherwise, and for nonrepresented employees as the Personnel Director deems appropriate, provided such modifications fall within biennial budget limitations established by the City Council; and

E. Administer medical and dental health care plans on a self-insured basis pursuant to authority of chapter 48.62 RCW.

(Ord. 119762 § 2, 1999: 119214 § 1, 1998: Ord. 115365 § 1, 1990.)

**Chapter 4.64
DEFENSE OF CITY OFFICERS AND
EMPLOYEES**

Sections:

4.64.010 Investigation and defense.

4.64.015 Limitations and reservations.

4.64.016 Administrative proceedings.

4.64.017 Punitive damages.

**4.64.020 Determination of acts within scope
of duty.**

4.64.030 Vehicle accidents.

**4.64.100 Defense of claims against
volunteers.**

4.64.110 Limitations and reservations.

4.64.010 Investigation and defense.

It shall be a condition of employment of City officers and employees that in the event there is made against such officers or employees any claims and/or litigation arising from any conduct, acts or omissions of such officers or employees in the scope and course of their City employment, the City Attorney shall, at the request of or on behalf of the officer or employee, investigate and defend such claims and/or litigation and, if a claim be deemed by the City Attorney a proper one or if judgment be rendered against such officer or employee, the claim or judgment shall be paid by the City in accordance with procedures established in this chapter for the settlement of claims and payment of judgments; provided that, the officers or employees shall, in the event of any incident or course of conduct giving rise to a claim for damage and/or litigation, as soon as practicable give the Law Department written notice thereof, identifying the officers or employees involved and containing information with respect to time, place and circumstances thereof and the names and addresses of persons allegedly injured or otherwise damaged thereby and of available witnesses and shall forward to the Law Department every demand, notice, summons or other process relating to any such incident or course of conduct, and received by him or his representative and shall cooperate with the City Attorney and the Law Department and, upon request, assist in making settlements in the conduct of suits and in enforcing any claim or any right of contribution or indemnity against any person or organization who may be liable to the City because of any damage or alleged loss arising from the incident or course of conduct and the

officers or employees shall attend interviews, depositions, hearings and trials and assist in securing and giving evidence and obtaining the attendance of witnesses, and the officers and employees shall not, except at their own cost, voluntarily make any payment, assume any obligation or incur any expense other than for first-aid to others at the time of any incident or course of conduct giving rise to any such alleged loss or damage; provided further, that in the event any such officer or employee fails or refuses to cooperate as specified in the above proviso or elects to provide his own legal representation with respect to any such claims and/or litigation, then the provisions of this chapter will be inapplicable and of no force and effect with respect to any such claim and/or litigation.

(Ord. 105637 § 1, 1976; Ord. 104526 § 1, 1975.)

Seattle Municipal Code
July, 2000 code update file
Text provided for historic reference only.

See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.

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Seattle Municipal Code
July, 2000 code update
Text provided for historical reference only.

See ordinances creating new sections for complete and tables and to conform to this source file.

4.64.015 Limitations and reservations.

The City's undertakings and obligations under Section 4.64.010 are subject to these limitations and reservations:

A. Section 4.64.010 does not apply to, and the City shall have no obligation to defend or indemnify with respect to, claims and/or litigation arising from any dishonest, fraudulent, criminal or malicious acts or omissions of officers or employees of the City. A determination as to whether this limitation upon the City's obligation to defend or indemnify applies shall be made by the relevant department head or the City Attorney as part of the determination required pursuant to SMC Section 4.64.020.

B. Nothing contained in this chapter shall be construed to modify or amend any provision of any policy of insurance wherein the City or any official or employee thereof is the named insured. In the event of any conflict between this chapter and the provisions of any such policy of insurance, the policy provision shall be controlling; provided, however, that nothing contained in this section shall be deemed to limit or restrict any employee's or official's rights to full coverage pursuant to this chapter, it being the intention of this section to provide complete coverage outside and beyond insurance policies which may be in effect while not compromising the terms and conditions of such policies by any conflicting provision contained in this chapter.

C. If a bargaining unit contract covers any of the provisions of this chapter, all employees under such contract shall be governed by the provisions thereof, rather than by the provisions of this chapter, and where any conflict exists between the provisions of any such contract and this chapter, such contract shall control.

D. Nothing in Section 4.64.010 shall preclude the City from undertaking an officer or employee's defense under a reservation of rights.

(Ord. 117655 § 1, 1995.)

4.64.016 Administrative proceedings.

In the event there is made against any City officers or employees any administrative charge of misconduct which is the subject of any proceedings before any administrative tribunal of any City, state, or federal agency which may lead to the administrative imposition of a monetary penalty, the making of any recommendation regarding the City employment of the officer or employee, or the imposition of any discipline or sanction related to a professional license, the officer or employee shall be entitled to request that the City defend the officer or employee in such administrative proceedings. The Mayor or

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subordinate departmental employees shall make their request for defense to the Chief of the Civil Division of the Law Department. Thereafter, the Chief of the Civil Division of the Law Department shall, after receiving a report and recommendation regarding the request from the relevant department head, make a determination as to whether the acts or omissions which form the basis of the administrative charge and proceeding arose in the course and scope of City employment. Department heads and the presiding officers of City boards or commissions shall make their request for defense to the Mayor, who shall, after receiving a report and recommendation regarding the request from the Chief of the Civil Division of the Law Department, make the determination as to whether the acts or omissions which form the basis of the administrative charge and proceeding arose in the course and scope of City employment. If the determination is made that such acts or omissions arose in the course and scope of City employment then the City shall defend the officer or employee in such administrative proceedings, including any judicial review of such proceedings. There shall be no appeal from such determinations made by the Mayor or the Chief of the Civil Division of the Law Department. If the determination is made that the City will defend in administrative proceedings the City will indemnify the officer or employee with respect to any monetary penalty imposed.

The duty to defend in administrative proceedings is subject to the limitations and reservations contained in SMC Section 4.64.015. (Ord. 117655 § 2, 1995.)

4.64.017 Punitive damages.

When an officer or employee of the City has been represented in a claim or litigation by the City pursuant to SMC Section 4.64.010 and punitive damages are pled or sought against the officer or employee, the City Attorney shall investigate and defend against any such allegations regarding punitive damages.

When an officer or employee of the City other than the Mayor or a City Councilmember has been represented in a claim and/or litigation by the City pursuant to SMC Section 4.64.010, and a judgment is rendered against such officer or employee for punitive damages, the officer or employee may make a request to the Mayor that the City pay the award of punitive damages on

behalf of the officer or employee. Upon receiving a request made by or on behalf of a City officer or employee that the City should pay an award of punitive damages, the Mayor shall receive a report and recommendation from the officer or employee's department head. Following receipt of the report and recommendation of the relevant department head, the Mayor shall determine whether the best interests of the City and justice will be served by payment by the City of the award for punitive damages, from which determination there shall be no appeal. The Mayor shall communicate his determination with respect to the officer or employee's request that the City pay the award of punitive damages to the officer or employee and to the City Attorney. Thereafter, the City Attorney shall authorize payment of a punitive damages award or decline to pay a punitive damages award, in conformity with the Mayor's determination.

If a punitive damages award is made against the Mayor under the circumstances above described, the determination as to whether the best interests of the City and of justice will be served by payment by the City of the award shall be made by the City Attorney. If a punitive damages award is made against a City Councilmember under the circumstances above described, the determination as to whether the best interests of the City and of justice will be served by payment by the City of the award shall be made by the President of the City Council, unless an award of punitive damages has been made against such President of the Council, in which case the determination shall be made by the Councilmember next in succession to the Presidency of the Council not subject to any punitive damages award.

When an officer or employee of the City has been represented in a claim and/or litigation by the City pursuant to SMC Section 4.64.010, and an award of punitive damages is pled or sought against the City officer or employee, at any time the City officer or employee may make a request that the City indemnify the officer or employee against any award of punitive damages. Any such prejudgment request for indemnity against punitive damages should be made to the official and under the conditions applicable to a post-judgment request for payment by the City of a judgment for punitive damages, and the official who will make a prejudgment determination regarding

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indemnity for punitive damages will be the same as for post-judgment determinations.

Determinations with respect to payment by the City of an award of punitive damages and determinations with respect to prejudgment requests for indemnity against punitive damages shall be subject to the limitations and reservations contained in SMC Section 4.64.015. (Ord. 117655 § 3, 1995.)

4.64.020 Determination of acts within scope of duty.

The determination whether the officer or em-

ployee was acting within the scope and course of his employment by the City shall be made by his department head, and in the case of such a claim or litigation against a department head such determination shall be made by the City Attorney. (Ord. 104526 § 2, 1975.)

4.64.030 Vehicle accidents.

The City Attorney is authorized to prosecute and secure collection of all claims for damage to City property arising from accidents involving the City's vehicle fleet. (Ord. 104526 § 3, 1975.)

4.64.100 Defense of claims against volunteers.

To encourage the participation of volunteers in carrying out City projects and activities for the public, the City shall appear and defend a claim or action made against a volunteer personally and pay the claim if judgment is rendered against the volunteer or a settlement is made requiring a payment from the volunteer when all these conditions are met:

A. The department head determines that the claim arises out of the actions or omissions of the volunteer in the scope and course of carrying out an assignment for a City project or activity or out of the actions or omissions of the volunteer in carrying out an assignment under the direction of a City officer for a joint project or activity of the City and another association or corporation;

B. The volunteer has registered in writing with the responsible City department and has been authorized to perform the assignment or such assignments;

C. The volunteer gives the City information about the accident or claim as soon as practicable. This includes the time, place and circumstances of the damage or injury, the persons or property involved, the extent of the injuries or damages, the names of witnesses, and other facts requested by the City Attorney; and

D. The volunteer authorizes the City to defend the claim on his or her behalf and to represent him or her in any litigation that may arise; and the volunteer cooperates fully and assists the City Attorney in its defense. This condition includes forwarding to the City Attorney any and every demand, notice, summons or other process received which may relate to the incident or lawsuit; attending interviews, depositions, hearings and trials; assisting in securing evidence and the

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attendance of witnesses; filing and enforcing claims against others who may be liable; and obeying instructions of the City Attorney related to the defense of the claim.

The City's defense of a claim made against a volunteer includes claims made against a volunteer and his or her marital community on account of the volunteer's actions or omissions in the scope and course of carrying out a City assignment and it covers claims or lawsuits made against the City and the volunteer jointly. (Ord. 112997 § 1, 1986.)

4.64.110 Limitations and reservations.

The City's undertakings and obligations under Section 4.64.100 are subject to these limitations and reservations:

A. Section 4.64.100 does not apply to claims arising out of the volunteer's use of a motor vehicle. Eligibility for City defense and payment of claims against a volunteer arising from his or her use of a motor vehicle will be determined under Seattle Municipal Code Section 4.68.030.

B. The City's defense of a claim and its obligation to pay a judgment or settlement shall be of no force and effect if the volunteer fails or refuses to cooperate fully and assist in the City's defense of the claim.

C. To the extent that the City makes payment on a claim for the benefit of the volunteer, the City will succeed to rights and claims of the volunteer against others, who may be responsible in whole or in part for the damages or injury.

D. When the volunteer is a spouse or a member of the immediate family of a department head or the department head is disqualified or declines to make the determination contemplated by Section 4.64.100 A, the City Attorney will make the determination for the City.

E. The City Attorney may retain counsel to represent the volunteer rather than undertake the representation through the Law Department.

F. Section 4.64.100 does not apply to prosecutions to enforce criminal or civil penalties for violations of law or City ordinances. (Ord. 112997 § 2, 1986.)

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**Chapter 4.68
USE OF VEHICLES BY CITY OFFICERS
AND EMPLOYEES¹**

Sections:

- 4.68.020 Persons who may use City vehicles—Adoption of rules.**
- 4.68.030 Defense for agent of City in event of accident.**
- 4.68.040 Annual reports of expenses.**
- 4.68.050 Reimbursement for special driver's license.**
- 4.68.090 No reimbursement for travel between residence and work.**
- 4.68.100 General policies.**
- 4.68.110 Authorization for use of private vehicle.**
- 4.68.120 Procedure for checking out vehicles.**
- 4.68.130 Administration of Sections 4.68.100 through 4.68.120.**
- 4.68.140 Payroll deductions for automobile insurance.**

1. Editor's Note: For additional provisions on use of vehicles for municipal business see Section 3.18.140 of this Code.

4.68.020 Persons who may use City vehicles—Adoption of rules.

No City owned or leased motor vehicles shall be rented or loaned, except to City departments, to duly registered and authorized volunteer workers in the furtherance of approved City programs, to persons providing service to the City under contract and in accordance with the terms of their contract, or to other governmental agencies or associations of cities, towns or governmental agencies, or in conformance with mutual aid agreements. The Executive Services Director is authorized and directed to prepare and adopt rules and regulations to secure adequate consideration for the use of City owned or leased motor vehicles rented or loaned pursuant thereto, and to secure the return of such motor vehicles in proper condition.

(Ord. 118397 § 69, 1996; Ord. 104667 § 1, 1975; Ord. 102666 § 1, 1973; Ord. 101372 § 1, 1972; Ord. 100458 § 2, 1971.)

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4.68.030 Defense for agent of City in event of accident.

A. Whenever a City owned or leased motor vehicle shall be rented or loaned to or used by a person or persons providing service to the City under a contract of employment or pursuant to an agreement for the performance of volunteer services, the department head executing such contract or agreement shall have authority to provide therein in accordance with rules and regulations adopted by the Executive Services Director that in the event of an accident arising out of an authorized use of the vehicle, the employee or volunteer will be considered an agent of the City and afforded a defense for any action or claim arising from the accident and the City shall pay any proper claims or judgments against the employee or volunteer in connection therewith.

B. Procedures for investigating and processing or defending the claims or actions shall be those set forth by ordinance authorizing the representation and defense of City officers and employees in connection with any claims for damage and/or litigation arising from conduct, acts or omissions of such officers and employees in the scope and course of employment.

(Ord. 118397 § 70, 1996; Ord. 104531 § 1, 1975; Ord. 102666 § 2, 1973.)

the fee paid for obtaining such special driver's license endorsement; such reimbursement to be payable on voucher approved by the head of the department concerned.

4.68.040 Annual reports of expenses.

A. The various departments of the City government using and operating motor-driven vehicles, are required and directed to make yearly reports to the City Council giving full and complete information and data relating to the cost and expense connected with the operation and maintenance of all motor vehicles owned and used by said departments.

B. A copy of the reports required in this section shall also be posted yearly in a conspicuous place in the shops or offices of each department for the information of the officers and employees thereof and the general public.

(Ord. 39520 § 1, 1919.)

4.68.050 Reimbursement for special driver's license.

As of July 1, 1968 any City employee required as a part of his duties to operate a vehicle requiring special skills and for which a special driver's license endorsement is required under RCW 46.20.440 shall be reimbursed in the amount of

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(Ord. 96956 § 1, 1968.)

4.68.090 No reimbursement for travel between residence and work.

Except as otherwise specifically provided in collective bargaining agreements between the city and particular bargaining units providing for reimbursement for travel for certain employees when called back to work in the event of an emergency, reimbursement for private automobile use under the terms of Sections 4.68.060 through 4.68.080 shall not be made for travel by an employee between his usual place of residence and his usual place of work.

(Ord. 101483 § 3, 1972; Ord. 95751 § 3-A, 1967.)

4.68.100 General policies.

It is the policy of the city that:

A. All vehicles shall be purchased in accordance with applicable Charter and ordinance provisions, shall be as economical as is reasonable consistent with their intended use, and shall be maintained in a condition meeting current federal standards relating to air pollution.

B. An adequate number of larger cars to be used for transporting department heads, officers and employees on official business to destinations which are a substantial distance outside of the city shall be available.

C. Except for special equipment needed for particular types of city work or determined by the Executive Services Director to be necessary for best resale value or decreasing maintenance costs, City-owned motor vehicles shall not be equipped with optional or extra equipment.

D. No promise of having the exclusive use of a City owned or leased vehicle shall be made to any person seeking or being recruited for City employment, and any such promise made prior to the passage of the ordinance codified in this section¹ is hereby rescinded.

E. Vehicles assigned to the use of a City department and not in regular daily use shall be returned to the Executive Services Department for pool use or reassignment to other City departments requiring the use of such vehicle.

(Ord. 118397 § 71, 1996; Ord. 100458 § 3, 1971.)

1. Editor's Note: Ord. 100458 was passed by the City Council on November 22, 1971.

4.68.110 Authorization for use of private vehicle.

Where the use of a City employee's private automobile is determined by a City department head to be more economical than the use of a City owned or leased vehicle and upon written justification therefor submitted by the department head requiring such use to the Executive Services Director, such department head may authorize the use of such private automobile by such employee solely on City business and such employee shall be reimbursed for such use in accordance with the applicable rate schedule, payable monthly on vouchers approved by the head of the department concerned; provided, that unless such use includes transportation to a destination or destinations a substantial distance outside the City, the use of a private automobile by employees other than those covered by that certain collective bargaining agreement entered into between the City and Professional and Technical Engineers Association, Local No. 17 pursuant to the authority of Ordinance 100881, shall not be determined to be more economical if the amount of reimbursement will exceed the monthly rental rate applicable to a standard motor pool vehicle.

(Ord. 118397 § 72, 1996; Ord. 101484 § 1, 1972; Ord. 100458 § 4, 1971.)

4.68.120 Procedure for checking out vehicles.

The Executive Services Director shall develop and implement a procedure for checking out City owned or leased vehicles and billing City departments for the use thereof, which procedure shall limit availability of such vehicles to such officers and employees as shall have been properly authorized to use the same.

(Ord. 118397 § 73, 1996; Ord. 100458 § 5, 1971.)

4.68.130 Administration of Sections 4.68.100 through 4.68.120.

The administration of Sections 4.68.100 through 4.68.120 shall be vested primarily in the Mayor, provided that it shall be the duty of the Executive Services Director and other department heads to assist the Mayor in such administration and to furnish to the Mayor and the City Council any information concerning the violation of any of the provisions thereof.

(Ord. 118397 § 74, 1996; Ord. 100458 § 6, 1971.)

4.68.140 Payroll deductions for automobile insurance.

A. The City Finance Director is authorized and directed to deduct and pay from the earnings of any City employee in accordance with written authorization therefor signed by such employee and filed with the City Finance Director, such amounts for automobile insurance premiums, other than retroactive premiums, to such insurance groups or companies as shall be specifically designated therein; provided that no such deduction or payment shall be made unless:

1. There shall be filed with the City Finance Director not less than four hundred (400) individual written authorizations as to any one (1) insurance group or company;

2. Such insurance group or company shall be licensed by the state and shall have been sponsored by a recognized City employee organization, provided that such sponsorship shall not include or grant any right to the use of City facilities to solicit membership in any insurance program;

3. Such insurance group or company shall provide authorization forms without expense to the City which authorizations shall save the City harmless from any liability in connection with the making or failure to make any deduction or payment, and shall further specifically recognize that the City does not endorse the insurance group or company to which such payment is made and that such deduction and payment does not constitute sponsorship of the program;

4. Such insurance group or company shall guarantee the insurability and noncancelability of all City employees having a valid Washington State driver's license;

5. Such insurance group or company shall pay to the City upon quarterly billings by the City Finance Director Ten Cents (\$0.10) for each payroll deduction for each employee who has authorized as provided in this section automobile insurance deductions to such insurance group or company, to reimburse the City its costs in connection with the deductions and payments authorized in this section.

B. In the event the number of written authorizations as to any one insurance group or company shall be reduced to less than four hundred (400) for a period of three (3) months, the deduction and payment authorized in this section shall be discontinued as to such insurance group or company.

(Ord. 116368 § 108, 1992; Ord. 102743 § 1, 1973; Ord. 100219 § 1, 1971.)

**Chapter 4.70
REIMBURSEMENT FOR USE OF
PERSONAL AUTOMOBILES**

Sections:

4.70.010 Reimbursement authorized when.

4.70.025 Personnel Director to establish reimbursement rate.

4.70.010 Reimbursement authorized when.

Each City officer or employee who is required by the City to provide and use a non-City-owned automobile for City business, and whose compensation is not otherwise fixed by a collective bargaining agreement, shall be reimbursed at the rate fixed pursuant to SMC Section 4.70.025.

(Ord. 114965 § 1, 1990; Ord. 110451 § 2, 1982.)

4.70.025 Personnel Director to establish reimbursement rate.

The Personnel Director is authorized and directed to establish annually, after consultation with the Budget Director, a standard mileage rate at which the City shall reimburse any City officer or employee whose compensation is not otherwise fixed by a collective bargaining agreement, providing and using for City business purposes a non-City-owned automobile (including a van, pickup or panel truck) without following the rule-making procedures of the Administrative Code. The standard mileage rate shall be set at a level to cover the average cost of providing and using such automobiles, provided that the standard mileage rate shall not exceed the standard business-purposes mileage rate periodically prescribed by the Commissioner of Internal Revenue. (Ord. 116980 § 1, 1993; Ord. 114965 § 2, 1990.)

**Chapter 4.72
TRAVEL EXPENSES**

Sections:

Subchapter I City Officers and Employees

4.72.010 Reimbursement for reasonable and necessary expenses.

4.72.020 Claims for reimbursement—Invoices and receipts.

4.72.030 Convention and education purposes.

4.72.040 Approval of claims.

4.72.050 Advance cash allowances—When allowed.

4.72.060 Advance cash allowances—Accounting or repayment time.

4.72.070 Allowable and disallowable expenses.

4.72.080 Rules and regulations for reimbursement.

Subchapter II. (Reserved)

Subchapter I City Officers and Employees

4.72.010 Reimbursement for reasonable and necessary expenses.

City officers and employees, and when authorized in writing by the department head before expenses are incurred, volunteers on assignment shall be reimbursed for all reasonable and necessary expenses incurred in the conduct of City business as described below.

A. Expenses Involving Travel Outside the City for Period of Less Than Twenty-four Hours and Not Requiring Overnight Lodging. Reimbursement shall be made for actual expenses for:

1. Registration fees for conventions, seminars and similar events;

2. Transportation to destination and return or mileage in accordance with Ordinance 95751, as amended,¹ provided that reimbursement for mileage shall not exceed the round-trip coach-class air fare of a common carrier;

3. Meals, when travel outside the City is not a routine or normal part of an employee's job; provided that, reimbursement shall not exceed the amount established by the Executive Services Director or his/her designee, by rule as hereafter authorized; and

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4. Other reasonably necessary expenses incurred related to the conduct of City business including, but not limited to, writing materials, reading materials and telecommunications.

B. Expenses Involving Travel for Periods Requiring Overnight Lodging. Reimbursement shall be made for actual expenses incurred for:

1. Registration fees for conventions, seminars and similar events;

2. Transportation to destination and return or mileage in accordance with Ordinance 95751¹ as amended, provided that reimbursement for mileage shall not exceed the round-trip coach-class air fare for a common carrier;

3. Automobile rental;

4. Other local ground transportation;

5. Lodging; provided that, the reimbursement shall not exceed the amount established by the Executive Services Director or his/her designee, by rule as hereafter authorized;

6. Meals; provided that, reimbursement shall not exceed the amount established by the Executive Services Director or his/her designee by rule as hereafter authorized; and

7. Other reasonably necessary expenses incurred related to the conduct of City business including, but not limited to, writing materials, reading materials and telecommunications.

C. Expenses Within the City Not Involving Travel. Reimbursement shall be made for actual expenses incurred for registration fees for a convention, seminar or similar event. If the sponsor of the event so provides and such registration fee includes as a part of the minimum charge the cost of a meal or meals or if, during the meal or meals, integral parts of the program of such convention, seminar or similar event are conducted, reimbursement shall be made for such meal or meals.

(Ord. 119578 §§ 1, 2, 1999; Ord. 116368 § 109, 1992; Ord. 111786 § 1, 1984; Ord. 109702 § 1, 1981; Ord. 107447 § 1, 1978; Ord. 106525 § 1, 1977; Ord. 106437 § 1, 1977; Ord. 104601 § 1, 1975; Ord. 101295 § 1, 1972.)

1. Editor's Note: Ord. 95751 is codified in Section 4.68.090 of this Code.

4.72.020 Claims for reimbursement—Invoices and receipts.

A. Claims for reimbursement of certain expenses will be permitted in accordance with the rules, policies, and procedures established by the Executive Services Director or his/her designee.

B. The expenses of seminars, workshops, meetings, and similar events organized or contracted for by the City and conducted primarily for the benefit of City officers and employees may be paid for as departmental expenses upon vouchers approved by department heads without separate claims submitted by individual officers or employees, provided funds have been made available therefor in a department's budget or by separate ordinance. In organizing and arranging such events, department heads shall make all reasonable efforts to use available City, state, county, federal or other governmentally owned or controlled facilities. Expenses may include the cost of meals provided to participants in the event who are City officers or employees if it is impractical for participants to make individual arrangements for meals, and if an integral part of the program occurs during the meal. Food and beverage expenses paid out of city funds shall not exceed any per meal maximum established for reimbursement of meal expenses pursuant to SMC Section 4.72.010 B6.

(Ord. 119578 § 3, 1999; Ord. 118416 § 1, 1996; Ord. 118013 § 1, 1996; Ord. 116368 § 110, 1992; Ord. 109702 § 2, 1981; Ord. 106525 § 2, 1977; Ord. 104601 § 2, 1975; Ord. 101295 § 2, 1972.)

4.72.030 Convention and education purposes.

A. Reimbursement for actual expenses incurred for convention and/or education purposes shall be allowed only when authorized by the appropriate department head, in writing, prior to the date of incurring the expense; provided, that such advance authorization shall not be required for elected officials or for officers and employees of the Library Department.

B. For purposes of this section and Section 3.114.040 the term "department head" includes directors of duly established departments and directors of agencies within the Executive Department.

(Ord. 107447 § 2, 1978; Ord. 106525 § 3, 1977; Ord. 104601 § 3, 1975; Ord. 101295 § 3, 1972.)

4.72.040 Approval of claims.

No claim for reimbursement for expenses or any per diem allowance shall be paid unless approved by the appropriate department head or his/her designee. Claims by employees of the City's Boards and Commissions shall be approved by the Chairperson, Board of Administrators or his/her designee. Claims by elected City officers

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shall be authorized and approved by each such officer.
(Ord. 119578 § 4, 1999; Ord. 107447 § 3, 1978; Ord. 106525 § 4, 1977; Ord. 105124 § 1, 1975; Ord. 101295 § 4, 1972.)

parative cost index, such as the Runzheimer Meal Lodging Cost Index or the Federal Per Diem Index, for the city visited by the officer or employee requesting reimbursement.

4.72.050 Advance cash allowances—When allowed.

Advance cash allowances for travel on City business will be permitted pursuant to rules, policies, and procedures established by the Executive Services Director or his/her designee.
(Ord. 119578 § 5, 1999; Ord. 116368 § 111, 1992; Ord. 106525 § 5, 1977; Ord. 104601 § 4, 1975; Ord. 101295 § 5, 1972.)

4.72.060 Advance cash allowances—Accounting or repayment time.

Repayment of advance cash allowances for travel on City business will be subject to the rules, policies, and procedures established by the Executive Services Director or his/her designee.
(Ord. 119578 § 6, 1999; Ord. 106525 § 6, 1977; Ord. 104601 § 5, 1975; Ord. 101295 § 6, 1972.)

4.72.070 Allowable and disallowable expenses.

Allowable and disallowable expenses shall be determined pursuant to the rules, policies, and procedures established by the Executive Services Director or his/her designee.
(Ord. 119578 § 7, 1999; Ord. 116368 § 112, 1992; Ord. 109702 § 3, 1981; Ord. 104601 § 6, 1975; Ord. 101295 § 7, 1972.)

4.72.080 Rules and regulations for reimbursement.

The Executive Services Director or his/her designee is authorized to promulgate rules, policies, and procedures, consistent with this chapter. The rules, policies, and procedures promulgated by the Executive Services Director or his/her designee shall be made available from his/her office or from other identified locations.

A. Rates of reimbursement for meals and lodging shall be determined by the Executive Services Director or his/her designee and shall be identified in the rules, policies, and procedures promulgated by the Executive Services Director or his/her designee. Rates of reimbursement for meals and lodging shall be based upon and not exceed the average cost for meals and lodging (single occupancy) reflected in a national com-

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B. When the State Legislature is in session, in lieu of reimbursement for meals and lodging in accordance with the rules, policies, and procedures established by the Executive Services Director or his/her designee, claims approved for employees in the Office of Intergovernmental Relations, shall receive an amount equal to the per diem established for the Washington State Legislature pursuant to RCW 44.04.080, as now or hereafter amended or succeeded. No portion of such funds may be used for promotional hosting. (Ord. 119578 § 8, 1999; Ord. 116368 § 113, 1992; Ord. 109702 § 3, 1981; Ord. 101295 § 8, 1972.)

1. Editor's Note: Ord. 109702 was passed by the City Council on February 17, 1981.

Subchapter II. (Reserved)

**Chapter 4.76
MOVING AND SECURITY EXPENSES
FOR CERTAIN EMPLOYEES**

Sections:

Subchapter I. (Reserved)

**Subchapter II Protection and Security
4.76.100 Protection of Mayor.**

Subchapter I. (Reserved)

Subchapter II Protection and Security

4.76.100 Protection of Mayor.

The Chief of Police shall provide such protection of the Mayor's person, family and residence as the Mayor and the Chief deem necessary to prevent personal injury and property damage; and for this purpose and with appropriations made therefor, the Chief of Police, acting through the City's procurement officials, may install lighting, walls or fences, alarms and security systems, and other protective improvements at the Mayor's residences, in City offices, and in the Mayor's personal vehicles. Before improvements are installed at the Mayor's residence or in the Mayor's personal vehicle, the Chief of Police, in consultation with the President of the City Council, shall execute an agreement for and on behalf of The City of Seattle, with the Mayor, for the

disposition of the equipment upon the Mayor's departure from office or transfer of the residence, including, among other things, removal or sale of equipment to be removed and payment for improvements that are permanently affixed and add to the value of the premises as a betterment. (Ord. 116368 § 118, 1992; Ord. 115962 § 1, 1991.)

**Chapter 4.77
DRUG-FREE WORKPLACE AND DRUG
AND ALCOHOL TESTING**

Sections:

- 4.77.010 Title.**
- 4.77.020 Purpose and authority.**
- 4.77.030 Policy.**

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4.77.040A drug-free workplace and drug and alcohol testing program manual.

4.77.050 Contract for testing service provider.

4.77.010 Title.

This chapter shall be entitled "The Drug-free Workplace and Drug and Alcohol Testing Ordinance."

(Ord. 117418 § 1 (part), 1994.)

4.77.020 Purpose and authority.

The Personnel Director shall adopt a "Drug-free Workplace and Drug and Alcohol Testing Plan" consistent with applicable state and federal laws and City policies including but not limited to the Drug-free Workplace Act of 1988 (P.L. 100-690, 41 USC § 701 et seq.); regulations of federal agencies, 54 Federal Register 4947 et seq. and 49 CFR 6363-4; provisions of the Omnibus Transportation Employee Testing Act of 1991 (Title XII, P. L. 99-570, 49 USC § 3120) for drug and alcohol testing of certain employees, the implementing regulations of the Department of Transportation, 49 CFR 382 et al., 49 CFR Part 40, and regulations of other federal agencies applicable to City employees under that law; and the Washington State Industrial Safety and Health Act, RCW 49.17 and regulations of the Department of Labor, WAC 296.24.073.

(Ord. 117418 § 1 (part), 1994.)

4.77.030 Policy.

The City of Seattle has a significant interest in the health and safety of its employees and the citizens of the City of Seattle. It is the policy of the City to take those steps necessary to ensure that its employees perform their duties and responsibilities free of the influence of unlawful drugs and unimpaired by alcohol. The City also complies with all federal, state and local law in furtherance of those objectives.

In accordance with federal law, the City of Seattle is required to implement alcohol and drug testing and training programs for certain defined employees. Strict compliance with this policy is a condition of City employment. Violations will result in disciplinary action up to and including termination.

The City of Seattle maintains an Employee Assistance Program which can provide confidential and professional counseling on problems associated with alcohol or chemical dependency. All employees who suspect they may have an alcohol or drug abuse problem are encouraged to use the employee assistance program resources

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before the problem affects their employment status.

The City administers procedures to implement applicable federal drug testing regulations. All testing and procedures will be conducted in accordance with such regulations to ensure that test results are accurate and reliable. The City of Seattle will carry out this policy in a manner which respects the dignity and confidentiality of those involved.

(Ord. 117418 § 1 (part), 1994.)

4.77.040A drug-free workplace and drug and alcohol testing program manual.

The Personnel Director shall be responsible for the development and administration of programs and procedures necessary to implement the purposes of this chapter including but not limited to the “Drug-free Workplace and Drug and Alcohol Testing Plan” and shall develop a drug and alcohol testing program manual to implement the federal regulations and other aspects of the plan that may require drug and alcohol testing.

(Ord. 117418 § 1 (part), 1994.)

4.77.050 Contract for testing service provider.

The Personnel Director is authorized to enter into an agreement with an alcohol and drug testing service provider. The service provider must meet or exceed applicable standards and qualifications as set forth in state and federal regulations as provided for in Section 4.77.020.

(Ord. 117418 § 1 (part), 1994.)

**Chapter 4.80
AFFIRMATIVE ACTION PLAN**

Sections:

4.80.010 Title.

4.80.020 Policy.

4.80.030 Findings.

4.80.040 Plan adopted.

Cases: Affirmative action program used by Fire Department and City in hiring and promotion of personnel held valid. **Maehren v. City of Seattle**, 92 Wn.2d 480, 599 P.2d 1255 (1979).

4.80.010 Title.

This chapter shall be entitled "The Affirmative Action Plan Ordinance."
(Ord. 109112 § 1, 1980.)

4.80.020 Policy.

It is the policy of the City to provide a workplace for its employees that is free from discrimination on the basis of race, color, sex, marital status, sexual orientation, gender identity, political ideology, age, creed, religion, ancestry, national origin, or the presence of any sensory, mental or physical handicap. It is also the policy of the City to take strong affirmative action to remedy the effects of past discrimination against minorities, women, handicapped and older workers, and to avoid practices which are suspect and capable of abuse or which have an adverse impact on the opportunities of such groups where it reasonably can to produce an efficient system. By doing so, the City will then be able to provide equal employment and advancement opportunities for all qualified persons and obtain a workforce in which such groups are fairly represented.
(Ord. 119628 § 23, 1999; Ord. 109112 § 2, 1980.)

4.80.030 Findings.

A. The City Council has considered the analysis of the City's present and past employment practices contained in the Appendix of the attached Affirmative Action Plan, incorporated in this chapter by reference,¹ and other materials presented to it and previously before it relative to the need for affirmative action, and finds that affirmative action to improve the progress of such groups and remove impediments to their employment opportunities within the City continues to be necessary and proper.

B. The City Council recognizes that two (2) Washington State Superior Courts have already found certain of the City's past practices to be discriminatory against minorities and have determined not only that affirmative action within the City was necessary but was required under the circumstances evidenced as late as 1976 to eliminate the effects of such practices, and that those decisions were affirmed on appeal in **Lindsay v. Seattle**, 86 Wn.2d 698, 548 P.2d 320 (1976) and **Maehren et al. v. Seattle, et al.**, 92 Wn.2d 480, 599 P.2d 1255 (1979).
(Ord. 109112 § 3, 1980.)

¹Editor's Note: The appendix to the Affirmative Action Plan is on file in the office of the City Clerk.

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4.80.040 Plan adopted.

The "Affirmative Action Plan" attached to Ordinance 109112¹ incorporated in this chapter by reference, is adopted. City officials and employees will act in accordance with the duties and procedures set forth in the adopted plan. (Ord. 109112 § 4, 1980.)

1. Editor's Note: The ordinance codified in this chapter and its attachments are on file in the office of the City Clerk.

Chapter 4.86

SEATTLE WORKS! EXCELLENCE AWARDS PROGRAM

Sections:

4.86.010 Program purpose.

4.86.020 Administration.

4.86.030 Eligibility.

4.86.040 Awards.

4.86.010 Program purpose.

The Seattle Works! Excellence Awards Program shall emphasize the City's commitment to outstanding public service, teamwork in finding innovative solutions to problems, and delivering results to citizens. It shall provide for the recognition of individual City employees and employees teams for exceptional performance or achievement.

(Ord. 118966 § 3(part), 1998.)

4.86.020 Administration.

The Personnel Director or a designated representative will administer the Seattle Works! Excellence Awards Program, including establishing a nomination process, and convening an interdepartmental awards selection committee. The awards selection committee will establish award categories, accept nominations, and select award recipients based on the relative merit of their achievements. The committee may revise the award categories as needed to reflect the City's values and business objectives.

(Ord. 118966 § 3(part), 1998.)

4.86.030 Eligibility.

Only regularly appointed classified service or exempt employees may participate in the program. To be eligible for a monetary award, an

employee or employee group must be responsible for performance that:

A. Is above and beyond normal expectations; or

B. Represents the resolution of an extraordinary problem, the achievement of a significant

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and difficult goal, or the implementation of an idea for a process or system that enhances the City's performance; or

C. Improves the cost-effectiveness or efficiency of service delivery, brings positive recognition to the City, or adds value to a public service commensurate with the expense involved. (Ord. 118966 § 3(part), 1998.)

4.86.040 Awards.

Each individual or group award recipient will receive a cash award or time off with pay. Effective May 1, 1998, the maximum individual monetary award shall be Five Hundred Dollars (\$500), to a maximum of Two Thousand Dollars (\$2,000) per employee group, or two (2) days off with pay. Thereafter, the amount of the monetary award may be adjusted to reflect inflationary factors and shall be provided for in the biennial budget ordinance. In addition to a cash award or time off with pay, recipients will receive certificates of appreciation and other nonmonetary mementos and honors as appropriate. (Ord. 118966 § 3(part), 1998.)

Chapter 4.88 SERVICE AWARD PROGRAM

Sections:

4.88.010 Program adopted.

4.88.020 Administration.

4.88.010 Program adopted.

The City further adopts the following program of awards in recognition of service by officers and employees of the City, including those in the Library Department subject to the approval of the Library Board, in accordance with the following rules and regulations:

A. Service Recognized. To be eligible for an award an officer or employee must have completed a minimum of five (5) years' service or a multiple thereof, up to and including forty-five (45) years. Service recognition for fifty (50) years and beyond is to be recognized by special action of the City Council but not inconsistent with the general plan provided for in this chapter. Length of service is to be determined by the Personnel Director.

B. Awards. The award shall consist of an emblem of the City of Seattle Seal with the years-of-service numerically represented upon it.

The emblem may be presented as a lapel pin, tie clasp, tie tack, or bracelet charm. The award shall be of gold plate and the years-of-service colors shall be green for five (5), ten (10), and fifteen (15), black for twenty (20) and twenty-five (25), blue for thirty (30), thirty-five (35), and forty (40), and purple for forty-five (45) and fifty (50) years.

In addition to such service emblem those with twenty-five (25), thirty (30), thirty-five (35), forty (40), forty-five (45) and fifty (50) years' service shall be awarded an appropriately worded certificate showing the full period of service, signed by the Mayor and the President of the City Council and certified by the Personnel Director. In conjunction with the presentation of awards and certificates recognizing employees with twenty-five (25) or more years of service, each department may also present individualized awards to such employees. Such awards shall not exceed the cost of the service award itself and shall be consistent with the provisions of this ordinance and the administrative rules of the program. The purchase, storage, and distribution of awards and certificates to the departments shall be the responsibility of the Executive Services Department.

C. Service Award Lists. The Personnel Director shall annually prepare and furnish a list of employees eligible to receive service awards in the upcoming year to each City department not later than sixty (60) days prior to the end of each year.

D. Presentation. The departments shall present the service awards at departmental ceremonies scheduled for this purpose or in conjunction with

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other departmental employee recognition ceremonies and programs. The Mayor and Council President shall be invited to attend ceremonies honoring employees with twenty-five (25) years or more of service.

E. Certificates of Retirement. Those officers and employees who retire because of age or service shall be awarded an appropriately worded certificate showing the full number of years of service, signed by the Mayor, President of the City Council, and the Personnel Director. (Ord. 118397 § 77, 1996; Ord. 116585 § 1, 1993; Ord. 95390 § 1, 1966; Ord. 86662 § 1, 1957; Ord. 81698 § 1, 1953.)

4.88.020 Administration.

The administration of this program is vested with the Personnel Director and shall be carried out in accordance with the provisions of SMC Section 4.04.050. (Ord. 118397 § 78, 1996; Ord. 116585 § 2, 1993; Ord. 81698 § 2, 1953.)

Chapter 4.94

SAFETY AND PERFORMANCE AWARDS

Sections:

4.94.010 Purpose.

4.94.020 Award program authorized.

4.94.030 Administration.

4.94.040 Criteria.

4.94.050 Awards.

4.94.060 Reports.

4.94.070 Condition of employment.

4.94.080 Performance awards not included in retirement calculations.

Severability: If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter, or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such decision shall not affect the validity, applicability, or effectiveness of the remaining portions of this chapter, and to this end the provisions of this chapter are declared to be severable. (Ord. 114056 § 3, 1988.)

4.94.010 Purpose.

It is hereby found that a performance award program will promote exceptional performance by City employees and will encourage safety, efficiency and economy in the performance of the functions of City government. For the purpose therefore of encouraging safe and exceptional performance by employees in the City's work

places, the City hereby authorizes Safety and Performance Award Programs to be established as provided herein by the heads of employing units (for purposes of this chapter, such heads shall be referred to as "department heads" and such employing units as "departments"). (Ord. 114056 § 1(part), 1988.)

4.94.020 Award program authorized.

A. Safety Award Programs. Department heads are authorized to develop and establish Safety Award Programs with incentive awards. The goal of each safety program will be to reduce industrial injuries and time loss and to improve work practices.

B. Performance Award Programs. Department heads are authorized to develop and establish criteria and standards for awards to be made on a basis of outstanding performance of specific job assignments which significantly reduce costs or improve operations or services. (Ord. 114056 § 1(part), 1988.)

4.94.030 Administration.

The administration of the safety and performance award programs shall be vested in department heads. Rules, standards, criteria guidelines and programs developed by each department shall be transmitted to the Personnel Director for approval, prior to implementation, as to compliance with generally applicable cost benefit criteria, and for approval as to compliance with generally applicable personnel standards. The Personnel Director shall monitor the programs at least annually to assure continued compliance with these criteria, and be satisfied that the benefits of the program are real and not the result of any practice or occurrence which the Director decides has made it incorrectly appear that a savings or increase in level of service has occurred. (Ord. 118912 § 27, 1998; Ord. 117408 § 17, 1994; Ord. 114056 § 1(part), 1988.)

4.94.040 Criteria.

Participating department heads and the Personnel Director shall consider as appropriate bases for awards those benefits including, but not limited to, the following:

A. Reductions in overtime;

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- B. Elimination of consultant fees;
- C. Production at a higher standard of efficiency than expected;
- D. Completion of assignment in advance of scheduled date;
- E. Reductions in use of temporary help;
- F. Improvement of quality of work environment resulting in enhanced efficiency;
- G. Improved systems and procedures;
- H. Better development and utilization of personnel;
- I. Elimination of unnecessary travel;
- J. Elimination of unnecessary printing and mailing;
- K. Elimination of waste, duplication, and operations of doubtful value;
- L. Improved space utilization;
- M. Improved safety records resulting in fewer absences due to accidents and decreased time-loss payments; and
- N. Exemplary efforts resulting in reduced liability.

Provided, no employee who is or has been subject to disciplinary action for engaging in an act of harassment and/or discrimination prohibited by federal, state or local law, and/or who has failed to fulfill a responsibility to report incidents of harassment and/or discrimination to an appropriate City manager or Human Resources employee is eligible to receive a Safety and Performance Award.

(Ord. 118912 § 28, 1998; Ord. 118829 § 3, 1997; Ord. 117408 § 18, 1994; Ord. 114056 § 1(part), 1988.)

4.94.050 Awards.

Safety and performance award recipients shall be designated by department heads who shall transmit such information and all supporting documentation to the Personnel Director and to the Chair of the City Council Finance Committee.

Award recipients shall receive awards of not to exceed Two Thousand Five Hundred Dollars (\$2,500) in value or not more than five (5) days special personal leave with pay to be used in accordance with the vacation ordinance (SMC Chapter 4.34).

Participating departments shall include appropriate amounts and provisions in their annual budget requests to fund safety and performance award programs and such programs shall continue for as long as authorization therefor is contained in the City's annual budget ordinances.

(Ord. 118912 § 29, 1998; Ord. 117408 § 19, 1994; Ord. 114056 § 1(part), 1988.)

4.94.060 Reports.

Participating department heads and the Personnel Director are directed to file a report with the Mayor and with the Chair of the Finance Committee of the City Council on or before March 31st of each year setting forth in detail the administration of the award programs for the previous year.

(Ord. 118912 § 30, 1998; Ord. 117408 § 20, 1994; Ord. 114056 § 1(part), 1988.)

4.94.070 Condition of employment.

It is a condition of employment with the City that employees meeting the requirements of the program, as set forth in this chapter and as implemented by the department heads and the Personnel Director, shall be entitled to receive the benefits of the program.

(Ord. 118912 § 31, 1998; Ord. 117408 § 21, 1994; Ord. 114056 § 1(part), 1988.)

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4.94.080 Performance awards not included in retirement calculations.

Performance awards provided under this chapter shall not be included for the purpose of computing a retirement allowance under the City's retirement system.
(Ord. 114056 § 1(part), 1988.)

3. The primary value of the memento or apparel presented on the occasion shall be in the

**Chapter 4.96
RECOGNITION OF VOLUNTEERS**

Sections:

4.96.010 Policy.

4.96.020 Policy implementation.

4.96.030 Refreshments.

4.96.010 Policy.

It shall be the policy of The City of Seattle to allow recognition and expression of its appreciation, in a manner appropriate for a governmental agency, to those who volunteer their time or services by serving on committees, carrying out assignments, or otherwise assisting in the performance of City functions, as well as to those City officers and employees who, because of similar service, are deserving of such recognition.
(Ord. 115303 § 1, 1990; Ord. 111787 § 1, 1984.)

4.96.020 Policy implementation.

A. To implement Section 4.96.010, the head of any City employing unit may arrange and present recognition ceremonies (such as tours, receptions, and entertainment activities), and present to outstanding volunteers, and in satisfaction of a condition of employment, to City officers and employees symbols of recognition (such as a letter, medal, plaque, pin or tie clip, jacket or cap, bouquet of flowers or an ornamental plant, or other object or experience demonstrating gratitude and acknowledgment of merit) that convey the City's appreciation. Separate ceremonies may be held for different divisions or activities.

B. These general guidelines shall apply in undertaking any such recognition program:

1. The cost and expenses of providing such recognition and appreciation for volunteers shall be budgeted, or noted in the City's annual budget, as an identified sum;

2. The recipients shall be selected upon an objective basis, that reflects time, effort or skills donated or applied for the furtherance of City functions;

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thought expressed rather than in the intrinsic worth of the object or the food or entertainment provided; and

4. The ceremony and presentations shall be in keeping with the pattern and practices of governmental agencies and public service organizations that solicit and draw upon donated services and contributions, in giving recognition and showing appreciation to their compensated staff and to people who volunteer their time or skill for the support of City programs and activities. (Ord. 115303 § 2, 1990; Ord. 111787 § 2, 1984.)

4.96.030 Refreshments.

A. To assist in performance of assigned activities or to show appreciation of time and service donated or of meritorious compensated service, the heads of City employing units may provide light refreshments to volunteers and, as a condition of employment, to compensated City staff, or any of the same, during or immediately after the performance of their duties if (1) funds are appropriated in the City's annual budget for the employing unit for providing refreshments to volunteers and such staff, or (2) the refreshments are donated to the City for such purposes. For this purpose, the head of a city employing unit may authorize an organization that regularly provides or coordinates volunteers, to maintain furniture, machines and/or equipment for dispensing light refreshment to volunteers and to compensated City staff, and subject to the authorization of the Purchasing Agent, contract with such an organization for providing volunteers and such staff with light refreshments as authorized in this section.

B. The term, "light refreshments," is illustrated by these examples: coffee, tea, milk, hot chocolate, fruit juices, soft drinks and nonalcoholic beverages; doughnuts, cakes, pies, cookies, fruit, sandwiches, and light snacks; and when donated to the City for an activity or to assist volunteers and further motivate compensated City staff and volunteers, the food and drink supplied by the donor.

(Ord. 115303 § 3, 1990; Ord. 111787 § 3, 1984.)

Chapter 4.100

SALARY REDUCTION AGREEMENTS

Sections:

4.100.010 Salary Reduction Agreements for dependent care assistance and other eligible expenses.

4.100.020 Plan, policies and administration.

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4.100.020 SALARY REDUCTION AGREEMENTS

4.100.010 Salary Reduction Agreements for dependent care assistance and other eligible expenses.

The City of Seattle, as a condition of employment, may enter into salary reduction agreements with employees pursuant to the Internal Revenue Code, 26 U.S.C. Sections 125 and 129, for the purpose of making it possible for employees to select on a “before-tax basis” certain taxable and nontaxable benefits. The Mayor is authorized for and on behalf of the City to execute an agreement or agreements with labor organizations representing City employees to the extent necessary to implement any such program including but not limited to Dependent Care Assistance Program for those City employees represented by local unions for purposes of collective bargaining. The City may at its discretion terminate such program after prior notice to affected employees and labor organizations representing City employees for purposes of collective bargaining. (Ord. 118321 § 1(part), 1996: Ord. 114160 § 1(part), 1988.)

4.100.020 Plan, policies and administration.

The Personnel Director shall be responsible for developing a plan, policies, and procedures to guide, implement, administer and monitor the salary reduction program authorized in Section 4.100.010 of this chapter, including but not limited to the Dependent Care Assistance Program. (Ord. 118397 § 80, 1996: Ord. 118321 § 1(part), 1996: Ord. 114160 § 1(part), 1988.)

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