

ORDINANCE No.

112990

COUNCIL BILL No.

105454

AN ORDINANCE relating to compensation for employees while on jury duty or subpoenaed as witnesses; amending SMC Section 4.20.220.

The City of

Honorable President:

Your Committee on

to which was referred the within Council report that we have considered the

COMPROLLER FILE No.

Finance 7/3/86 hold
Finance 7/17/86 pass

| | |
|--|-------------------------------|
| Introduced: APR 7 1986 | By: City Treasurer |
| Referred: APR 7 1986 | To: Finance |
| Referred: | To: |
| Referred: | To: |
| Reported: AUG 4 1986 | Second Reading: AUG 4 1986 |
| Third Reading: AUG 4 1986 | Signed: AUG 4 1986 |
| Presented to Mayor: AUG 5 1986 | Approved: AUG 15 1986 |
| Returned to City Clerk: AUG 15 1986 | Published: |
| Vetoed by Mayor: | Veto Published: |
| Passed over Veto: | Veto Sustained: |

Vote

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

President:

Committee on _____

was referred the within Council Bill No. _____

we have considered the same and respectfully recommend that the same:

Vote 6-0

Committee Chair

RSE:sr
3/17/86
ORD3.

#105454
#5

ORDINANCE 112990

AN ORDINANCE relating to compensation for employees while on jury duty or subpoenaed as witnesses; amending SMC § 4.20.220.

BE IT ENACTED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 4.20.220 of the Seattle Municipal Code is amended as follows:

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

An employee working on other than an intermittent basis shall suffer no monetary loss while on jury duty or while under subpoena on behalf of the state or any political subdivision thereof to appear as a witness in court in a criminal or civil action. The total amount of ((any compensation derived from)) money received from the court while on jury duty during the employee's normal work schedule, and the amount of any witness fees received for appearing in court for the state or any political subdivision thereof in a criminal or civil action during the employee's normal work schedule, except for transportation allowance, either shall be deducted from the gross pay due the employee for such period or, the money, less the amount paid for transportation allowances, shall be collected from the employee; provided, that an employee excused from service as a juror or from appearing as a witness by the court on any day falling within his normal schedule shall notify his supervisor and if so directed, report for work for the balance of his normal shift.

Section 2. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

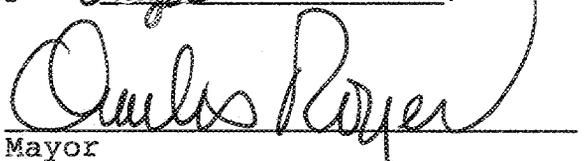
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Passed by the City Council the 4 day of August, 1986,
and signed by me in open session in authentication of its
passage this 4 day of August, 1986.



President of the City Council

Approved by me this 15th day of August, 1986.



Mayor

Filed by me this 15th day of August, 1986.



Attest: Norward J. Brooks
City Comptroller and
City Clerk

(SEAL)

Published _____

By Margaret Carter
Deputy Clerk



City of Seattle

Lloyd F. Hara
City Treasurer

5
105454

MEMORANDUM

DATE: March 26, 1986
TO: The Honorable Sam Smith, President
Seattle City Council
FROM: Lloyd F. Hara
SUBJECT: ORDINANCE AMENDMENT -
PROCESSING JURY FEES PAID TO CITY EMPLOYEES

Transmitted herewith is a draft ordinance and a copy of a letter from the Law Department which explains the legal reasoning behind it.

My office requested the legal opinion because it had become customary for City employees who had been on jury duty to bring their jury pay warrants into the Treasurer's Office for deposit as they were instructed by their supervisors.

Many of these employees felt that they should be paid their meal allowances from these warrants and that it should be paid in cash.

Our reading of the ordinance left us with a question as to whether we were to receive the warrants or pay the meal allowances.

This ordinance amending the Seattle Municipal Code will resolve the matter and provide for proper handling of pay for jury duty.

LFH/JVM/r
Mem011

Attachments

THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING . SEATTLE WASHINGTON 98104

AREA CODE 206 TELEPHONE 625-2402

DOUGLAS N. JEWETT, CITY ATTORNEY

March 17, 1986

The Honorable Lloyd F. Hara
City Treasurer
The City of Seattle

Attention: Jack McKenzie
Assistant City Treasurer

Re: Processing jury fees paid to City employees

Dear Mr. Hara:

Jack McKenzie of your office has requested an opinion regarding the method of handling jury fees paid to City employees. In this regard, we are informed that many departments collect the employee's court fee warrant and reimburse the employee the mileage and meal allowances.¹ The question presented is whether this method of collecting the warrant complies with Seattle Municipal Code (SMC) § 4.20.220.

SMC § 4.20.220 provides:

4.20.220 JURY DUTY OR SUBPOENA AS WITNESS--
NO LOSS OF PAY

An employee working on other than an intermittent basis shall suffer no monetary loss while on jury duty or while under subpoena on behalf of the state or any political subdivision thereof to appear as a witness in court in a

¹ In Seattle Municipal Court, jurors are given, in effect, \$4.00/day for lunch and, in certain circumstances, \$6.00/day for dinner; in superior court, there are no reimbursements to jurors for meals.

Lloyd F. Hara
 March 17, 1986
 Page Two

criminal or civil action. The amount of any compensation derived from jury duty during the employee's normal work schedule, and the amount of any witness fees received for appearing in court for the state or any political subdivision thereof in a criminal or civil action during the employee's normal work schedule, except for transportation allowance, shall be deducted from the gross pay due the employee for such period; provided, that an employee excused from service as a juror or from appearing as a witness by the court on any day falling within his normal schedule shall notify his supervisor and if so directed, report for work for the balance of his normal shift. (emphasis added)

Two issues are presented by your question: (1) Whether employees on jury duty are entitled to reimbursement for meals; and (2) whether departments may collect jury fee warrants from employees rather than deducting the amount from the employee's pay check. For the reasons set forth below, we advise that neither practice complies with the ordinance.

Applying the rules of statutory construction to this code section can lead to opposite conclusions. On the one hand, it is a basic rule of construction that, in determining the meaning of legislation, words must be given their ordinary and usual meaning. Prince v. Savage, 29 Wn.App. 201, 205, 627 P.2d 996 (1981). "Compensation" generally means the "remuneration" or "wages" paid to a person. Black's Law Dictionary (Rev. 4th ed. 1968). "Allowances" ordinarily refer to extra and special items in addition to regular compensation. Id. In other words, the term "compensation" generally goes not encompass "allowances" for meals. Thus, applying this rule of statutory construction to SMC § 4.20.220 one would be led to the conclusion that "meal allowances" need not be deducted from an employee's gross salary, as only jury "compensation" is required to be deducted by the ordinance.

On the other hand, it is also a basic rule of construction that legislation should be construed so that each word and phrase is given effect. Fire Fighters v. Walla Walla, 90 Wn.2d 828, 832, 586 P.2d 479 (1978). Applying this rule of construction, one would be led to

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March 17, 1986
Page Three

the conclusion that the City Council must have intended, the term "compensation derived from jury duty" to mean all money received from the court including allowances, as, otherwise, the exception for "transportation allowances" would be superfluous. However, we do not believe that the term "transportation allowance" can be read so broadly as to include meal allowances. Thus, applying this rule of construction, we would conclude that, because all allowances, including meal allowances, are included within the ambit of jury compensation and no provision is made to except meal allowances from the general rule, meal allowances must also be deducted from gross salary along with other jury compensation paid to the employee. We find this latter analysis to be the more persuasive of the two.

In this regard, we find that this latter interpretation is consistent with the apparent purpose of the ordinance of preventing City employees from suffering monetary loss while on jury duty. We find nothing in the ordinance to suggest that the City Council intended to give employees anything extra when on jury duty, notwithstanding the exception for travel allowance. No provision is made to pay for the actual hours served on jury duty even though jurors may work "overtime." As for the exception for travel allowances, we believe that this exception only recognizes that jurors may need to make special travel arrangements when serving on jury duty; the exception therefore, is consistent with the purpose of preventing employee monetary loss while on jury duty. Conversely, meal allowances normally are not paid to City employees while working for the City nor do we perceive that City employees need to incur additional expenses for meals because they are serving on jury duty. Thus, an employee would be receiving additional compensation rather than just not suffering monetary loss for being on jury duty. To reiterate, we conclude that meal allowances must also be deducted from an employee's gross salary along with other jury compensation that is received (other than "travel allowances").

With respect to the department's handling of jury fee warrants, SMC § 4.20.220 provides, in pertinent part, that

"the amount of any compensation derived from jury duty [or from witness fees] . . . shall be deducted from the gross pay due the employee for such period."

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March 17, 1986
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Webster's New Collegiate Dictionary (1977) defines "deduct" as follows:

"To take away (an amount) from a total:
subtract."

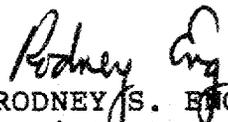
Thus, SMC § 4.20.220 specifically directs that witness fee warrants be subtracted from an employee's gross salary; we do not believe that the term "deduct" authorizes the department, as an alternative, to "collect" an employee's jury fee warrant. In our opinion, SMC § 4.20.220 would have to be amended in order to allow the above practice.

We recognize that there is a benefit to the City (in terms of efficiency) in altering the above practice. Therefore, we have prepared an amendment to the ordinance which would allow this practice. Additionally, we have amended the ordinance to remove any ambiguity regarding meal allowances by clarifying that "compensation" includes all money received for serving on jury duty.

We trust that the forgoing will be of assistance to you.

Very truly yours,

DOUGLAS N. JEWETT
City Attorney

By 
RODNEY S. ENG
Assistant

RSE:sr
OPIL.

City of Seattle

ORDINANCE 11396

AN ORDINANCE relating to compensation for employees while on jury duty or subpoenaed as witnesses; amending SMC § 4.20.220.

BE IT ENACTED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 4.20.220 of the Seattle Municipal Code is amended as follows:

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

An employee working on other than an intermittent basis shall suffer no monetary loss while on jury duty or while under subpoena on behalf of the state or any political subdivision thereof to appear as a witness in court in a criminal or civil action. The total amount of ~~(any compensation derived from)~~ money received from the court while on jury duty during the employee's normal work schedule, and the amount of any witness fees received for appearing in court for the state or any political subdivision thereof in a criminal or civil action during the employee's normal work schedule, except for transportation allowance, either shall be deducted from the gross pay due the employee for such period or, the money, less the amount paid for transportation allowances, shall be collected from the employee, provided, that an employee excused from service as a juror or from appearing as a witness by the court on any day falling within his normal schedule shall notify his supervisor and if so directed, report for work for the balance of his normal shift.

Section 2. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 4th day of August, 1986, and signed by me in open session in authentication of its passage this 4th day of August, 1986.

SAM SMITH,
President of the City Council.

Approved by me this 15th day of August, 1986.

CHARLES ROYER,
Mayor.

Filed by me this 15th day of August, 1986.

Attest: NORWARD J. BROOKS,
City Comptroller and City Clerk.

(Seal) By MARGARET CARTER,
Deputy Clerk.

Publication ordered by NORWARD J. BROOKS, Comptroller and City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, August 20, 1986. (C-425-X)

Affidavit of Publication

STATE OF WASHINGTON KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

Ordinance No. 112990

was published on August 20, 1986

S. Blain

Subscribed and sworn to before me on
August 20, 1986

Yvonne Summers
Notary Public for the State of Washington,
residing in Seattle.