

ORDINANCE No. 118164

me

Law Department

COUNCIL BILL No. 111280

INDEXED

The City of Seattle--Leg

AN ORDINANCE establishing separation incentive, retraining and severance pay programs for eligible nonrepresentative City employees; and amending ordinances to accommodate program provisions.

REPORT OF COM



House President:

Your Committee on PERSONNEL & LABOR POLICY

to which was referred the within Council Bill No. 111280 report that we have considered the same and respectfully re

6/5/96 PASS 3 (TW, JM, JD)

COMPTROLLER FILE No. _____

Introduced: <u>6-3-96</u>	By: <u>Weeber</u>
Referred: <u>6-3-96</u>	To: <u>Personnel</u>
Referred:	To:
Referred:	To:
Reported: <u>JUN 10 1996</u>	Second Reading: <u>JUN 10 1996</u>
Third Reading: <u>JUN 10 1996</u>	Signed: <u>JUN 10 1996</u>
Presented to Mayor: <u>JUN 11 1996</u>	Approved: <u>JUN 11 1996</u>
Returned to City Clerk: <u>JUN 14 1996</u>	Published: <u>Little 9 PM.</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Full Council

Tom Threlk

Committee C

1 ML/mhc
4/19/96
2 v 1

3 ORDINANCE 118164

4 AN ORDINANCE establishing separation incentive, retraining and severance pay programs
5 for eligible nonrepresented City employees; and amending ordinances to accommodate
6 program provisions.

7 WHEREAS, the City expects significant revenue shortfalls beginning in 1997; and

8 WHEREAS, reducing the number of funded positions in the City workforce before 1997 will
9 mitigate the effects of the revenue shortfalls; and

10 WHEREAS, the City desires to reduce the number of employees who may need to be laid
11 off due to revenue shortfalls; and

12 WHEREAS, separation incentives and retraining assistance may reduce the number of
13 employees who must be laid off; Now Therefore,

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

15 Section 1. The Mayor and City Council authorize the Personnel Director to implement
16 and promulgate guidelines related to an early separation incentive program, a retraining
17 program and a safety net severance program as herein described for the nonrepresented
18 employees of the City of Seattle, exclusive of elected officials, members appointed to City
19 Boards and Commissions, department heads, and persons employed by the City of Seattle on
20 a temporary or intermittent basis.

21 Section 2. The provisions of this ordinance may be extended to employees represented by
22 a union upon execution of a Memorandum of Understanding between the City of Seattle and
23 the union certified to represent a bargaining unit of City employees.

24 Section 3. Early Separation Incentive Program

25 An Early Separation Incentive Program shall be established as follows:

- 26 1) An employee is eligible to participate in the program if, as of April 30, 1996,
27 he/she has completed one year (2,088 hours) of City employment in a regularly
28 funded position and is employed in an eligible job category as determined by the
appointing authority.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

- 4 2) Participation in the program by an eligible employee is voluntary. An employee
5 may apply in writing or the City may make a written offer of an early separation
6 incentive.

- 7 3) An employee's early separation incentive pay shall be determined by multiplying
8 one week's salary times years of service, not to exceed thirty thousand dollars
9 (\$30,000). The employee's current base salary for one week is their hourly rate
10 for their regularly appointed position (not an out-of-class pay rate) for forty (40)
11 hours, and the years of service shall be calculated by dividing the number of
12 earned to date (ETD) hours in the City payroll system by 2.088, rounded to the
13 nearest tenth of a year through the pay period ending date on or before the
14 employee's separation date.

The employee may select any of the following options, or any combination of the
options, for distribution of the separation incentive pay:

 - 15 a. Lump sum cash payment, less all mandatory deductions.
 - 16 b. Payment of both the employee's and City's share of all costs
17 necessary for up to four additional years of retirement service
18 credit in the City of Seattle Retirement System.
 - 19 c. Payment of currently-enrolled health care benefits at the City's
20 COBRA rate, subject to any rate changes, for maximum of
21 eighteen (18) months.

- 22 4) The City shall establish a one-time open window period for the filing of early
23 separation requests for a minimum of forty-five (45) calendar days. An employee
24 shall be required to sever City employment by no later than thirty (30) calendar
25 days after the close of the open window period. This separation date may be
26 extended at the discretion of the City, but in no event shall the date be later than
27 December 31, 1996.

- 28 5) In the event the City determines that within a given classification and department,

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 ML/mic
4/19/96
2 v 1

3 more employees request to participate in the early separation incentive program
4 than can be accommodated by that particular department, the City shall then
5 accept such early separation requests in order of seniority, accepting the most
6 senior as determined by classification seniority.

- 7 6) Any employee who accepts the early separation incentive must agree to sever any
8 and all rights to City employment and provide a release and hold harmless
9 agreement in a form determined by the City, in favor of the City of Seattle. The
10 severance, waiver, release and hold harmless are effective upon receipt and
11 acceptance of the early separation incentive program. Employees who accept the
12 early separation incentive shall not be hired for City employment for a period of
13 two years. This prohibition shall cover full time, part time, Civil service exempt,
14 and temporary positions, as well as consulting work. A participating employee
15 must acknowledge the understanding that his/her rights to unemployment
16 compensation benefits, if any, are governed by Chapter 50.20, RCW.
- 17 7) The early separation incentive payment shall be excluded from "base salary" in
18 the calculation of compensation for the purposes of retirement.
- 19 8) All or a portion of the separation incentive payment may be subject to deferral
20 under the deferred compensation plan. The combination of the employee's
21 deferrals already made by payroll deduction in 1996 plus the amount deferred
22 from the lump-sum payment may not exceed the \$7,500 maximum.
- 23 9) Approval of an early separation request is at the discretion of the City. The City
24 reserves the right to deny requests for any reason.

25 Section 4. Retraining Program

26 The City shall establish a retraining program for employees targeted for layoff in the 1997
27 calendar year who are unable to transfer, bump, or have not yet been placed in other City
28 employment through Project Hire. The Retraining Program shall operate under the terms and
conditions as set forth below.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

3 1) An employee targeted for layoff will receive skills-based training to meet
4 minimum qualifications for other City jobs, provided such employee meets each
5 of the following eligibility criteria.

6 The employee must:

- 7 a. be a regular or probationary employee.
- 8 b. agree to participate in skills assessment tests.
- 9 c. possess skills and qualifications that would, in addition to skills-building
10 provided by the retraining program, qualify him or her for a targeted job.

11 2) The City will have discretion to flexibly design the retraining process to best meet
12 individual needs.

13 3) Costs shall not exceed \$2,500 per employee.

14 4) An employee must enroll for training during the period September 3, 1996, to
15 December 31, 1996.

16 5) An employee will remain in City employment while participating in the retraining
17 program until the position is abrogated, or until the employee qualifies for and is
18 formally placed in another position, whichever occurs first. If the position is
19 abrogated prior to completion of the individual retraining program, the employee
20 will be required to use paid leave time or be unpaid for the duration of the
21 program.

22 6) An employee's participation in this program does not guarantee City employment,
23 future City employment, or a right to continue in the retraining program. There is
24 no obligation for the City to create positions or otherwise formally set aside
25 vacancies in order to assure placement.

26 Section 5. Early Separation Incentive and Retraining Programs

27 1) An employee may participate in either the Early Separation Incentive or
28

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Retraining Programs but may not participate in both.

- 4
5 2) The Personnel Director will promulgate rules and procedures to implement the
6 Early Separation Incentive and Retraining Programs consistent with this
7 ordinance.

8 Section 6. Safety Net Severance Program

- 9 1) A regularly appointed full or part-time employee who is laid off from City
10 employment during the period from the effective date of this ordinance through
11 September 30, 1997, may select the Safety Net Severance Program. The benefit
12 formula is as follows:

<u>Years of Service</u> <u>(Date of Last Hire)</u>	<u>Severance Payment</u>
Up to one year	\$1,000
One year, but less than three years	\$1,500
Three years or more	\$2,500

- 13
14
15
16
17
18 2) An employee who selects the Safety Net Severance Program shall sign the
19 necessary agreement, waiver and release forms similar to those of the Early
20 Separation Program, except the exclusion from future City employment is limited
21 to six (6) months.
- 22 3) An employee who is offered and accepts temporary employment in lieu of layoff
23 during the period from the effective date of this ordinance through September 30,
24 1997, shall be ineligible for the Safety Net Severance Program. Such employee
25 shall not forfeit recall rights and will be eligible for subsequent temporary
26 assignments.
- 27 4) An employee who accepts the Early Separation Incentive Program is not eligible
28 for this Safety Net Severance Program.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

3 Section 7. Temporary Employment Assignments Upon Layoff

- 4
- 5 1) On a seniority basis, employees on a reinstatement list may be offered new
6 temporary employment assignments within their departments within the same job
7 classification from which laid off or a lower paid job title in the class series at the
8 discretion of the appointing authority and to the extent budgeted funds are
9 available.
- 10 2) A laid off employee will be given strong consideration for temporary job
11 openings within the same job classification from which laid off or a lower paid
12 job title in the class series for openings in other City departments. Working as a
13 temporary employee will not affect an employee's status on the reinstatement
14 recall list.
- 15 3) This Section 7 shall expire on October 31, 1997.

15 Section 8. Ordinance 107790, Section 20 as last amended by Ordinance 118121 is further
16 amended as follows:

17 * * *

18 D. Reinstatement.

19 1. The names of all employees laid off from active employment shall be
20 placed on a reinstatement list. Such list shall be for the class or budget title from which they
21 have been laid off. The entire reinstatement list shall be sent to any appointing authority for
22 use in filling a vacancy in a position of that class or budget title. ~~((An appointing authority
23 may refuse to make an appointment from the reinstatement register only upon stating a
24 reason therefor to the Director.))~~

25 2. The Director may implement programs to refer laid-off employees to
26 vacant City positions in any employing unit; provided, that each referred employee shall
27 possess skills commensurate with the duties of the position to be filled, as determined by the
28

NOTICE: IF THE DOCUMENT IS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 ML/mc
2 4/19/96
3 V 1

4 Director, and provided, further, that no such referral shall result in a promotion for the
5 affected employee unless the employee has been referred as a result of an appropriate
6 qualifications as set forth in the ordinance. ~~((in a appointing authority may refuse to hire a person so referred only
7 upon stating a reason therefor to the Director)).~~

8 * * *

9 Section 9. Section 2 of Ordinance 117531 providing for a Sabbatical Leave Policy and
10 Pilot Project is amended as follows:

11 Any Sabbatical Leave Policy and Sabbatical Leave Pilot Project shall be consistent
12 with the following provisions.

13 1. Eligibility. Any person employed in a permanent position ~~((not represented by
14 a collective bargaining representative))~~ who has completed the equivalent of seven (7) years
15 of full time City service is eligible to apply for a sabbatical leave. Employees in positions
16 represented by a labor union shall be eligible for sabbatical leave as long as the labor union
representing the bargaining unit has been offered and concurred with this benefit in writing.

17 2. Maximum Duration. An employing department may authorize a sabbatical
18 leave for up to one year.

19 3. No Right to a Leave. Neither this ordinance nor any policy promulgated
20 pursuant to it shall create any right to a sabbatical leave. The requesting employee's
21 employing department shall have the discretion to grant or deny an employee's request for a
22 sabbatical leave.

23 4. Return to same or similar position. An eligible employee who has been
24 granted a sabbatical leave may, at the end of the sabbatical leave period, return to his or her
25 former position, if vacant, or to a similar position.

26
27
28

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

4 5. Procedure.

5 a. Interested eligible employees shall make a written request for a sabbatical
6 leave to the Director of the employing department, or to his or her designee, stating the
7 beginning date and duration of the proposed sabbatical leave and the employee's reasons for
8 requesting the proposed leave. The employee shall provide a copy of the request to the
9 Personnel Director, or to his or her designee.

10 b. The employing department shall respond in writing to the request within one
11 (1) month. The employing Department shall provide a copy of the Department's response to
12 the Personnel Director, or to his or her designee.

13 c. It is the intent of the City Council that the employing department bear any
14 costs associated with an approved sabbatical leave in the department's budget appropriation
15 of the applicable year or years. Employing departments are authorized to expend previously
16 appropriated funds for costs incurred as a result of approved sabbatical leaves of absence.

17 6. Health Coverage. As part of an approved request for sabbatical leave, the City
18 may, where consistent with applicable law and agreements between the City and health care
19 providers or insurers, continue to pay the employer's portion of the employee's medical and
20 dental benefits for a period not to exceed one month for each completed year of service, up
21 to a maximum of 12 months.

22 7. Use of Accumulated Sick Leave. An employee who has been approved for a
23 sabbatical leave may utilize a portion of his or her accumulated sick leave according to the
24 following restrictions:

25 a. Only employees with an accumulated balance of at least 240 hours of sick leave
26 may utilize sick leave during an approved sabbatical leave of absence;

27 b. An employee on an approved sabbatical leave of absence may not utilize sick
28 leave if to do so would reduce his or her balance below 240 hours of accumulated sick leave;
and,

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

c. An employee may utilize accumulated sick leave during an approved sabbatical leave of absence according to the following ratio: the employee may receive the equivalent of one hour of regular hourly pay for each four (4) hours of accumulated sick leave utilized.

Section 10. The terms and conditions set forth above which implement an early separation incentive program, a retraining program and a safety net severance program are expressly limited to the terms set forth in this ordinance and create no expectancy of future separation incentives beyond the expiration dates as set forth in this ordinance.

Section 11. Any acts made consistent with the authority and prior to the effective date of this ordinance are hereby ratified and confirmed.

Section 12. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

PASSED by the City Council of the City of Seattle this 10 day of June, 1996, and signed by me in open session in authentication of its passage this 10 day of June, 1996.

Jan Drago

President _____ of the City Council

Approved by me this 14 day of June, 1996.

Norman Rice

Mayor

Filed by me this 14 day of June, 1996.

Judith E. Pappan

City Clerk

(Seal)

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

RECEIVED OMP



MAY 20 1996

City of Seattle Personnel Department

Norman B. Rice, Mayor Sarah Welch, Personnel Director

May 17, 1996

TO: Seattle City Council

ATTN.: Tom Weeks, Chair
Personnel and Labor Policy Committee

VIA: Norman B. Rice
Mayor

Tom Tierney, Director
Office of Management and Planning
Sarah Welch

FROM: Sarah Welch
Personnel Director

SUBJECT: Proposed Ordinances to 1) Authorize the Personnel Director to implement Early Separation Incentive, Retraining and Severance Pay Programs for nonrepresented employees 2) Authorize the Mayor to Execute a Memorandum of Understanding with the Coalition of City Unions to Implement Early Separation Incentive, Retraining and Severance Pay Programs for Employees Represented by Unions Party to the Coalition of City Unions; and 3) Authorize the Purchase of Retirement Service Credit as Part of the Early Separation Incentive Program.

Attached are three ordinances: one that authorizes the Personnel Director to implement early separation incentive, retraining and severance pay programs for nonrepresented employees; another that authorizes the Mayor to execute a Memorandum of Understanding with the Coalition of City Unions to implement early separation incentive, retraining and severance pay programs; and a third that authorizes the purchase of retirement service credit which is an option for employees who choose a separation incentive.

The proposed ordinance to implement the programs for nonrepresented employees includes an amendment to revise the Sabbatical Leave Policy to extend the benefit to represented employees of signatory unions and an amendment to the Layoff Ordinance to provide reinstatement rights for nonrepresented employees consistent with those accorded to represented employees. Relevant sections of the Personnel Rules will be revised accordingly.

The ordinance authorizing the purchase of retirement service credit provides that employees purchase the credit by paying both the employee and employer's share of the contribution rate in a lump sum from the early separation incentive funds.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

An equal employment opportunity affirmative action employer
12th Floor, Dexter Horton Building Telephone Device for the Deaf and
710 Second Avenue the Hearing Impaired (TDD)
Seattle, WA 98104-1793 664-7863
Fax # 684 4157

Printed on Recycled Paper

Seattle City Council
May 17, 1996
Page 2

We request your approval and passage of the proposed ordinances. We expect to commence the open enrollment period by the end of June.

You may direct any questions you have regarding the proposed ordinances to me or Marcia Chatalas (4-7920) of my staff.

SW/mc

Attachments (3)

cc: Personnel Administrators
Civil Service Commission

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

5-21-96
Approved
by Norm Tierney
City of Seattle

96-162

City of Seattle

Executive Department—Office of Management and Planning

Thomas M. Tierney, Director
Norman B. Rice, Mayor

May 21, 1996



The Honorable Mark Sidran
City Attorney
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING DEPARTMENT: Personnel Department

SUBJECT: AN ORDINANCE establishing separation incentive, retraining and severance pay programs for eligible nonrepresented City employees; and amending ordinances to accommodate program provisions.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Sherry Johnson at 684-8084.

Sincerely,

Norman B. Rice
Mayor

by

TOM TIERNEY
Director

h:\admin\legis\lawltrs\john10

Enclosure

COPY RECEIVED
96 MAY 22 AM 9:20
CITY ATTORNEY

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

CITY ATTORNEY

96 MAY 24 PM 1:48

COPY RECEIVED

TIME AND DATE STAMP

SPONSORSHIP

Tom M...

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO:

PRESIDENT'S SIGNATURE

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

STATE OF WASHINGTON - KING COUNTY

69520
City of Seattle, City Clerk

—SS.

No. ORDINANCE TI

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on June 10, 1996, and published here by title only, will be mailed, at no cost, upon request for two months after this publication. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 118158

AN ORDINANCE relating to the Department of Administrative Services; making an appropriation from the Cumulative Reserve Fund, REET II Subfund, for costs associated with the repair of the Municipal Building roof.

ORDINANCE NO. 118159

AN ORDINANCE granting Airborn Express permission to construct, maintain and operate a pedestrian skybridge over and across Elliott Avenue, north of Bay Street, for a ten (10) year term, renewable for two successive ten-year terms, specifying the conditions under which this permit is granted, and providing for acceptance of the permit and conditions.

ORDINANCE NO. 118160

Relating to the Engineering Department, authorizing the Mayor or his designee to sign an agreement with the State of Washington, Department of Transportation (WSDOT) for activities related to the Kingdome Intermodal Access Project; authorizing the acceptance and deposit of funds to be received; making a partially reimbursable appropriation from the Emergency Fund, and increasing the expenditure allowance in the 1996 Budget of the Engineering Department; all by a three fourths vote of the City Council.

ORDINANCE NO. 118163

Authorizing the execution of a Memorandum of Understanding with the Coalition of City Unions to implement separation incentive, retraining and severance pay programs for employees represented by the Coalition of City Unions.

ORDINANCE NO. 118164

Establishing separation incentive, retraining and severance pay programs for eligible nonrepresented City employees; and amending ordinances to accommodate program provisions.

Publication ordered by JUDITH PIN, City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, June 26, 1996.
6/26/69520

Affidavit of Publication

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

CTOT: 118158-60, 63, 64

was published on
06/26/96

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

Subscribed and sworn to before me on

06/27/96

Notary Public for the State of Washington, residing in Seattle

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.