

ORDINANCE No. 118265

*Law Department*

COUNCIL BILL No. 111375

The City

AN ORDINANCE amending section 4.34.055 of the Seattle Municipal Code, to permit employees to maintain their vacation balances while on unpaid personal leave of absence; and repealing Seattle Municipal Code section 4.20.360, rendered obsolete by this amendment.

INDEXED

Honorable President:

Your Committee on \_\_\_\_\_

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

COMPTROLLER FILE No. \_\_\_\_\_

Introduced: <u>AUG 14 1998</u>	By: <u>CHOE</u>
Referred: <u>AUG 18 1998</u>	To: <u>Finance &amp; Budget Committee</u>
Referred:	To:
Referred:	To:
Reported: <u>SEP - 9 1998</u>	Second Reading: <u>SEP - 9 1998</u>
Third Reading: <u>SEP - 9 1998</u>	Signed: <u>SEP - 9 1998</u>
Presented to Mayor: <u>SEP 10 1998</u>	Approved: <u>SEP 15 1998</u>
Returned to City Clerk: <u>SEP 15 1998</u>	Published: <u>Full</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

*Full*

*Full*

Department

Passed, 4-0.

# The City of Seattle--Legislative Department

## REPORT OF COMMITTEE

Date Reported  
and Adopted

able President:

ommittee on

h was referred the within Council Bill No.

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

Full Council vote 8-0

Committee Chair

ORDINANCE 118265

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**AN ORDINANCE** amending section 4.34.055 of the Seattle Municipal Code, to permit employees to maintain their vacation balances while on unpaid leave of absence; and repealing Seattle Municipal Code section 4.20.360, rendered obsolete by this amendment.

**WHEREAS** it may at times be in the best interest of the City for employees to take unpaid personal leaves of absence; therefore

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

**Section 1.** SMC 4.34.055, Ordinance 111757 as last amended by Ordinance 115797, is further amended as follows:

A. The minimum vacation allowance to be used by an employee shall be one-half (1/2) day or, at the discretion of the ~~((head of the employing unit))~~ appointing authority or his or her designated management representative, such lesser amount as may be approved by the department head.

B. The ~~((head of the employing unit))~~ 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 ~~((must use all accrued vacation credit prior to beginning an unpaid leave of absence))~~ 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. ~~((credit except that where an employee has exhausted his/her sick leave balance, the))~~  
The ((head of an employing unit)) 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 ((who)) and requests further paid leave for medical reasons.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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 ((head of the employing unit)) appointing authority or his or her designated management representative until all ((vacation hours are)) such paid leave is exhausted and receive the appropriate long-term disability benefit.

**Section 2.** SMC 4.20.360, Ordinance 97330 as last amended by Ordinance 115797, is hereby repealed.

**Section 3.** This ordinance shall take effect and be in force thirty (30) days from and after its passage and approval, if approved by the Mayor; but if not approved 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 9 day of September, 1996, and signed by me in open session in authentication of its passage this 9 day of September, 1996

[Signature]  
President of the City Council

Approved by me this 16 day of September 1996.

[Signature]  
Mayor

Filed by me this 16 day of September, 1996

[Signature]  
City Clerk

(Seal)

City of Seattle Personnel Department

Norman B. Rice, Mayor Sarah Welch, Personnel Director



July 15, 1996

**TO:** The Seattle City Council

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

**VIA:** Mayor Norman B. Rice

**ATTN:** Tom Tierney, OMP Director

**FROM:**   
Sarah Welch, Personnel Director

**SUBJECT:** Proposed Legislation To Amend Unpaid Leave Rules

RECEIVED OMP  
JUL 17 1996

The attached council bills propose amendments to the Seattle Municipal Code, Title 4, to (1) give managers the discretion to allow employees to go on unpaid personal leave without first exhausting their paid leave balances, and to (2) increase from 15 days to 30 days the number of unpaid days that employees can take without affecting their service credit.

The proposed amendment to SMC 4.34.055, to give managers the ability to let employees maintain some or all of their paid leave balances while on unpaid leave, is a change we have contemplated for some time. We get requests from employees for a waiver of the rule that requires them to use their paid leave before they go on unpaid leave. Most of these requests are supported by the employees' management. There are more reasons for employees to take limited unpaid time off from work. Many of them plan their leave for times when they can afford to be unpaid, and would like to retain some or all of their paid leave for times when they can't afford to be unpaid. We have caps on all paid leave accrual except sick leave (and the requirement to use sick leave before going on unpaid medical leave will not change), so the City does not run the risk of having to pay out inordinate amounts of paid leave upon separation. It makes sense to give employees and management the flexibility to take and grant leave without this constraint.

Secondly, we propose to increase the amount of time that an employee can be unpaid without affecting his or her service credit from 15 days to 30 days (or the equivalent of 240 regular pay hours). We already allow 30 days credit for unpaid medical leaves of

The Seattle City Council  
July 15, 1996  
Page two

absence. The difference implies a value judgment we don't think is appropriate. We prefer the simplicity of using the same threshold for all kinds of unpaid leave.

Although I believe both of these amendments stand on their own merit, their passage will also facilitate implementation of a voluntary unpaid leave program.

Your consideration of this proposed legislation is appreciated. Please contact Kathy Steinmeyer, Policy Development Unit, 4-7921, if you have questions.

SW/kss  
Attachments

cc: Personnel Department Administrators, for distribution  
Policy Development Unit

TIME AND DATE STAMP

**SPONSORSHIP**

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

*Martin Chase*

_____	_____
_____	_____
_____	_____
_____	_____

**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
PRESIDENT'S SIGNATURE

*Approved by  
Therese  
7/22/96*

96-220

# City of Seattle

Executive Department—Office of Management and Planning

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

July 17, 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

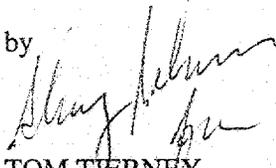
SUBJECT: AN ORDINANCE amending section 4.34.055 of the Seattle Municipal Code, to permit employees to maintain their vacation balances while on unpaid personal leave of absence; and repealing Seattle Municipal Code section 4.20.360, rendered obsolete by ~~two~~ amendments to Seattle Municipal Code section 4.34.055.

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\law\trs\john16

Enclosure



COPY RECEIVED  
95 JUL 18 PM 1:58  
SEATTLE CITY ATTORNEY

**STATE OF WASHINGTON - KING COUNTY**

72583

City of Seattle, City Clerk

—ss.

No. **ORDINANCE IN**

**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

CT:ORD 118265

was published on  
09/25/96

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

*[Signature]*  
Subscribed and sworn to before me on  
09/25/96  
*[Signature]*

Notary Public for the State of Washington,  
residing in Seattle

**City of Seattle**  
ORDINANCE 118265

AN ORDINANCE amending section 4.34.055 of the Seattle Municipal Code, to permit employees to maintain their vacation balances while on unpaid leave of absence; and repealing Seattle Municipal Code section 4.20.360, rendered obsolete by this amendment.

WHEREAS it may at times be in the best interest of the City for employees to take unpaid personal leaves of absence; therefore

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. SMC 4.34.055, Ordinance 111757 as last amended by Ordinance 115797, is further amended as follows:

A. The minimum vacation allowance to be used by an employee shall be one-half (1/2) day or, at the discretion of the ((head-of-the-employing unit)) appointing authority or his or her designated management representative, such lesser amount as may be approved by the department head.

B. The ((head-of-the-employing-unit)) 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 ((must use all accrued vacation credit to begin an unpaid leave of absence)) may, with the prior approval of the

**City of Seattle**

Project: sewer rehabilitation contract, see page 200 in appendix with parentheses and strike-out  
 Section 2. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but it 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 this 9th day of September, 1996, and signed by me in open session in authentication of its passage this 9th day of September, 1996.  
 JAN DRAGO  
 President of the City Council  
 Approved by me this 16th day of September, 1996  
 NORMAN E. RICE  
 Mayor  
 Filed by me this 16th day of September, 1996  
 (Seal) MARGARET CARTER  
 Clerk  
 Publication ordered by JUDITH PIP-PIN, City Clerk.  
 (Note: Bold face denotes deletion)  
 Date of official publication in Daily Journal of Commerce, Seattle, September 25, 1996  
 9/25/1996

Rolley, John F DeJoria II dba N fee Co.  
 96-2-24069-9 Tax State Re  
**CITY OF SEAT**  
**NOTICES**  
**City of Sea**  
 Sewer Rehabilitation  
 Bid Date, Oct. 9  
**1996 ACCEPTATED S**  
**REHABILITATION PRO**  
 Approved by me this 16th day of Sep-  
 Ordinance 11791  
 PW #96-88  
**PROJECT LOCATION:**  
 has 5 project locations with n-  
 follows:  
 1 - Lakeview Boulevard  
 north of Galer Street to Ja-  
 Nelson Place  
 2 - 30th Avenue South  
 north of South Day Street to  
 of South Irving Street.  
 3 - Several locations at  
 Avenue South and Airport W