

Ordinance No. 118703

The City of Seattle

Council Bill/Ordinance

Law Department

Council Bill No. 11840

INDEXED

OK

AN ORDINANCE relating to use of sick leave while on disability and eligibility conditions for continued benefits, amending Seattle Municipal Code Section 4.44.020, adding a new Section 4.44.080 and repealing Seattle Municipal Code Section 4.24.020, as contradicting the intent and application of the City's workers compensation supplemental benefit.

Pass 3-0

see Full C

Date introduced: <u>AUG 1 1957</u>		
Date 1st Referred: <u>AUG 1 5 1957</u>	To: (committee) <u>Personnel Organization &amp; Performance Committee</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>AUG 25 1957</u>	Full Council Vote: <u>8-0</u>	
Date Presented to Mayor: <u>AUG 25 1957</u>	Date Approved: <u>SEP - 2 1957</u>	
Date Returned to City Clerk: <u>SEP - 2 1957</u>	Date Published: <u>9/10</u>	T.O. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	ET. <input type="checkbox"/>
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready

Law Dept. Review

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The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: SHONG

Councilmember

*Law Department*

**Committee Action:**

155 3-0

~~Per~~ Full Council vote 8-0

This file is complete and ready for presentation to Full Council. Committee: \_\_\_\_\_

(initial/date)



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ORDINANCE 118703

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4 AN ORDINANCE relating to use of sick leave while on disability and eligibility  
5 conditions for continued benefits, amending Seattle Municipal Code Section  
6 4.44.020, adding a new Section 4.44.080 and repealing Seattle Municipal Code  
7 Section 4.24.020, as contradicting the intent and application of the City's  
8 workers compensation supplemental benefit.  
9

10 **WHEREAS** City employees are eligible for a disability supplement, for the first 261  
11 days of disability, that exceeds that provided by the State Industrial Insurance  
12 and Medical Aid Act; and  
13

14 **WHEREAS** the disability supplement is intended to make the injured or incapacitated  
15 employee financially "whole" without additional benefit; Now Therefore  
16

17  
18 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**  
19

20 **Section 1.** Seattle Municipal Code Section 4.44.020, Subsection B, Ordinance  
21 90881 as amended, is further amended as follows:

22 B. Whenever an employee is injured on the job and compelled to seek  
23 immediate medical treatment, the employee shall be compensated in full for the  
24 remaining part of the day of injury without effect to his or her sick leave or vacation  
25 account. Scheduled workdays falling within only the first three (3) calendar days  
26 following the day of injury shall be compensable through accrued sick leave. Any  
27 vacation may be used in a like manner after sick leave is exhausted, provided that, if  
28 neither accrued sick leave nor accrued vacation is available, the employee shall be  
29 placed on no pay status for these three (3) days; provided, further, that this shall



1 constitute the only authorized use of sick leave or vacation by an employee whose  
2 disability claim is subsequently approved. If the period of disability equals or extends  
3 beyond fourteen (14) calendar days, then (1) any accrued sick leave or vacation leave  
4 utilized that results in absence from his or her regular duties (up to a maximum of  
5 eighty percent [80%] of the employee's normal hourly rate of pay per day) shall be  
6 reinstated by ~~((Industrial Insurance))~~ Workers Compensation; or (2) if no sick leave or  
7 vacation leave was available to the employee at that time, then the employee shall  
8 thereafter be compensated for the three (3) calendar days at the eighty percent (80%)  
9 compensation rate described in subsection A of this section. The days reimbursed or  
10 thereafter compensated shall then count toward the two hundred sixty-one (261) day  
11 maximum.

12 **Section 2.** There is added to Seattle Municipal Code Chapter 4.44, *Disability*  
13 *Compensation* (Ordinance 90881 as amended) a new Section 4.44.080, *Eligibility for*  
14 *continued benefits*, as follows:

15 To remain eligible for the City's supplemental benefits, an employee must be  
16 eligible for benefits under Title 51 Revised Code of Washington and must comply with  
17 all Department of Labor and Industries rules and regulations and related City of Seattle  
18 and employing unit policies and procedures, including

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

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

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

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

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

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

19           **Section 3.**   Seattle Municipal Code Section 4.24.020, Ordinance 88522, is  
20     hereby repealed.

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**Section 4.** 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 25 day of August, 1997, and signed by me in open session in authentication of its passage this 25 day of August, 1997.

Jan Drago  
\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this 2nd day of September, 1997.

Mourner B. Lee  
\_\_\_\_\_  
Mayor

Filed by me this 2nd day of September, 1997.

Janith Edman  
\_\_\_\_\_  
City Clerk

(Seal)



# City of Seattle

Norman B. Rice, Mayor


Executive Services Department  
Dwight D. Dively, Director

## MEMORANDUM

**DATE:** July 16, 1997

**TO:** Honorable Jan Drago, President  
Seattle City Council

**VIA:** Honorable Norman B. Rice, Mayor  
**ATTN:** Judy Bunnell, Acting OMP Director

**FROM:**   
Dwight D. Dively  
Executive Services Director

  
Sarah Welch  
Personnel Director

**SUBJECT:** Proposed Legislation To Amend SMC Section 4.44.020 Related to Sick Leave Use While on Disability Compensation

The attached council bill amends Seattle Municipal Code Section 4.44.020, *City compensation additional to State Industrial Insurance and Medical Aid*, to provide that only the first three days of any injury or illness leading to a disability claim may be covered by use of sick leave. If the disability claim is approved, the affected employee's sick leave is reinstated. Thereafter, the only leave benefit to which the employee is entitled is disability compensation, and no additional sick leave may be used to supplement income or extend the 261-day disability period granted by ordinance.

This council bill also repeals Seattle Municipal Code Section 4.24.020, *Officers and employees receiving disability benefits*. This section provides that employees receiving disability compensation may also use accumulated sick leave to make up any difference in pay between such compensation and their regular take-home pay. This section is in conflict with both the intent and the application of our Workers Compensation Program.

The original Industrial Insurance ordinance included the provision that the sick leave ordinance (of which section 4.24.020 is part) is superseded to the extent that it is inconsistent with the Industrial Insurance ordinance. Subsequent Law Department opinions have held that Section 4.24.020 was thereby superseded. On the basis of that

Personnel Division, Dexter Horton Building, 710 Second Avenue, 12th Floor, Seattle, WA 98104-1793

Tel. (206) 684-7664, TDD: (206) 684-7888, FAX: (206) 684-4157, <http://www.ci.seattle.wa.us>

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Honorable Jan Drago  
July 16, 1997  
Page 2

original ordinance and later legal opinions, our consistent practice has been to deny the use of sick leave to extend or supplement disability compensation.

In spite of our consistent practice, however, we recognize that leaving a provision for the use of sick leave under these conditions in the Municipal Code can lead an employee to expect that he or she will be allowed to supplement his or her disability income with sick leave. We propose to avoid misunderstandings by clarifying the relevant section of the disability compensation ordinance and by repealing the inapplicable section of the sick leave ordinance.

Your favorable consideration of this ordinance is appreciated. Please direct any questions to Mary Tannehill, Workers Compensation Unit at 4-7859.

SW/ks  
Attachment

c: Honorable Charlie Chong, Chair  
Performance, Organization and Personnel Committee  
Personnel Division Administrators  
Policy Development Unit  
Mary Tannehill, Workers' Compensation Unit, Personnel Division





# City of Seattle

Norman B. Rice, Mayor  
Executive Department - Office of Management and Planning  
Judy Bunnell, Director

97-191

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97 AUG -6 PM 3: 33  
SEATTLE CITY ATTORNEY

August 6, 1997

The Honorable Mark Sidran  
City Attorney  
City of Seattle

*OK  
Judy Bunnell  
8/7/97*

Dear Mr. Sidran:

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

REQUESTING  
DEPARTMENT: Executive Services Department

SUBJECT: AN ORDINANCE relating to use of sick leave while on disability and eligibility conditions for continued benefits, amending Seattle Municipal Code Section 4.44.020, adding a new Section 4.44.080 and repealing Seattle Municipal Code Section 4.24.020, as contradicting the intent and application of the City's workers compensation supplemental benefit.

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 Monica Power at 684-8076.

Sincerely,

Norman B. Rice  
Mayor

by

*Monica Power*

JUDY BUNNELL  
Director

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Enclosure

Seattle Municipal Building, 600 Fourth Avenue, Seattle, WA 98104-1826  
Tel: (206) 684-8080, TDD (206) 684-8118, FAX: (206) 233-0085

An equal-employment opportunity, affirmative action employer. Accommodations for people with disabilities provided on request.



**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:

*Charlie Phony*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

STATE OF WASHINGTON - KING COUNTY

84619  
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 118703

was published on

09/08/97

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

*R. Patterson*

Subscribed and sworn to before me on

09/07/97 *[Signature]*

Notary Public for the State of Washington,  
residing in Seattle

# City of Seattle

## ORDINANCE 118793

AN ORDINANCE relating to use of sick leave while on disability and eligibility conditions for certain benefits, amending Seattle Municipal Code Section 4.44.020, adding a new Section 4.44.080 and repealing Seattle Municipal Code Section 4.24.020, as contradicting the intent and application of the City's workers compensation supplemental benefit.

WHEREAS City employees are eligible for a disability supplement for the first 261 days of disability that exceeds that provided by the State Industrial Insurance and Medical Aid Act; and

WHEREAS the disability supplement is intended to make the injured or incapacitated employee financially "whole" without additional benefit. Now Therefore

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code Section 4.44.020, Subsection B, Ordinance 90891, as amended, is further amended as follows:

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 of injury shall be compensable through accrued sick leave. Any 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 percent (80%) of the employee's normal hourly rate of pay per day) shall be reinstated by (Industrial Insurance) 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 percent (80%) 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.

Section 2. There is added to Seattle Municipal Code Chapter 4.44, Disability Compensation, Ordinance 18806, as amended, the following:

- 97-1-04953-2 Rec. 3/23/97 Filed Aug 1997 Ryan D Carr
- 97-3-03590-7 Dis. R Ryan David Carr, Roby
- 97-1-04953-2 Rec. 3/23/97 Filed Aug 1997 Ryan D Carr
- 97-3-03590-7 Dis. R Ryan David Carr, Roby
- 97-2-22138-2 Ton. 9/2/97 Filed Aug 1997 Robert J Fulford, Chas J
- 97-2-22137-4 Comm. 9/2/97 Filed Aug 1997 Robert J Fulford, Chas J
- 97-2-22135-8 Trans. 9/2/97 Filed Aug 1997 Robert J Fulford, Chas J
- 97-2-22134-0 Ton. 9/2/97 Filed Aug 1997 Robert J Fulford, Chas J
- 97-2-22132-3 Colle. 9/2/97 Filed Aug 1997 Robert J Fulford, Chas J
- 97-2-22129-3 (Info. 9/2/97 Filed Aug 1997 Robert J Fulford, Chas J
- 97-2-22128-5 (Info. 9/2/97 Filed Aug 1997 Robert J Fulford, Chas J