

ORDINANCE No.

119748

Law Department

COUNCIL BILL No.

112928

The City

AN ORDINANCE related to contracts; creating a new Seattle Municipal Code Chapter 20.45 requiring contractors on City contracts to provide employee benefits to their employees with domestic partners equivalent to those provided to their employees with spouses.

Honorable President:

Your Committee on

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

COMPTROLLER FILE No.

Introduced: 10-4-99	By: Podlodowski
Referred: 10-4-99	To: Public Safety, Health & Technology
Referred:	To:
Referred:	To:
Reported: 11-22-99	Second Reading:
Third Reading: 11-22-99	Signed: 11-22-99
Presented to Mayor: 11-23-99	Approved:
Returned to City Clerk:	Published: Full 285
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

10/6

PSHT

11/17

PSHT 6-0, (1

11-22-99

F011



Department

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

able President:

Committee on

It was referred the within Council Bill No.

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

PSHT MP (4/5)
PSHT 6-0, (1 abstention) Do Pass AS ENVOYED JC, TP, PS, RC, RM, NL
AND AMENDED

22-99 Full Council: Passed 9-0
AS
Amended

Committee Chair

ORDINANCE 119748

AN ORDINANCE related to contracts; creating a new Seattle Municipal Code Chapter 20.45 requiring contractors on City contracts to provide employee benefits to their employees with domestic partners equivalent to those provided to their employees with spouses.

WHEREAS, employee benefits routinely comprise between 30 and 40 percent of total employee compensation; and

WHEREAS, discrimination in the provision of employee benefits between employees with domestic partners and employees with spouses results in unequal pay for equal work; and

WHEREAS, Seattle law prohibits discrimination based on marital status and/or sexual orientation; and

WHEREAS, contractors with the City of Seattle are required to comply with the City's nondiscrimination laws; and

WHEREAS, it is the City's intent, through the contracting practices outlined herein, to equalize the total compensation between similarly situated employees with spouses and employees with domestic partners; Now, therefore

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. There is hereby added to the Seattle Municipal Code a new Chapter 20.45 to read as follows:

Chapter 20.45 City Contracts – Non-Discrimination in Benefits

20.45.010 Definitions. For the purposes of this chapter,

A. "Contract" means a contract for public works, consulting, or supplies, material, equipment or services as set forth in SMC Ch. 3.18.800 et seq., estimated to cost Thirty Three Thousand Dollars (\$33,000.00) or more in 1999, consistent with the competitive threshold requirements of, and as adjusted pursuant to, Seattle Municipal Code Sections 3.18.840 and 3.114.140.

B. "Contract awarding authority" means the City officer, department, commission, employee, or board authorized to enter into or to administer contracts on behalf of the City.

C. "Department" means the Executive Services Department.

D. "Director" means the Executive Services Department Director.

E. "Domestic Partner" means any person who is registered with his/her employer as a domestic partner, or, in the absence of such employer-provided registry, is registered as a domestic partner with a governmental body pursuant to state or local law authorizing such registration. Any internal employer registry of domestic partnership must comply with criteria for domestic partnerships specified by rule by the Department.

F. "Employee benefits" means the provision of bereavement leave; disability, life, and other types of insurance; family medical leave; health benefits; membership or membership discounts; moving expenses; pension and retirement benefits; vacation; travel benefits; and any other benefits given to employees, provided that it does not include benefits to the extent that the application of the requirements of this chapter to such benefits may be preempted by federal or state law.

20.45.020 Discrimination in the provision of benefits prohibited.

A. No contractor on a City contract shall discriminate in the provision of employee benefits between an employee with a domestic partner and an employee with a spouse, subject to the following conditions:

1. In the event that the contractor's actual cost of providing a particular benefit for the domestic partner of an employee exceeds that of providing it for the spouse of an employee, or the contractor's actual cost of providing a particular benefit for the spouse of an employee exceeds that of providing it for the domestic partner of an employee, the contractor shall not be deemed to discriminate in the provision

of employee benefits if the contractor conditions providing such benefit upon the employee agreeing to pay the excess costs.

2. The contractor shall not be deemed to discriminate in the provision of employee benefits if, despite taking reasonable measures to do so, the contractor is unable to extend a particular employee benefit to domestic partners, so long as the contractor provides the employee with a cash equivalent.

B. Other options for compliance allowed.

Provided that a contractor does not discriminate in the provision of benefits between employees with spouses and employees with domestic partners, a contractor may:

1. Elect to provide benefits to individuals in addition to employees' spouses and employees' domestic partners;
2. Allow each employee to designate a legally domiciled member of the employee's household as being eligible for spousal equivalent benefits; or
3. Provide benefits neither to employees' spouses nor to employees' domestic partners.

C. Requirements inapplicable under certain conditions.

The Director may waive the requirements of this chapter where:

1. Award of a contract or amendment is necessary to respond to an emergency;
2. The contractor is a sole source;
3. No compliant contractors are capable of providing goods or services that respond to the City's requirements;

4. The contractor is a public entity;

5. The requirements are inconsistent with a grant, subvention or agreement with a public agency;

6. The City is purchasing through a cooperative or joint purchasing agreement;

D. Requests for waivers of the terms of this Chapter are to be made to the Department by the contract awarding authority in a manner prescribed by the Department. Decisions by the Department to issue or deny waivers are final.

E. The Director may reject an entity's bid or proposal, or terminate a contract, if the Director determines that the entity was set up, or is being used, for the purpose of evading the intent of this Chapter.

F. No contract awarding authority shall execute a contract with a contractor unless such contractor has agreed that the contractor will not discriminate in the provision of employee benefits as provided for in this chapter.

G. All contracts awarded by the City shall contain provisions developed by the Department prohibiting discrimination in the provision of employee benefits, including provisions containing appropriate remedies for the breach thereof as prescribed by SMC Ch. 20.45.040, except as exempted by this chapter or rule.

20.45.030 Limitations.

The requirements of this Chapter only shall apply to those portions of a contractor's operations that occur (i) within the City; (ii) on real property outside of the City if the property is owned by the City or if the City has a right to occupy the property, and if the contractor's presence at that location is connected to a contract with the City; and (iii) elsewhere in the United States where work related to a

City contract is being performed. The requirements of this Chapter shall not apply to subcontracts or subcontractors of any contract or contractor.

20.45.40 Powers and duties of the Director.

The Executive Services Department Director shall have the power to:

A. Adopt rules and regulations, in accordance with this chapter and the Administrative Code of The City of Seattle (SMC Chapter 3.02), establishing standards and procedures for effectively carrying out this chapter;

B. Determine and impose appropriate sanctions and/or liquidated damages for violation of this chapter by contractors including, but are not limited to:

1. Disqualification of the contractor from bidding on or being awarded a City contract for a period of up to 5 years; and

2. Contractual remedies, including, but not limited to, liquidated damages and termination of the contract.

C. Examine contractor's benefit programs covered by this chapter;

D. Impose other appropriate contractual and civil remedies and sanctions for violations of this chapter;

E. Allow for remedial action after a finding of non-compliance, as specified by rule.

F. Perform such other duties as may be required by ordinance or which are necessary to implement the purposes of this chapter.

20.45.050 Effective date.

The provisions of this chapter shall apply to any contract awarded on or after September 30, 2000.

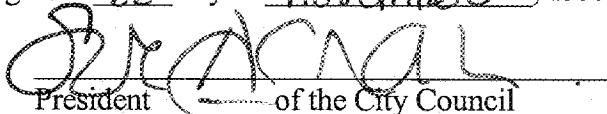
1 Section 2. On October 1, 2001, the Department will present to the Council a status report on the
2 implementation of these provisions. This status report will include options for expanding the provisions
3 to cover additional City contracts, including but not limited to employee benefits, franchise,
4 concessions, and contracts under the formal competitive bid threshold, and will specifically outline
5 alternative program options and associated resource requirements.

6 Section 3. Consistent with the Copernicus project objectives of improving and streamlining our
7 contracting processes while still pursuing important social and economic policies of the City, the
8 Department will evaluate the provisions of the new "Boost" program, this "Non-Discrimination in
9 Benefits" ordinance, and the "City Contracts - Prevention of Discrimination Ordinance (SMC Ch. 20.44) in
10 order to recommend ways to harmonize the various rules, processes and legislation with each other and
11 with existing rules, processes and legislation related to contracting. By September 30, 2000, the
12 Department will present to the Council a proposal for reducing time and cost of contracting, from a baseline
13 established in December of 1999. On October 1, 2001, the Department's status report to Council on
14 implementation and possible expansion of the provisions of this Chapter will include documentation of
15 further contract processing efficiencies.

16 Section 4. Severability. The provisions of this ordinance are declared to be separate and
17 severable. If a court of competent jurisdiction, all appeals having been exhausted or all appeal periods
18 having run, finds any provision of this ordinance to be invalid or unenforceable as to any person or
19 circumstance, such offending provision shall, if feasible, be deemed to be modified to be within the
20 limits of enforceability or validity. However, if the offending provision cannot be so modified, it shall
21 be null and void with respect to the particular person or circumstance, and all other provisions of this
22 ordinance in all other respects, and the offending provision with respect to all other persons and all other
23 circumstances, shall remain valid and enforceable.

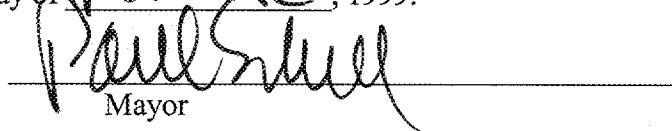
Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 22nd day of November, 1999, and signed by me in open session in authentication of its passage this 22nd day of November, 1999.



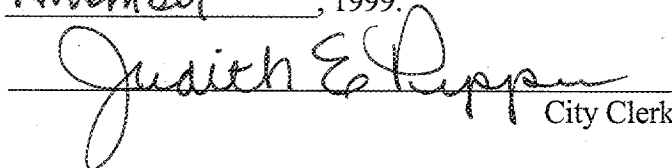
President _____ of the City Council

Approved by me this 23 day of November, 1999.



Mayor

Filed by me this 24 day of November, 1999.



City Clerk

(Seal)

ORDINANCE _____

AN ORDINANCE related to contracts; creating a new Seattle Municipal Code Chapter 20.45 requiring contractors on City contracts to provide employee benefits to their employees with domestic partners equivalent to those provided to their employees with spouses.

WHEREAS, employee benefits routinely comprise between 30 and 40 percent of total employee compensation; and

WHEREAS, discrimination in the provision of employees benefits between employees with domestic partners and employees with spouses results in unequal pay for equal work; and

WHEREAS, Seattle law prohibits discrimination based on marital status and/or sexual orientation; and

WHEREAS, contractors with the City of Seattle are required to comply with the City's nondiscrimination laws; and

WHEREAS, it is the City's intent, through the contracting practices outlined herein, to equalize the total compensation between similarly situated employees with spouses and employees with domestic partners; Now, therefore

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. There is hereby added to the Seattle Municipal Code a new Chapter 20.45 to read as follows:

20.45.010 Discrimination in the provision of benefits prohibited.

A. No contractor on a City contract shall discriminate in the provision of employee benefits between an employee with a domestic partner and an employee with a spouse, subject to the following conditions:

1. In the event that the contractor's actual cost of providing a particular benefit for the domestic partner of an employee exceeds that of providing it for the spouse of an employee, or the contractor's actual cost of providing a particular benefit for the spouse of an employee exceeds that of providing it for the domestic partner of an employee, the contractor shall not be deemed to discriminate in the provision of employee benefits if the

contractor conditions providing such benefit upon the employee agreeing to pay the excess costs.

2. The contractor shall not be deemed to discriminate in the provision of employee benefits if, despite taking reasonable measures to do so, the contractor is unable to extend a particular employee benefit to domestic partners, so long as the contractor provides the employee with a cash equivalent.

B. No contract awarding authority shall execute a contract with a contractor unless such contractor has filed with the City in the form prescribed by the Department, a certification that the contractor will not discriminate in the provision of employee benefits as provided for in this chapter.

C. All contracts awarded by the City shall contain provisions developed by the Department prohibiting discrimination in the provision of employee benefits and appropriate remedies for the breach thereof.

20.45.020 Definitions.

A. "Contract" means a contract for public works, consulting, purchasing, employee benefits, franchise, concession, banking and other financial services, and other service contracts as determined by rule by the Department.

B. "Contract awarding authority" means the City officer, department, commission, employee, or board authorized to enter into or to administer contracts on behalf of the City.

C. "Department" means the Executive Services Department.

D. "Domestic Partner" means any person who has a current domestic partnership registered with a governmental body pursuant to state or local law authorizing such registration.

E. "Employee benefits" means the provision of bereavement leave; disability, life, and other types of insurance; family medical leave; health benefits; membership or membership discounts;

1 moving expenses; pension and retirement benefits; vacation; travel benefits; and any other benefits
2 given to employees, provided that it does not include benefits to the extent that the application of the
3 requirements of this chapter to such benefits is preempted by federal or state law.

4 20.45.030 Limitations.

5 The requirements of this Chapter only shall apply to those portions of a contractor's operations
6 that occur (i) within the City; (ii) on real property outside of the City owned by the City or which the
7 City has a right to occupy if the contractor's presence at that location is connected to a contract with the
8 City; and (iii) elsewhere in the United States where work related to a City contract is being performed.
9 The requirements of this Chapter shall not apply to subcontracts or subcontractors of any contract or
10 contractor.

11 20.45.040 Department's responsibilities and duties.

12 **A. Duties.** The Department shall be responsible for the administration and enforcement of
13 the requirements of this Chapter. Administration and enforcement of the requirements of this Chapter
14 include the following duties:

- 15 1. Development of remedies for violations of this chapter. Examples of remedies include,
16 but are not limited to:
- 17 a. Disqualification of the contractor from bidding on or being awarded a City contract or
18 from participating as a subcontractor on a City contract for a period of up to 5 years;
19 and
 - 20 b. Contractual remedies, including but not limited to liquidated damages, and
21 termination of the contract.
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2. Development of contract language making it a material breach of the contract to discriminate in the provision of employee benefits between an employee with a domestic partner and an employee with a spouse;
3. Development of declarations of compliance with the requirements of this chapter;
4. Development of exemptions to this chapter for emergency contracts, sole source contracts, small contracts and other similar situations.
5. Development of rules defining other service contracts that are subject to the provisions of this chapter.

B. Powers. The Department shall have all powers necessary for the administration and enforcement of the requirements of this chapter, including but not limited to:

1. Examination of contractor's benefit programs covered by this chapter;
2. Imposition of appropriate contractual and civil remedies and sanctions for violations of this chapter; and
3. Promulgation of rules and procedures consistent with this chapter.

20.45.50. Effective date.

The provisions of this chapter shall apply to any contract executed on or after June 1, 2000.

Section 2. Severability. The provisions of this ordinance are declared to be separate and severable. If a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having run, finds any provision of this ordinance to be invalid or unenforceable as to any person or circumstance, such offending provision shall, if feasible, be deemed to be modified to be within the limits of enforceability or validity. However, if the offending provision cannot be so modified, it shall be null and void with respect to the particular person or circumstance, and all other provisions of this

ordinance in all other respects, and the offending provision with respect to all other persons and all other circumstances, shall remain valid and enforceable.

Section 3. 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 the ____ day of _____, 1999, and signed by me in open session in authentication of its passage this ____ day of _____, 1999.

President _____ of the City Council

Approved by me this ____ day of _____, 1999.

Mayor

Filed by me this ____ day of _____, 1999.

City Clerk

(Seal)

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2 Filed by me this _____ day of _____, 1999.

3 _____
4 City Clerk

5 (Seal)
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Amendments to Council Bill 112928

Proposed by Councilmember Podlodowski

November 22, 1999

On Page 3, Line 3

Delete section 3:

~~3. Where the Director determines that the requirements of this chapter would result in the City's entering into a contract with an entity that was set up, or is being used, for the purpose of evading the intent of this chapter.~~

On Page 4, Line 2

Add section D:

D. The Director may refuse to grant a waiver under this section if doing so would result in the City's entering a contract with an entity that was set up, or is being used, for the purposes of evading the intent of this Chapter.

Page 4: re-letter sections to reflect the insertion of section D

Change section letter:

"D" to "E"

"E" to "F"

"F" to "G"

ORDINANCE _____

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WHEREAS, discrimination in the provision of employee benefits between employees with domestic partners and employees with spouses results in unequal pay for equal work; and

WHEREAS, Seattle law prohibits discrimination based on marital status and/or sexual orientation; and

WHEREAS, contractors with the City of Seattle are required to comply with the City's nondiscrimination laws; and

WHEREAS, it is the City's intent, through the contracting practices outlined herein, to equalize the total compensation between similarly situated employees with spouses and employees with domestic partners; Now, therefore

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. There is hereby added to the Seattle Municipal Code a new Chapter 20.45 to read as follows:

Chapter 20.45 City Contracts – Non-Discrimination in Benefits

20.45.010 Definitions. For the purposes of this chapter,

A. "Contract" means a contract for public works, consulting, or supplies, material, equipment or services as set forth in SMC Ch. 3.18.800 et seq., estimated to cost Thirty Three Thousand Dollars (\$33,000.00) or more in 1999, consistent with the competitive threshold requirements of, and as adjusted pursuant to, Seattle Municipal Code Sections 3.18.840 and 3.114.140.

B. "Contract awarding authority" means the City officer, department, commission, employee, or board authorized to enter into or to administer contracts on behalf of the City.

C. "Department" means the Executive Services Department.

D. "Director" means the Executive Services Department Director.

1 E. "Domestic Partner" means any person who is registered with his/her employer as a
2 domestic partner, or, in the absence of such employer-provided registry, is registered as a domestic
3 partner with a governmental body pursuant to state or local law authorizing such registration. Any
4 internal employer registry of domestic partnership must comply with criteria for domestic partnerships
5 specified by rule by the Department.

6 F. "Employee benefits" means the provision of bereavement leave; disability, life, and
7 other types of insurance; family medical leave; health benefits; membership or membership discounts;
8 moving expenses; pension and retirement benefits; vacation; travel benefits; and any other benefits
9 given to employees, provided that it does not include benefits to the extent that the application of the
10 requirements of this chapter to such benefits may be preempted by federal or state law.

11 **20.45.020 Discrimination in the provision of benefits prohibited.**

12 A. No contractor on a City contract shall discriminate in the provision of employee benefits
13 between an employee with a domestic partner and an employee with a spouse, subject to the following
14 conditions:

- 15 1. In the event that the contractor's actual cost of providing a particular benefit for
16 the domestic partner of an employee exceeds that of providing it for the spouse of
17 an employee, or the contractor's actual cost of providing a particular benefit for
18 the spouse of an employee exceeds that of providing it for the domestic partner of
19 an employee, the contractor shall not be deemed to discriminate in the provision
20 of employee benefits if the contractor conditions providing such benefit upon the
21 employee agreeing to pay the excess costs.
- 22 2. The contractor shall not be deemed to discriminate in the provision of employee
23 benefits if, despite taking reasonable measures to do so, the contractor is unable to
24

1 extend a particular employee benefit to domestic partners, so long as the
2 contractor provides the employee with a cash equivalent.

3 3. Where the Director determines that the requirements of this chapter would result
4 in the City's entering into a contract with an entity that was set up, or is being
5 used, for the purpose of evading the intent of this chapter.

6 B. Other options for compliance allowed.

7 Provided that a contractor does not discriminate in the provision of benefits between
8 employees with spouses and employees with domestic partners, a contractor may:

- 9 1. elect to provide benefits to individuals in addition to employees' spouses and
10 employees' domestic partners;
- 11 2. allow each employee to designate a legally domiciled member of the employee's
12 household as being eligible for spousal equivalent benefits;
- 13 3. provide benefits neither to employees' spouses nor to employees' domestic
14 partners.

15 C. Requirements inapplicable under certain conditions.

16 The Director may waive the requirements of this chapter where:

- 17 1. Award of a contract or amendment is necessary to respond to an emergency;
- 18 2. The contractor is a sole source;
- 19 3. No compliant contractors are capable of providing goods or services that respond
20 to the City's requirements;
- 21 4. The contractor is a public entity;
- 22 5. The requirements are inconsistent with a grant, subvention or agreement with a
23 public agency;
- 24

6. The City is purchasing through a cooperative or joint purchasing agreement;

~~7. Where the Director determines that the requirements of this chapter would result in the City's entering into a contract with an entity that was set up, or is being used, for the purpose of evading the intent of this chapter.~~

D. Requests for waivers of the terms of this chapter are to be made to the Department by the contract awarding authority in a manner prescribed by the Department. Decisions by the Department to issue or deny waivers are final.

E. No contract awarding authority shall execute a contract with a contractor unless such contractor has agreed that the contractor will not discriminate in the provision of employee benefits as provided for in this chapter.

F. All contracts awarded by the City shall contain provisions developed by the Department prohibiting discrimination in the provision of employee benefits, including provisions containing appropriate remedies for the breach thereof as prescribed by SMC Ch. 20.45.040, except as exempted by this chapter or rule.

20.45.030 Limitations.

The requirements of this Chapter only shall apply to those portions of a contractor's operations that occur (i) within the City; (ii) on real property outside of the City if the property is owned by the City or if the City has a right to occupy the property, and if the contractor's presence at that location is connected to a contract with the City; and (iii) elsewhere in the United States where work related to a City contract is being performed. The requirements of this Chapter shall not apply to subcontracts or subcontractors of any contract or contractor.

20.45.40 Powers and duties of the Director.

The Executive Services Department Director shall have the power to:

1 A. Adopt rules and regulations, in accordance with this chapter and the Administrative Code
2 of The City of Seattle (SMC Chapter 3.02), establishing standards and procedures for effectively
3 carrying out this chapter;

4 B. Determine and impose appropriate sanctions and/or liquidated damages for violation of
5 this chapter by contractors including, but are not limited to:

6 1. Disqualification of the contractor from bidding on or being awarded a City
7 contract for a period of up to 5 years; and

8 2. Contractual remedies, including, but not limited to, liquidated damages and
9 termination of the contract.

10 C. Examine contractor's benefit programs covered by this chapter;

11 D. Impose other appropriate contractual and civil remedies and sanctions for violations of
12 this chapter;

13 E. Allow for remedial action after a finding of non-compliance, as specified by rule.

14 F. Perform such other duties as may be required by ordinance or which are necessary to
15 implement the purposes of this chapter.

16 **20.45.050 Effective date.**

17 The provisions of this chapter shall apply to any contract awarded on or after September 30,
18 2000.

19 Section 2. On October 1, 2001, the Department will present to the Council a status report on the
20 implementation of these provisions. This status report will include options for expanding the provisions
21 to cover additional City contracts, including but not limited to employee benefits, franchise,
22 concessions, and contracts under the formal competitive bid threshold, and will specifically outline
23 alternative program options and associated resource requirements.
24

1 Section 3. Consistent with the Copernicus project objectives of improving and streamlining our
2 contracting processes while still pursuing important social and economic policies of the City, the
3 Department will evaluate the provisions of the new "Boost" program, this "Non-Discrimination in
4 Benefits" ordinance, and the "City Contracts - Prevention of Discrimination Ordinance (SMC Ch. 20.44)
5 in order to recommend ways to harmonize the various rules, processes and legislation with each other
6 and with existing rules, processes and legislation related to contracting.

7 Section 4. Severability. The provisions of this ordinance are declared to be separate and
8 severable. If a court of competent jurisdiction, all appeals having been exhausted or all appeal periods
9 having run, finds any provision of this ordinance to be invalid or unenforceable as to any person or
10 circumstance, such offending provision shall, if feasible, be deemed to be modified to be within the
11 limits of enforceability or validity. However, if the offending provision cannot be so modified, it shall
12 be null and void with respect to the particular person or circumstance, and all other provisions of this
13 ordinance in all other respects, and the offending provision with respect to all other persons and all other
14 circumstances, shall remain valid and enforceable.

15 Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its
16 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
17 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

18 Passed by the City Council the ____ day of _____, 1999, and signed by me in open
19 session in authentication of its passage this ____ day of _____, 1999.

20 _____
21 President _____ of the City Council

22 Approved by me this ____ day of _____, 1999.

23 _____
24 Mayor

TIME AND  E 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:



FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO:

PRESIDENT'S SIGNATURE

STATE OF WASHINGTON - KING COUNTY

112991

City of Seattle, City Clerk

—ss.

No.

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:119748 ORD IN FUL

was published on

12/20/99

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

12/20/99

Notary Public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 118748

AN ORDINANCE relating to contracts; creating a new Seattle Municipal Code Chapter 20.45 requiring contractors on City Contracts to provide employee benefits to their employees with domestic partners equivalent to those provided to their employees with spouses.

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WHEREAS, discrimination in the provision of employee benefits between employees with domestic partners and employees with spouses results in unequal pay for equal work; and

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E. "Domestic Partner" means any person who is registered with his/her employer as a domestic partner, or, in the absence of such employer-provided registry, is registered as a domestic partner with a governmental body pursuant to state or local law authorizing such registration. Any internal employer registry of domestic partnership must comply with criteria for domestic partnerships specified by rule by the Department.

F. "Employee benefits" means the provision of bereavement leave; disability, life, and other types of insurance; family medical leave; health benefit; membership or membership discounts; moving expenses; pension and retirement benefits; vacation; travel benefits; and any other benefits given to employees, provided that it does not include benefits to the extent that the application of the requirements of this chapter to such benefits may be preempted by federal or state law.

20.45.020 DISCRIMINATION IN THE PROVISION OF BENEFITS PROHIBITED

A. No contractor on a City contract shall discriminate in the provision of employee benefits between an employee with a domestic partner and an employee with a spouse, subject to the following conditions:

1. In the event that the contractor's actual cost of providing a particular benefit for the domestic partner of an employee exceeds that of providing it for the spouse of an employee, or the contractor's actual cost of providing a particular benefit for the spouse of an employee exceeds that of providing it for the domestic partner of an employee, the contractor shall not be deemed to discriminate in the provision of employee benefits if the contractor conditions providing such benefit upon the employee agreeing to pay the excess costs.

2. The contractor shall not be deemed to discriminate in the provision of employee benefits if, despite taking reasonable measures to do so, the contractor is unable to extend a particular employee benefit to domestic partners, so long as the contractor provides the employee with a cash equivalent.

B. Other options for compliance allowed.

the formal competitive bid threshold, and will specify an alternative program of requirements.

Section 3. Consistent with the Copernicus project objectives of improving and streamlining our contracting processes while still pursuing important social and economic policies of the City, the Department will evaluate the provisions of the new "Boost" program, this "Non-Discrimination in Benefits" ordinance, and the City Contracts—Prevention of Discrimination Ordinance (SMC Ch. 20.44) in order to recommend ways to harmonize the various rules, processes and legislation with each other and with existing rules, processes and legislation related to contracting. By September 30, 2000, the Department will present to the Council a proposal for reducing time and cost of contracting, from a baseline established in December of 1999. On October 1, 2001, the Department's status report to Council on implementation and possible expansion of the provisions of this Chapter will include documentation of further contract processing efficiencies.

Section 4. SEVERABILITY. The provisions of this ordinance are declared to be separate and severable. If a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having run, finds any provisions of this ordinance to be invalid or unenforceable as to any person or circumstance, such offending provision shall, if feasible, be deemed to be modified to be within the limits of enforceability or validity. However, if the offending provision cannot be so modified, it shall be null and void with respect to the particular person or circumstance, and all other provisions of this ordinance in all other respects, and the offending provision with respect to all other persons and all other circumstances, shall remain valid and enforceable.

Section 5. 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 the 22nd day of November, 1999, and signed by me in open session in authentication of its passage this 22nd day of November, 1999.

SUE DONALDSON,
President of the City Council.

Approved by me this 23rd day of November, 1999.

PAUL SCHELL,
Mayor.

Filed by me this 24th day of November, 1999.

(Seal) JUDITH E. PIPPIN,
City Clerk.

Publication ordered by JUDITH PIPPIN,
City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, December 20, 1999.

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