

Ordinance No. 121029

Council Bill No. 114414

The City of Seattle  
Council Bill/Ordinance

AN ORDINANCE amending Seattle Municipal Code Sections 4.24.005 and 4.24.035 to revise sick leave definitions and eligibility criteria to reflect mandated changes in Washington State law; and making a technical amendment to Seattle Municipal Code Section 4.30.020.

OP 2-0670, PS

CF No. \_\_\_\_\_

129-02 Pas

Date Introduced:	NOV 25 2002	
Date 1st Referred:	NOV 25 2002	To: (committee) Finance, Budget, Business & Labor Committee
Date Re - Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	12-9-02	Full Council Vote: 9-0
Date Presented to Mayor:	12-10-02	Date Approved: 12-20-02
Date Returned to City Clerk:	12-20-02	Date Published: 6 p
Date Vetted by Mayor:		T.O. _____ F.T. <input checked="" type="checkbox"/>
Date Passed Over Veto:		Date Veto Published:
		Veto Sustained:

This file is complete and ready

*Law Department*

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: \_\_\_\_\_

DRAGO  
*Jan Drago*  
Councilmember

**Committee Action:**

*MP 2-0 (JA, PS)*

*129-02 Passed 9-0*

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

(initial/date)

*Law Department*

*Done  
Final Note  
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ORDINANCE 121029

AN ORDINANCE amending Seattle Municipal Code Sections 4.24.005 and 4.24.035 to revise sick leave definitions and eligibility criteria to reflect mandated changes in Washington State law; and making a technical amendment to Seattle Municipal Code Section 4.30.020.

WHEREAS, Substitute Senate Bill 6426 amended RCW 49.12 to add conditions under which employers must permit employees to use paid sick leave; and

WHEREAS, the City's sick leave program must comply with RCW 49.12. 270; NOW, THEREFORE,

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

Section 1. Seattle Municipal Code Sections 4.24.005 and 4.24.035 §A, Ordinance 112088 as amended, are hereby further amended effective January 1, 2003 as follows:

**4.24.005 Definitions.**

Terms used in this chapter shall have the meaning indicated therefor in the Personnel Ordinance (Seattle Municipal Code Chapter 4.04) unless another meaning is clearly indicated below or from the context:

A. (~~"Basic living expenses" means the cost of basic food, shelter and any other expense of a domestic partner which are paid at least in part by a program or benefit for the partner qualified because of the domestic partnership. The individuals need not contribute equally or jointly to the cost of these expenses as long as they agree that both are responsible for the cost.~~



1 B. ~~“Dependent child” means a child under the age of eighteen (18) who is~~

2 ~~1. The natural offspring of;~~

3 ~~2. An adopted or step child of;~~

4 ~~3. Under the legal guardianship, legal custody or foster care of;~~

5 ~~4. Financially dependent on; or~~

6 ~~5. A resident in the dwelling unit of;~~

7 an officer or employee or an officer’s or employee’s spouse or domestic partner.

8  
9 C. ~~“Domestic partner” means an individual designated as such by an officer or~~  
10 ~~employee in an Affidavit of Domestic Partnership or otherwise as provided by Seattle Municipal~~

11 ~~Code Section 4.30.010.) “Eligible family member” for purposes of sick leave usage means:~~

12 ~~1. The employee’s dependent child (i.e., the biological, adopted, foster or~~  
13 ~~step child of an employee or his or her spouse/domestic partner, or a legal ward or a child for~~  
14 ~~whom the employee or his or her spouse/domestic partner stands in loco parentis who is (a)~~  
15 ~~under eighteen (18) years of age; or (b) eighteen (18) years of age or older and incapable of self-~~  
16 ~~care because of a mental or physical disability).~~

17  
18  
19  
20 ~~2. The employee’s domestic partner designated as such by the employee in an~~  
21 ~~Affidavit of Domestic Partnership or otherwise as provided by Seattle Municipal Code Section~~  
22 ~~4.30.010.~~



1                   3. The grandparent of an employee or his or her spouse/domestic partner (i.e.,  
2 the parent of an employee's birth, adoptive, foster or step parent; or the parent of an employee's  
3 spouse's or domestic partner's birth, adoptive, foster or step parent).

4  
5                   4. The employee's birth, adoptive, foster or step parent or an individual who  
6 stood in loco parentis to the employee when the employee was a child; or a birth, adoptive, foster  
7 or step parent or individual who stood in loco parentis to the employee's spouse or domestic  
8 partner when the spouse or domestic partner was a child.

9  
10  
11                   5. The employee's legally recognized spouse.

12  
13  
14                   ((D))B. "Health care professional" means a person whose services are of a type for which  
15 compensation is paid under any City health care plan.

16  
17  
18                   ((E. ~~"Parent" means and includes one's natural or adoptive father or mother, stepfather~~  
19 ~~or stepmother or foster father or foster mother.~~))

20  
21                   **4.24.035       Paid sick leave --Use**

22  
23                   A.     An officer's or employee's request for paid sick leave may be granted by the  
24 appointing authority or a designated management representative when the officer or employee is  
25 required to be absent from work because of:





1 C. Affirms, under penalty of law, that the assertions in the affidavit are true.

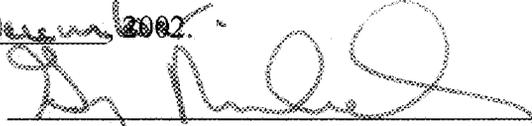
2 D. "Basic living expenses" as used in SMC Section 4.30.020 A(2a) means the cost  
3 of basic food, shelter and any other expense of a domestic partner which are paid at least in part  
4 by a program or benefit for the partner qualified because of the domestic partnership. The  
5 individuals need not contribute equally or jointly to the cost of these expenses as long as they  
6 agree that both are responsible for the cost.  
7

8 Section 3. This ordinance shall take effect and be in force thirty (30) days from and  
9 after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)  
10 days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

11 Passed by the City Council the 9<sup>th</sup> day of December, 2002, and signed by me in open  
12 session in authentication of its passage this 9<sup>th</sup> day of December, 2002.

14   
15 \_\_\_\_\_  
16 President \_\_\_\_\_ of the City Council

17 Approved by me this 30 day of December, 2002.

18   
19 \_\_\_\_\_  
20 Gregory J. Nickels, Mayor

21 Filed by me this 30<sup>th</sup> day of December, 2002.

22   
23 \_\_\_\_\_  
24 City Clerk

25 (Seal)

**Fiscal Note**

Each piece of legislation that appropriates funds, creates position authority, or will create a financial impact through policy direction or otherwise, requires a fiscal note. The fiscal note should be drafted by department staff and should include all relevant financial information. After preparation by departmental staff, the Department of Finance will review and make necessary revisions before transmittal to Council.

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Personnel	Kathy Steinmeyer/4-7921	Ellen Schroer/3-9841

**Legislation Title:**

AN ORDINANCE amending Seattle Municipal Code Sections 4.24.005 and 4.24.035 to revise sick leave definitions and eligibility criteria to reflect mandated changes in Washington State law, and making a technical amendment to Seattle Municipal Code Section 4.30.020.

**Summary of the Legislation:**

This ordinance amends the definition of dependent child for purposes of sick leave usage to include children over the age of 18 and incapable of self-care because of a mental or physical disability, adds a definition of grandparent, and adds both to the categories of family members for whom employees may use sick leave. State law mandates that employers' sick leave programs provide for employee leave usage to care for both categories of individuals, in addition to those already mandated by State law and included in SMC 4.24.005.

**Appropriations (in \$1,000's):**

<b>Fund Name and Number</b>	<b>Department</b>	<b>Budget Control Level*</b>	<b>2002 Appropriation</b>	<b>2003 Anticipated Appropriation</b>
<b>TOTAL</b>			<b>-- 0 --</b>	<b>--- 0 ---</b>

*\* This is line of business for operating budgets, and program or project for capital improvements*

**Notes:**

**Expenditures (in \$1,000's):**

<b>Fund Name and Number</b>	<b>Department</b>	<b>Budget Control Level*</b>	<b>2002 Expenditures</b>	<b>2003 Anticipated Expenditures</b>
<b>TOTAL</b>			<b>-- 0 --</b>	<b>-- 0 --</b>

*\* This is line of business for operating budgets, and program or project for capital improvements*

**Notes:** This legislation expands the reasons that employees can use their paid leave balances. Since sick leave is unfunded, there is the potential for increased costs. Employees used a total of 766,080



**Kathy Steinmeyer**  
**October 11, 2002**  
**SMC424.doc**  
**Version #1.**

hours of sick leave in 2001; an average of 9 days per employee. There is no way of knowing how many employees have dependent children over the age of 18 who are incapable of self-care, nor how many are care-givers for grandparents.



**Anticipated Revenue/Reimbursement (in \$1,000's):**

Fund Name and Number	Department	Revenue Source	2002 Revenue	2003 Revenue
<b>TOTAL</b>			<b>-- 0 --</b>	<b>-- 0 --</b>

**Notes:**

**Total Permanent Positions Created Or Abrogated Through Legislation, Including FTE Impact; Estimated FTE Impact for Temporary Positions:N/A**

Fund Name and Number	Department	Position Title*	2002 FTE	2003 FTE
<b>TOTAL</b>			<b>-- 0 --</b>	<b>-- 0 --</b>

\* List each position separately

**Do positions sunset in the future? (If yes, identify sunset date):**

**Background** (Include brief description which states the purpose and context of legislation and include record of previous legislation and funding history, if applicable):

Amendments to SMC 4.24.005 and 4.24.035 are for purposes of complying with changes in State law effective January 1, 2003. Revision will permit employees to use their sick leave to care for a dependent child over the age of 18 who is incapable of self-care because of a mental or physical disability, and to care for a grandparent. Currently, dependent child care is capped at the age of 18. The amendment to SMC 4.30.020 moves a definition ("Basic living expenses") from SMC Chapter 4.24, where the term is not used, to SMC 4.30, where it is used.

**The financial cost of not implementing the legislation** (Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented):

The law gives employees the right to file a complaint and/or a civil action against a noncompliant employer.

**Possible alternatives to the legislation which could achieve the same or similar objectives** (Include any potential alternatives to the proposed legislation, including using an existing facility to fulfill the uses envisioned by the proposed project, adding components to or subtracting components from the total proposed project, contracting with an outside organization to provide the services the proposed project would fill, or other alternatives):

The legislation is not strictly necessary, since State law applies. However, interpretation and administration of the City's sick leave program could be compromised by leaving the SMC unamended.



**Is the legislation subject to public hearing requirements** (If yes, what public hearings have been held to date):

No

**Other Issues** (including long-term implications of the legislation):

The new definition of a dependent child is consistent with the federal, state and City's family and medical leave programs, but the State legislature did not make the addition of "grandparent" as an eligible party to the State's family leave program.





# City of Seattle

Gregory J. Nickels, Mayor

## Office of the Mayor

October 18, 2003

Honorable Peter Steinbrueck  
President  
Seattle City Council  
Municipal Building, 11<sup>th</sup> Floor

Dear Council President Steinbrueck:

The attached ordinance amends Seattle Municipal Code Sections 4.24.005 and 4.24.035 to revise definitions and eligibility criteria for employee use of sick leave to be consistent with changes to Washington State law that take effect January 1, 2003. Under the revised State law, the City must expand the categories of family members for whom employees may use accumulated sick leave to include grandparents and children 18 years or older who are incapable of self-care because of a mental or physical disability. Currently, a City employee may use sick leave to care for his or her spouse or domestic partner or the child or parent of the employee or his or her spouse or domestic partner. "Child" is defined as under the age of 18.

Thank you for your consideration of this legislation. Should you have questions please contact Kathy Steinmeyer at 684-7921.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Nickels', written over a printed name and title.

GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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153118  
City of Seattle, Clerk's Office

No. ORDIANCNE IN FULL

**Affidavit of Publication**

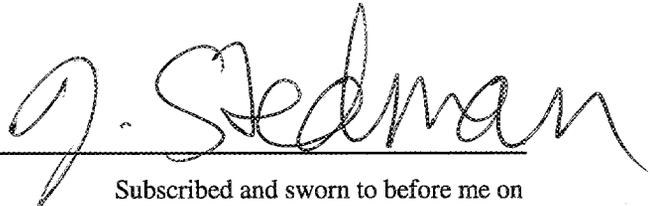
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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 12<sup>th</sup> 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:ORDINANCE 121029

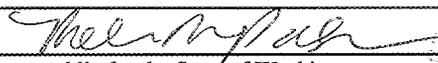
was published on

12/30/2002

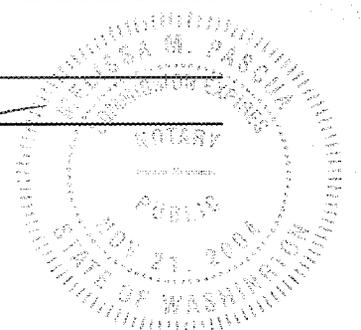


Subscribed and sworn to before me on

12/30/2002

  
Notary public for the State of Washington,  
residing in Seattle

Affidavit of Publication



# State of Washington, King County

## City of Seattle

### ORDINANCE 121029

AN ORDINANCE amending Seattle Municipal Code Sections 4.24.005 and 4.24.035 to revise sick leave definitions and eligibility criteria to reflect mandatory changes in Washington State Law; and making a technical amendment to Seattle Municipal Code Section 4.30.020.

WHEREAS, Substitute Senate Bill 6426 amended RCW 49.12 to add conditions under which employers must permit employees to use paid sick leave; and

WHEREAS, the City's sick leave program must comply with RCW 49.12.270; NOW THEREFORE,

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

Section 1. Seattle Municipal Code Sections 4.24.005 and 4.24.035 § A, Ordinance 112088 as amended, are hereby further amended effective January 1, 2003 as follows:

#### 4.24.005 Definitions.

Terms used in this chapter shall have the meaning indicated therein in the Personnel Ordinance (Seattle Municipal Code Chapter 4.04) unless another meaning is clearly indicated below or from the context:

A. "Basic living expenses" means the cost of basic food, shelter and any other expense of a domestic partner which are paid at least in part from a program or benefit for the partner provided because of the domestic partnership. The individuals need not contribute equally, or jointly, the cost of these expenses as long as they agree that both are responsible for the cost.

B. "Dependent child" means a child under the age of eighteen (18) who is

1. The natural offspring of
2. An adopted or step child of
3. Under the legal guardianship, legal custody or foster care of
4. Financially dependent on, or
5. A resident in the dwelling unit of an officer or employee or an officer or employee's spouse or domestic partner.

C. "Domestic partner" means an individual designated as such by an officer or employee in an Affidavit of Domestic Partnership or otherwise as provided in Seattle Municipal Code Section 4.22.010. "Eligible family member" for purposes of sick leave usage means:

1. The employee's dependent child (i.e., the biological, adopted, foster or step child of an employee or his or her spouse/domestic partner, or a legal ward or a child for whom the employee or his or her spouse/domestic partner stands in loco parentis who is (a) under eighteen (18) years of age or (b) eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability).
2. The employee's domestic partner designated as such by the employee in an Affidavit of Domestic Partnership or otherwise provided by Seattle Municipal Code Section 4.30.010.
3. The grandparent of an employee or his or her spouse/domestic partner (i.e., the parent of an employee's birth, adoptive, foster or step parent, or the parent of an employee's spouse's or domestic partner's birth, adoptive, foster or step parent).
4. The employee's birth, adoptive, foster or step parent or an individual who stood in loco parentis to the employee when the employee was a child, or a birth, adoptive, foster or step parent or individual who stood in loco parentis to the employee's spouse or domestic partner or the employee's spouse or domestic partner was