

Ordinance No. 121440

Council Bill No. 114846

AN ORDINANCE relating to benefits for City of Seattle employees, confirming that the provision of certain employee benefits to City employees who are married to a person of the same gender is consistent with SMC Chapter 4.24 (Sick Leave), SMC Chapter 4.26 (Family and Medical Leave); and SMC Chapter 4.28 (Funeral Leave).

CF No. _____

Date Introduced:	MAR 2 2 2004	
Date 1st Referred:	MAR 2 2 2004	
Date Re - Referred:	To: (committee) Public Safety, Civil Rights & Arts	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: 9-0	
Date Presented to Mayor:	Date Approved: 4/20/04	
Date Returned to City Clerk:	Date Published: 2pp	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published: DS 4/27/04	
Date Passed Over Veto:	Veto Sustained:	

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

Committee Action:

pass 3-0 ML, DD, TR 4/6/04

4-12-04 Passed 9-0

This file is complete and ready for presentation to Full Council. Com

Law Dept. Review

OMP Review

City Clerk Review

me

The City of Seattle - Legislative Department

RASMUSSEN
RASMUSSEN

Council Bill/Ordinance sponsored by: *[Signature]*
Councilmember LICATA

Committee Action:

pass 3-0 N4,00,TR 4/6/04 (LH)

4-12-04 Passed 9-0

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

(initial/date)

[Handwritten notes: Fiscal Note (Clerk/Dept) done, Formatted full text & loaded into bill, No attachments, No key-son marks, No Tables]

Law Dept. Review OMP Review City Clerk Review Electronic Copy Loaded Indexed

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4/21/04

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

ORDINANCE 121440

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AN ORDINANCE relating to benefits for City of Seattle employees, confirming that the provision of certain employee benefits to City employees who are married to a person of the same gender is consistent with SMC Chapter 4.24 (Sick Leave), SMC Chapter 4.26 (Family and Medical Leave); and SMC Chapter 4.28 (Funeral Leave).

WHEREAS, the City of Seattle recognizes that committed relationships, whether between members of the same or opposite gender, foster strong families, strong communities and economic stability; and,

WHEREAS, many City of Seattle employees have demonstrated the committed nature of their relationships by entering into a marriage with another person of the same gender in another jurisdiction; and,

WHEREAS, marriage evidences the type of committed relationship the City wants to encourage and nurture among its employees, thereby increasing employee morale and efficiency; and,

WHEREAS, the City of Seattle has long been a leader in efforts to expand civil rights, including the civil rights of its employees, and for many years has prohibited discrimination, including in its provision of benefits to City employees, on the basis of sexual orientation; and,

WHEREAS, the City of Seattle has for many years operated a domestic partnership program in which registered domestic partners are eligible for certain employment benefits; and,

WHEREAS, nothing in federal or state law prohibits the City of Seattle from providing employee benefits to its employees who are married to a person of the same gender; and,

WHEREAS, Mayor Greg Nickels issued Executive Order #02-04 on March 8, 2004, regarding city policy toward City of Seattle employees who are married to a person of the same gender;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. It is consistent with the language and intent of Seattle Municipal Code (SMC) Chapter 4.24 (Sick Leave), SMC Chapter 4.26 (Family and Medical Leave), and SMC Chapter 4.28 (Funeral Leave), that the City provide the benefits described in those chapters to City employees who are married to a person of the same gender on the same basis that it provides those benefits to employees who are married to a person of the opposite gender.



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1 Section 2. It is the policy of the City of Seattle that no employee who has filed an affidavit
2 pursuant to Chapter 4.30, or other similar provision, should suffer an interruption of benefits to
3 themselves, to a domestic partner, or to a spouse, because their marriage is subsequently declared invalid
4 by a court of competent jurisdiction on the grounds that the marriage was between people of the same
5 gender. The Personnel Department is authorized to develop rules, policies, procedures, guidelines, or
6 practices to implement this policy

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

10 Passed by the City Council the 12th day of April, 2004 and signed by me in open session
11 in authentication of its passage this 12th day of April, 2004

12 J. Anderson
13 President of the City Council

14 Approved by me this 20 day of April, 2004
15 Gregory J. Nickels
16 Gregory J. Nickels, Mayor

17 Filed by me this 20 day of April, 2004
18 [Signature]
19 City Clerk

20 (Seal)

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NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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Gary Keese/ecs
March 12, 2004
Same Sex Marriage FISC
Version #:1

Form revised February 12, 2004

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Law Department	Gary Keese/386-0075	Ellen Schroer/733-9841

Legislation Title:

AN ORDINANCE relating to benefits for City of Seattle employees, confirming that the provision of certain employee benefits to City employees who are married to a person of the same gender is consistent with SMC Chapter 4.24 (Sick Leave), SMC Chapter 4.26 (Family and Medical Leave); and SMC Chapter 4.28 (Funeral Leave).

• **Summary of the Legislation:**

This legislation confirms that providing employee benefits to same-sex married couples is consistent with current SMC provisions for sick leave, Family and Medical Leave, and funeral leave.

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

In accordance with the Executive Order 02-04, City Recognition of Valid Marriage Licenses, issued March 8, 2004 which directs City Departments to recognize the validity of same-sex marriages. The order allows all City employees who have been married to receive the benefits a straight married couple would get, such as health benefits, family and medical leave benefits, disability and retirement.

• *Please check one of the following:*

This legislation does not have any financial implications. *(Stop here and delete the remainder of this document prior to saving and printing.)*

This legislation has financial implications. *(Please complete all relevant sections that follow.)*



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Gary Keese/...
 March 12, 2004
 Same Sex Marriage FISC
 Version #:1

Anticipated Revenue/Reimbursement: Resulting From This Legislation: This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below the table.

Fund Name and Number	Department	Revenue Source	2004 Revenue	2005 Revenue
TOTAL				

Notes:

NONE

Total Regular Positions Created Or Abrogated Through This Legislation, Including FTE Impact: This table should only reflect the actual number of positions created by this legislation. In the event that positions have been, or will be, created as a result of previous or future legislation or budget actions, please provide details in the Notes section below the table.

Position Title and Department*	Fund Name	Fund Number	Part-Time/Full Time	2004 Positions	2004 FTE	2005 Positions**	2005 FTE**
TOTAL							

* List each position separately

** 2005 positions and FTE are total 2005 position changes resulting from this legislation, not incremental changes. Therefore, under 2005, please be sure to include any continuing positions from 2004

Notes:

NONE

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

N/A

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 March 12, 2004
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Spending/Cash Flow: This table should be completed only in those cases where part or all of the funds authorized by this legislation will be spent in a different year than when they were appropriated (e.g., as in the case of certain grants and capital projects). Details surrounding spending that will occur in future years should be provided in the Notes section below the table.

Fund Name and Number	Department	Budget Control Level*	2004 Expenditures	2005 Anticipated Expenditures
**	**	**	**	**
TOTAL				

* See budget book to obtain the appropriate Budget Control Level for your department.

Notes:

**Same-sex couples are currently covered by City benefits when partners file a domestic partnership form. This legislation would make same-sex couples who are married, but have not filed a domestic partnership form, eligible for benefits. It is likely that there are a very small number of employees in this situation, resulting in a negligible additional cost to the City of Seattle.

- **What is 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.)

N/A

- **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** (Include any potential alternatives to the proposed legislation, such as reducing fee-supported activities, identifying outside funding sources for fee-supported activities, etc.)

N/A

- **Is the legislation subject to public hearing requirements:** (If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future.)

No

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

Please list attachments to the fiscal note below:

NONE

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Gregory J. Nickels
Mayor of Seattle

March 12, 2004

The Honorable Jan Drago
City Hall, 2nd Floor
600 4th Ave
Seattle, WA 98104

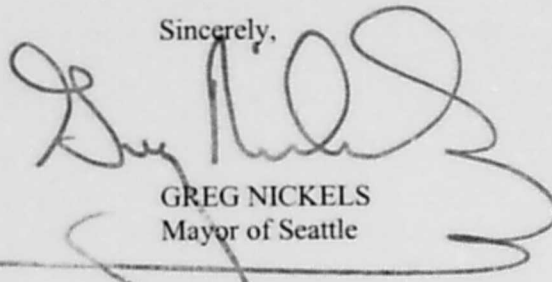
Dear Council President Drago:

Our nation was founded on the principle that life, liberty and the pursuit of happiness are unalienable rights guaranteed for all. I am pleased to transmit to the Seattle City Council three Council Bills that confirm Seattle's commitment to provide equal benefits to our married employees and volunteers and equal privileges to our business licensees. Passage of this legislation, along with the Executive Order signed on Monday, marks a step forward in fulfilling our nation's promise. Additional legislation protecting all City residents who are married, regardless of sexual orientation, will be sent to Council separately.

- The first Council Bill confirms that all married City of Seattle employees shall receive equal sick leave, family leave, medical leave and funeral leave benefits, regardless of whether their marriage partner is of the same or opposite gender.
- The second Council Bill confirms that the City will make decisions regarding the assignment or transfer of business licenses and amusement device licenses to a spouse without regard to whether the marital community is comprised of marriage partners of the same or opposite gender.
- The third Council Bill confirms that the City will defend claims against its volunteers and their marital communities on the same terms whether the marital community is comprised of marriage partners of the same or opposite gender.


As I stated on Monday when signing the Executive Order, I firmly believe that treating same sex marriages the same as heterosexual marriages is a matter of fairness. We take an oath to use our public offices to protect the constitutional rights of all Seattle's residents. This marks a great opportunity for the City of Seattle to take a stand in support of civil rights and building strong families in our City.

Sincerely,



GREG NICKELS
Mayor of Seattle

Seattle City Hall, 7th Floor, 600 Fourth Avenue, P.O. Box 94749, Seattle, WA 98124-4749
Tel (206) 684-4000 • TDD (206) 615-0476 • Fax (206) 684-5360 • www.seattle.gov/mayor

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STATE OF WASHINGTON - KING COUNTY

--SS.

171490
CITY OF SEATTLE, CLERKS OFFICE

No. ORDINANCE IN FULL

Affidavit of Publication

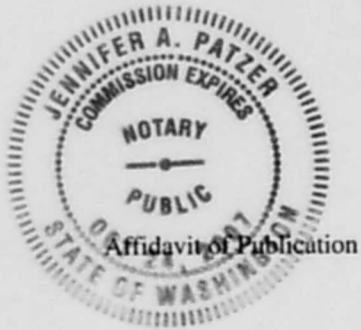
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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 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:121440 ORD IN FULL

was published on

4/29/2004



Phil Dand

Subscribed and sworn to before me on

4/29/2004

Jennifer Patzer

Notary public for the State of Washington,
residing in Seattle

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State of Washington, King County

City of Seattle

ORDINANCE 171440

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WHEREAS, marriage evidences the type of committed relationship the City wants to encourage and nurture among its employees, thereby increasing employee morale and efficiency; and

WHEREAS, the City of Seattle has long been a leader in efforts to expand civil rights, including the civil rights of its employees, and for many years has prohibited discrimination, including in its provision of benefits to City employees, on the basis of sexual orientation; and

WHEREAS, the City of Seattle has for many years operated a domestic partnership program in which registered domestic partners are eligible for certain employment benefits; and

WHEREAS, nothing in federal or state law prohibits the City of Seattle from providing employee benefits to its employees who are married to a person of the same gender; and

WHEREAS, Mayor Greg Nickels issued Executive Order #02-04 on March 8, 2004, regarding city policy toward City of Seattle employees who are married to a person of the same gender;

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Passed by the City Council the 12th day of April, 2004, and signed by me in open session in authentication of its passage this 12th day of April, 2004.

Ja. Drago

President of the City Council

Approved by me this 20th day of April, 2004.

Gregory J. Nickels, Mayor

Filed by me this 20th day of April 2004.

(Seal) Judith Pippin, City Clerk

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, April 29, 2004.

4/29(171490)

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