

Ordinance No. 121454

Council Bill No. 114868

The City of Seattle
Council Bill/Ordinance

AN ORDINANCE amending Seattle Municipal Code Section 4.24.035, Paid sick leave-Use, to permit employees to use paid sick leave, with approval, for the non-medical care of their newborn children and the non-medical care of children placed with them for adoption.

Approved 2-1
4-26-04 Passed

CF No. _____

Date Introduced: <u>APR 12 2004</u>	
Date 1st Referred: <u>APR 12 2004</u>	To: (committee) <u>Finance & Budget</u>
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: <u>4-26-04</u>	Full Council Vote: <u>9-0</u>
Date Presented to Mayor: <u>4-27-04</u>	Date Approved: <u>5/7/04</u>
Date Returned to City Clerk: <u>5/7/04</u>	Date Published: <u>4/28</u>
Date Vetoed by Mayor:	Date Veto Published:
Date Passed Over Veto:	Veto Sustained:

This file is complete and ready

Law Department
Law Dept. Review

1 B. An officer's or employee's request for paid sick leave may be granted by the
2 appointing authority or a designated management representative when the officer or employee
3 chooses to be absent from work for the:

4 1. Non-medical care of a newborn child of the officer or employee or his or her
5 spouse or domestic partner; or

6 2. Non-medical care of a dependent child placed with the officer or employee or
7 his or her spouse or domestic partner for purposes of adoption, including any time away from
8 work prior to or following placement of the child to satisfy legal or regulatory requirements for
9 the adoption.

10 Paid sick leave used for the purposes contemplated by this subsection must end before the
11 first anniversary of the child's birth or placement.

12 ~~((B-))~~C. An officer or employee may participate in City-sponsored blood drives as a
13 non-compensated donor without deduction of pay or paid leave balances. Such participation will
14 include the time required to travel from the work site to the blood drive location and return to the
15 work site, and a reasonable recuperation period, but may not exceed three (3) hours per
16 occurrence.

17 ~~((C-))~~D. 1. Officers and regularly appointed employees shall be eligible for up to five
18 (5) workdays or forty (40) hours, whichever is less, of absence from their usual worksite without
19 reduction in pay or use of paid leave to the extent their absence is medically necessary for the
20 purpose of being a transplant donor, as that term is defined in this subsection. "Transplant
21 donor" means a regularly appointed employee or officer who:
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1 a. Voluntarily donates his or her bone marrow, other tissue, or organ to
2 a human recipient for whom that particular donation has been medically
3 matched and determined to be uniquely suited or critical to a successful
4 outcome in a medical procedure intended to save the recipient's life;

5 b. Receives no compensation and has no ability to direct any
6 compensation to any other person or entity for the officer or employee's
7 donation or participation as a donor;
8

9 c. Provides to his or her appointing authority reasonable advance
10 written notice of his or her need to be absent from the usual worksite as well
11 as the reason for and expected duration of the absence;
12

13 d. Provides written documentation satisfactory to his or her
14 appointing authority from an accredited medical institution, organization or
15 individual of the need for the officer or employee to participate as a donor;
16 and
17

18 e. Has not been a transplant donor under this subsection ((E))D for a
19 different medical procedure within the twelve (12) months immediately
20 preceding the date when the absence under this subsection would commence.
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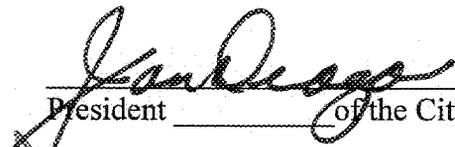
22 2. A transplant donor for whom an absence in excess of the time allowed in
23 subsection ((E))D1 is documented as being medically necessary shall be eligible to
24 use any appropriate available leave balance or take unpaid leave in accordance with
25 existing City ordinances and rules.
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3. No absence is authorized under this subsection ((E))D for tests or for other pre-donation appointments.

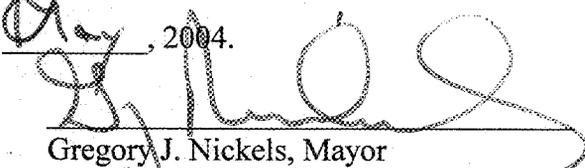
Section 2. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 26th day of April, 2004, and signed by me in open session in authentication of its passage this 26th day of April, 2004.



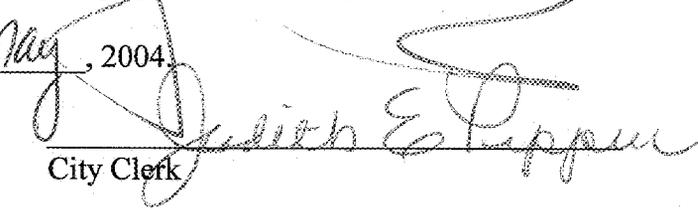
President _____ of the City Council

Approved by me this 7 day of May, 2004.



Gregory J. Nickels, Mayor

Filed by me this 7 day of May, 2004.



City Clerk

(Seal)





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

March 19, 2004

Honorable Jan Drago
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Drago:

One of the top priorities for my Administration is ensuring that we build strong families and healthy communities. And one way to accomplish this important goal is by giving children a strong start in life. The first year of life is critically important to a child's development and this bill will help our city employees provide their children with a healthy start in life. The bill will allow them to use their available sick leave time after the birth of a child or for a child placed with an employee for adoption.

Currently, the City of Seattle's leave plan allows an employee to accrue up to 96 hours of sick leave per calendar year. The City's leave plan allows employees to use their sick leave to care for spouses, grandparents, parents, and dependent children when these eligible family members have a qualifying medical condition. The attached Council Bill proposes an amendment to Seattle Municipal Code 4.24.035 to expand the authorized use of sick leave to include time off for parenting leave. Employees who become either biological or adoptive parents will therefore be eligible to use sick leave to care for their newborn or recently placed adoptive children. It also allows an employee to use sick leave to attend legal appointments necessary for the placement of an adopted child.

Passage of this ordinance will bring the City of Seattle into accord with other jurisdictions such as, Washington state and King County which allow their employees to use sick leave for parenting leave, with some limitations. Should you have questions regarding this legislation please contact Kathy Steinmeyer at 684-7921.

Sincerely,



GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4747

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E:mail: mayors.office@ci.seattle.wa.us

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FISCAL NOTE FOR NON-CAPITAL PROJECTS

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

Legislation Title:

AN ORDINANCE amending Seattle Municipal Code Section 4.24.035, Paid sick leave-Use, to permit employees to use paid sick leave, with approval, for the non-medical care of their newborn children and the non-medical care of children placed with them for adoption.

• **Summary of the Legislation:**

The ordinance revises SMC Section 4.24.035 to permit employee use of sick leave for parenting leave during the first year following the birth of a child or placement of a child for adoption (including time off to attend appointments related to legal and regulatory adoption requirements).

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

Currently the City's sick leave program, codified at SMC Chapter 4.24, limits use of sick leave to absences caused by a medical condition of the employee or his or her eligible family member. There is no provision for a new biological or adoptive parent to take paid sick leave for bonding; their options are to use vacation balances and unpaid leave of absence or unpaid family and medical leave. Congress clearly recognized the value of time off for non-medical reasons related to childbirth and adoption with the passage of the Family and Medical Leave Act of 1993. However, becoming a parent is a life event ill-suited to unpaid time off for most employees.

• *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.)*



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: This ordinance does not request additional appropriation authority. It expands the authorized usage of accumulated sick leave which departments absorb into existing budgets and will require no additional appropriation authority. We do not know how much, if any, of an increase in sick leave use will result from the proposed revision to the sick leave ordinance. The number of covered dependents in our benefits programs with birthdates in 2001 is 310; with birthdates in 2002, 297; and with birthdates in 2003, 283. If one eligible employee per dependent took 30 days of sick leave under this provision, that represents an average of 8,900 additional days of sick leave use per year. However, we assume that most of those employees would use some or all of that sick leave for dependent care at some time. The only real differential may be in the cost of backfilling for an employee who takes 30 consecutive work days off vs. not backfilling for an employee who takes 1 or 2 days off at a time.

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:

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



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:

- **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.)

None

- **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.)

The City could develop and implement a paid parenting leave plan separate from sick leave, but this would create a paid leave program that provides a more generous leave allotment to new parents than to other employees.

- **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:



STATE OF WASHINGTON – KING COUNTY

--SS.

172014
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:121454 ORD IN FULL

was published on

5/13/2004



Mel Dond

Subscribed and sworn to before me on

5/13/2004

Jennifer Patzer

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

ORDINANCE 227454

AN ORDINANCE amending Seattle Municipal Code Section 4.24.035, Paid sick leave - Use, to permit employees to use paid sick leave, with approval, for the non-medical care of their newborn children and the non-medical care of children placed with them for adoption.

WHEREAS, the family and medical leave program, permits employees to take unpaid time off for the non-medical care of newborn children and children placed with employees for adoption, but many employees cannot afford to be absent without pay at a time when their family-related expenses are increasing; and

WHEREAS, allowing employees to access their accumulated sick leave for this purpose demonstrates the City's support for their successful parenting experience; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code Section 4.24.035, Paid sick leave - Use, Ordinance 112088 as amended, is hereby further amended as follows:

SMC 4.24.035 Paid sick leave - Use.

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

1. A personal illness, injury or medical disability incapacitating the officer or employee for the performance of duty, or personal medical or dental appointments; or

2. An illness, injury, or medical or dental appointment of an officer's or employee's eligible family member as defined by SMC Section 4.04.005A, requiring the absence of the officer or employee from work, or when such absence is recommended by a health care professional.

B. An officer's or employee's request for paid sick leave may be granted by the appointing authority or a designated management representative when the officer or employee chooses to be absent from work for the:

1. Non-medical care of a newborn child of the officer or employee or his or her spouse or domestic partner; or

2. Non-medical care of a dependent child placed with the officer or employee or his or her spouse or domestic partner for purposes of adoption, including any time away from work prior to or following placement of the child to satisfy legal or regulatory requirements for the adoption.

Paid sick leave used for the purposes contemplated by this subsection must end before the first anniversary of the child's birth or placement.

(B.)C. An officer or employee may participate in City-sponsored blood drives as a non-compensated donor without deduction of pay or paid leave balances. Such participation will include the time required to travel from the work site to the blood drive location and return to the work site, and a reasonable recuperation period, but may not exceed three (3) hours per occurrence.

(C.)D. 1. Officers and regularly appointed employees shall be eligible for up to five (5) workdays or forty (40) hours, whichever is less, of absence from their usual worksite without reduction in pay or use of paid leave to the extent their absence is medically necessary for the purpose of being a transplant donor, as that term is defined in this subsection. "Transplant donor" means a regularly appointed employee or officer who:

a. Voluntarily donates his or her bone marrow, other tissue, or organ to a human