

Ordinance No. 123087

Council Bill No. 116639

AN ORDINANCE relating to City employment; amending SMC Section 4.04.035 authorizing employee use of sick leave for the care of a child whose school or childcare service is cancelled during and due to a pandemic emergency; amending SMC Section 4.04.040 to modify reporting requirements for payment of sick leave used during a pandemic emergency; and ratifying and confirming prior acts.

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____



Councilmember

Committee Action:

pass 3-0 M, SG, TR 9/9/09 (UH)

9-14-09 Passed 9-0

CF No. _____

| | | |
|--|--|--|
| Date Introduced: <u>9.8.09</u> | | |
| Date 1st Referred: | To: (committee) <u>Culture Civil Rights</u> | |
| Date Re - Referred: | To: (committee) <u>Health + Personnel</u> | |
| Date Re - Referred: | To: (committee) | |
| Date of Final Passage: <u>9-14-09</u> | Full Council Vote: <u>9-0</u> | |
| Date Presented to Mayor: <u>9-15-09</u> | Date Approved: <u>9.21.09</u> | |
| Date Returned to City Clerk: <u>9.24.09</u> | Date Published: <u>4</u> | T.O. F.T. <input checked="" type="checkbox"/> |
| Date Vetoed by Mayor: | Date Veto Published: | |
| Date Passed Over Veto: | Veto Sustained: | |

This file is complete and ready for presentation to Full Council. Committee: _____ (initial/date)

Law Department

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

ORDINANCE 123087

AN ORDINANCE relating to City employment; amending SMC Section 4.04.035 authorizing employee use of sick leave for the care of a child whose school or childcare service is cancelled during and due to a pandemic emergency; amending SMC Section 4.04.040 to modify reporting requirements for payment of sick leave used during a pandemic emergency; and ratifying and confirming prior acts.

WHEREAS, public health experts have been predicting the recurrence of a pandemic influenza for some time; and

WHEREAS, the City of Seattle has formulated a disaster response plan to a pandemic flu emergency that involves the widespread closure of public venues and facilities, including schools and daycare centers, in the case of such pandemic event; and

WHEREAS, the City resolves to mitigate the hardship of those City workers with dependent children experiencing childcare facility and school closures related to a pandemic emergency, and those City workers required to use sick leave for absences from work for health reasons during a pandemic emergency.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code 4.24.035 shall be amended to read as follows:

SMC 4.24.035 Paid Sick Leave – Use

E. 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 upon cancellation of his or her child's school, daycare facility, or other childcare service or program due to public health reasons related to a pandemic emergency declared by the Local Health Officer or the Washington State Secretary of Health. Sick leave



1 used for such purpose shall only be authorized for the duration of the cancellation, and for the
2 employee to care for a child who is under the age of eighteen and who is a foster, biological,
3 adopted or step child of the employee or the employee's spouse or domestic partner, or a legal
4 ward or a child for whom the employee or his or her spouse/domestic partner stands in loco
5 parentis and whose school or daycare or childcare service has been cancelled due to public health
6 reasons related to a pandemic emergency.

8 Section 2. Seattle Municipal Code 4.24.040 shall be amended to read as follows:

10 SMC 4.24.040 Sick Leave Reporting – Payment

11
12 A. Compensation for absence of an officer or employee from duty for any reason contemplated
13 in Section 4.24.035 shall be paid upon approval of such absentee's appointing authority or that
14 authority's designee. In order to receive compensation for such absence, an officer or employee
15 shall make himself or herself available for such investigation, medical or otherwise, as such
16 appointing authority or the Personnel Director deems appropriate. Either such appointing
17 authority or the Personnel Director may require a supporting report of a health care professional
18 from the officer or employee. Compensation for absences beyond four (4) days shall be paid only
19 after approval by such absentee's appointing authority or that authority's designee, of a request
20 from the officer or employee supported by a report of the health care professional treating the
21 officer or employee or an individual identified in SMC Section 4.24.035 A2, or by a health care
22 professional selected by the Personnel Director. Upon request by the employing unit, an
23 employee shall provide documentation verifying cancellation of his or her child's school,
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1 daycare facility, or other childcare service or program for sick leave use as authorized in SMC

2 4.24.035 E.

3 B. The requirements of providing supporting medical documentation from a health care

4 professional set forth in SMC Section 4.24.040A for payment of sick leave authorized under

5 SMC Section 4.24.035A to cover absences greater than four (4) days shall be waived for the

6 duration of a pandemic emergency declared by the Local Health Officer or the Washington State

7 Secretary of Health.

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9
10 Section 3. Any acts made consistent with the authority of this ordinance taken after its passage

11 and prior to the effective date are hereby ratified and confirmed.

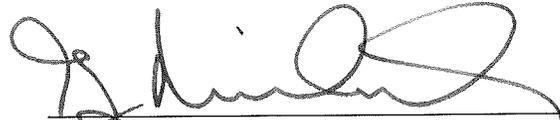


1 Section 4. This ordinance shall take effect and be in force thirty (30) days from and after
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

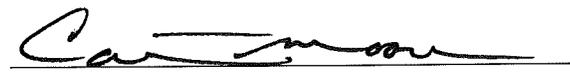
4 Passed by the City Council the 14th day of September, 2009, and
5 signed by me in open session in authentication of its passage this
6 14th day of September, 2009.

7
8 
9 _____
10 President _____ of the City Council

11 Approved by me this 21st day of September, 2009.

12
13 
14 _____
15 Gregory J. Nickels, Mayor

16 Filed by me this 24th day of September, 2009.

17
18 
19 _____
20 City Clerk

21 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

| Department: | Contact Person/Phone: | DOF Analyst/Phone: |
|--------------------|---|---------------------------|
| Personnel | David Bracilano/47874 Sarah Butler/47929 | Amy Williams/32651 |

Legislation Title:

AN ORDINANCE relating to City employment; amending SMC Section 4.04.035 authorizing employee use of sick leave for the care of a child whose school or childcare service is cancelled during and due to a pandemic emergency; amending SMC Section 4.04.040 to modify reporting requirements for payment of sick leave used during a pandemic emergency; and ratifying and confirming prior acts.

• **Summary of the Legislation:**

This legislation amends the Seattle Municipal Code to expand use of sick leave during a pandemic emergency and to modify reporting requirements for sick leave use in a pandemic emergency. Such expanded use of sick leave and reporting requirements are only authorized for the duration of a pandemic emergency declared by the Washington State Secretary of Health or the Local Health Officer.

In a pandemic event, employees may use sick leave to cover their absence to care for their children whose schools or other childcare services (including non-institutional childcare or other programs that provides childcare) are cancelled for public health reasons. This proposed legislation amends the Seattle Municipal Code to require that, upon request of the employee's department, the employee must provide documentation verifying closure of a school or cancellation of a childcare service.

This legislation also amends the Seattle Municipal Code to waive reporting requirements for payment of sick leave covering employees' absences for their own illness or injury or to care for an eligible family member with an illness or injury during a pandemic event. Outside of a pandemic emergency, employees are required to submit a doctor's note verifying their illness or injury for absences greater than four days.

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

Public health experts have been predicting the recurrence of a pandemic influenza for several years. Schools and childcare facilities are likely to be closed as a social distancing measure to prevent further spread of the influenza virus, and health care providers are likely to be operating over capacity.

This Council Bill has been proposed to mitigate the financial hardship of those City workers required to miss work to care for a child whose school or childcare service has been cancelled. Additionally, in an effort to ease the burden on the health care system and City employees, this



Council Bill amends the Seattle Municipal Code to waive current requirements that employees get a report from a health care provider in order to use sick leave to be paid for absences greater than four days during a pandemic event.

- *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.)*

This proposed Council Bill expands the authorized usage of sick leave which departments will absorb into existing budgets, and does not request additional appropriation authority. The amount of sick leave use resulting from this proposed Council Bill depends on a variety of factors that are difficult to quantify, such as the number and length of school and childcare facility closures, amount of sick leave accumulated by employees, and alternative childcare arrangements available to employees in the event of a pandemic flu event. Should a pandemic emergency occur, this proposed Council Bill will likely increase the number of sick leave hours compared to what would have otherwise been used. However, most of those employees would likely use some or all of that sick leave for dependent care at some time.

Additionally, there may be a cost associated with waiving sick leave reporting requirements during a pandemic emergency which departments will also absorb into their existing budgets. This cost is also difficult to quantify; however, it may be offset by decreased health care costs associated with doctor's reports required for payment of employees' sick leave use for absences greater than four days.

- **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.)*

If this legislation is not implemented, employees without adequate vacation, compensatory time or other non-sick leave balances would be required to take leave without pay to care for well children whose schools and childcare services have been closed during a pandemic. Additionally, employees will need to obtain a doctor's note from already overburdened health care providers responding to pandemic conditions in order to receive payment for sick leave for extended absences from work.

- **Does this legislation affect any departments besides the originating department?** • *If so, please list the affected department(s), the nature of the impact (financial, operational, etc), and indicate which staff members in the other department(s) are aware of this Bill.*

All City departments will be affected by this legislation. The impact will be financial, and



will be greater for departments who have minimum staffing levels requiring them to backfill absent employees.

- **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.)*

None.

- **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):*

None.

- **List attachments to the fiscal note below:** *(Please include headers with version numbers on all attachments, as well footers with the document's name (e.g., DOF Property Tax Fisc Att A)*

None.





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

August 25, 2009

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit to you a proposed Council Bill amending the Seattle Municipal Code to expand use of sick leave during a pandemic emergency to include the care of children whose schools or childcare services are cancelled for public health reasons, and to modify employee reporting requirements for sick leave use during a pandemic emergency.

Public health officials have been predicting a recurrence of a pandemic influenza for some time, during which schools and childcare facilities are likely to be closed as a way to prevent further spread of the virus, with health care providers likely operating over capacity treating people with related complications. This Council Bill will amend the Seattle Municipal Code to allow employees to use their accumulated sick leave to care for a child whose school or childcare service has been cancelled during a declared pandemic emergency. This Council Bill also amends the Seattle Municipal Code to waive the requirement for employees to submit a doctor's report when using sick leave to cover absences greater than four days during a declared pandemic event.

Thank you for your consideration of this legislation. Should you have questions, please contact David Bracilano at ext. 47874 or Sarah Butler at extension 47929.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over a large, faint circular stamp or watermark.

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 615-0476 Fax: (206) 684-5360, Email: mayors.office@seattle.gov

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STATE OF WASHINGTON – KING COUNTY

--SS.

245558
CITY OF SEATTLE, CLERKS OFFICE

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.

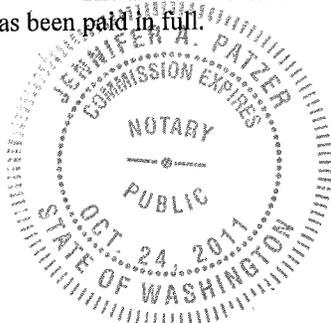
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123087 ORDINANCE

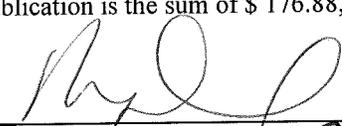
was published on

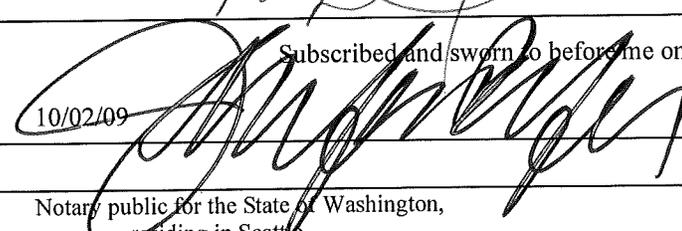
10/02/09

The amount of the fee charged for the foregoing publication is the sum of \$ 176.88, which amount has been paid in full.



Affidavit of Publication



Subscribed and sworn to before me on
10/02/09 

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

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B. The requirements of providing supporting medical documentation from a health care professional set forth in SMC Section 4.24.040A for payment of sick leave authorized under SMC Section 4.24.035A to cover absences greater than four (4) days shall be waived for the duration of a pandemic emergency declared by the Local Health Officer or the Washington State Secretary of Health.

Section 3. Any acts made consistent with the authority of this ordinance taken after its passage and prior to the effective date are hereby ratified and confirmed.

Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 14th day of September, 2009, and signed by me in open session in authentication of its passage this 14th day of September, 2009.

Richard Conlin

President of the City Council

Approved by me this 21st day of September, 2009.

Gregory J. Nickels, Mayor

Filed by me this 24th day of September, 2009.

Publication ordered by the City Clerk
Date of publication in the Seattle Daily Journal of Commerce, October 2, 2009.

10/2(245568)