Ordinance No. 123143

Council Bill No. 116706

AN ORDINANCE relating to City employment; amending SMC Section 4.24.035 and SMC Section 4.24.040 to revise the conditions under which sick leave may be used during a pandemic influenza outbreak; and ratifying and confirming prior acts.

CF No. _____

Date Introduced: 10.26.09	
Date 1st Referred:	To: (committee) Full Council
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: 11-02-09	Full Council Vote: 9-0
Date Presented to Mayor: 11-03-09	Date Approved: 11.4.09
Date Returned to City Clerk: 11.4.09	Date Published: T.O. ___ F.T. ✓
Date Vetoed by Mayor:	Date Veto Published:
Date Passed Over Veto:	Veto Sustained:

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____
Councilmember

Committee Action:

11-2-09 Passed 9-0

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

Mark McDermott/David Bracilano/sb
PERS Pandemic Sick Leave Amendment ORD
October 19, 2009
Version #1

ORDINANCE 123143

AN ORDINANCE relating to City employment; amending SMC Section 4.24.035 and SMC Section 4.24.040 to revise the conditions under which sick leave may be used during a pandemic influenza outbreak; and ratifying and confirming prior acts.

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

WHEREAS, the City of Seattle has formulated a disaster response plan to a pandemic influenza that involves the widespread closure of public venues and facilities, and cancellation of schools, daycare programs or other childcare services, in the case of such pandemic event; and

WHEREAS, the Seattle Municipal Code identifies the local "Health Officer" as the Director of Public Health for the Seattle King County Public Health Department or a duly authorized representative; and

WHEREAS, the City resolves to mitigate the hardship of those City workers with dependent children experiencing childcare service and school cancellations related to pandemic influenza, and those City workers required to use sick leave for absences from work for health reasons during a pandemic influenza outbreak; and

WHEREAS, the Seattle City Council passed Ordinance No. 123087 in September 2009 attempting to address these issues, but the language of the ordinance was not effectual because the local Health Officer does not anticipate ever declaring a pandemic emergency, which was a condition for the use of sick leave and the modification of reporting requirements in Ord. No. 123087;

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

***

CITY COUNCIL CLERK

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 influenza ((~~emergency declared by the Local Health Officer or the Washington State Secretary of Health~~)). The Mayor shall consult with the local Health Officer or the Washington State Secretary of Health prior to implementing this provision. Sick leave used for such purpose shall only be authorized for the duration of the cancellation, and for the employee to care for a child who is under the age of eighteen and who is a foster, biological, adopted or step child of the employee or the employee's spouse or domestic partner, or a legal ward or a child for whom the employee or his or her spouse/domestic partner stands in loco parentis and whose school or daycare or childcare service has been cancelled due to public health reasons related to ((a)) pandemic influenza ((~~emergency~~)).

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

SMC 4.24.040 Sick Leave Reporting – Payment

A. Compensation for absence of an officer or employee from duty for any reason contemplated in Section 4.24.035 shall be paid upon approval of such absentee's appointing authority or that authority's designee. In order to receive compensation for such absence, an officer or employee shall make himself or herself available for such investigation, medical or otherwise, as such appointing authority or the Personnel Director deems appropriate. Either such appointing authority or the Personnel Director may require a supporting report of a health care professional

CITY COUNCIL CLERK

from the officer or employee. Compensation for absences beyond four (4) days shall be paid only after approval by such absentee's appointing authority or that authority's designee, of a request from the officer or employee supported by a report of the health care professional treating the officer or employee or an individual identified in SMC Section 4.24.035 A2, or by a health care professional selected by the Personnel Director. Upon request by the employing unit, an employee shall provide documentation verifying cancellation of his or her child's school, daycare ((~~facility~~)), or other childcare service or program for sick leave use as authorized in SMC 4.24.035 E.

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 by the Mayor on the advice of the local Health Officer for the duration of time that any schools, daycare programs, or other childcare services in King County are cancelled due to ((a)) pandemic influenza ((~~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 2nd day of November, 2009, and signed by me in open session in authentication of its passage this 2nd day of November, 2009.

President _____ of the City Council

Approved by me this 4th day of November, 2009.

Gregory J. Nickels, Mayor

Filed by me this 4th day of November, 2009.

City Clerk

(Seal)

Form revised May 26, 2009

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 4.24.035 and SMC Section 4.24.040 to revise the conditions under which sick leave may be used during a pandemic influenza outbreak; and ratifying and confirming prior acts.

- **Summary of the Legislation:**

This legislation amends the Seattle Municipal Code to provide for conditions under which the Mayor may authorize expanded use of sick leave during a pandemic influenza outbreak.

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

The Seattle City Council passed Ordinance No. 123087 in September 2009 amending the Seattle Municipal Code to modify use and administration of sick leave during a pandemic emergency declared by the local Health Officer or Washington State Secretary of Health. The ordinance sought to 1) allow employees to use sick leave to care for dependent children whose schools were cancelled for public health reasons during a pandemic emergency, and 2) waive the requirement for employees to obtain a doctor's note in order to use sick leave to cover extended absences for illness during a pandemic emergency. However, the language of the ordinance was not effectual because the local Health Officer does not anticipate ever declaring a "pandemic emergency." This legislation revises the language of the Seattle Municipal Code to provide that the Mayor may implement expanded use of sick leave as described above only after consultation with the local Health Officer and only when schools and childcare services are cancelled for public health reasons.

- *Please check one of the following:*

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

This legislation seeks to address legal issues associated with what will trigger expanded use of sick leave during a pandemic as authorized by Ordinance 123087. There are no costs beyond what was authorized under Ordinance 123087 associated with this legislation.

City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

October 20, 2009

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

Dear Council President Conlin:

I am transmitting the attached proposed Council Bill, amending Seattle Municipal Code Chapter 4.24 to clarify the terms and conditions under which employee sick leave will be authorized during an outbreak of pandemic influenza.

In September 2009, the Seattle City Council passed Ordinance 123087 to modify the use and administration of sick leave during a pandemic emergency. The ordinance authorized employees to use sick leave to care for dependent children whose schools were cancelled for public health reasons during a pandemic emergency, and waive the requirement for employees to obtain a doctor's note for extended absences due to illness during a pandemic emergency. This expanded use of sick leave was to be effective upon the declaration of a pandemic emergency by the local Health Officer or Washington State Secretary of Health. The local Health Officer does not expect to ever formally declare a "pandemic emergency." The attached Bill will authorize the Mayor, after consulting with the local Health Officer, to implement expanded use of sick leave when schools and childcare services are cancelled for public health reasons related to a pandemic influenza.

Thank you for your consideration of this legislation. Should you have questions, please contact David Braciland at (206)684-7874 or Sarah Butler at (206)684-7929.

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 98124-4749
Tel: (206) 684-4000, TDD: (206) 615-0476 Fax: (206) 684-5360, Email: mayors.office@seattle.gov
An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.

STATE OF WASHINGTON – KING COUNTY

--ss.

246893 No.

CITY OF SEATTLE,CLERKS OFFICE

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:ORDINANCE 123143

was published on

11/09/09

The amount of the fee charged for the foregoing publication is the sum of $ 205.18, which amount has been paid in full.

Subscribed and sworn to before me on

11/09/09

Notary public for the State of Washington,
residing in Seattle

JENNIFER A. PATZER
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
OCT. 24, 2011

State of Washington, King County

City of Seattle
Ordinance 123143

ORDINANCE 123143

AN ORDINANCE relating to City employment; amending SMC Section 4.24.035 and SMC Section 4.24.040 to revise the conditions under which sick leave may be used during a pandemic influenza outbreak; and ratifying and confirming prior acts.

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

WHEREAS, the City of Seattle has formulated a disaster response plan to a pandemic influenza that involves the widespread closure of public venues and facilities, and cancellation of schools, daycare programs or other childcare services, in the case of such pandemic event; and

WHEREAS, the Seattle Municipal Code identifies the local "Health Officer" as the Director of Public Health for the Seattle King County Public Health Department or a duly authorized representative; and

WHEREAS, the City resolves to mitigate the hardship of those City workers with dependent children experiencing childcare service and school cancellations related to pandemic influenza, and those City workers required to use sick leave for absences from work for health reasons during a pandemic influenza outbreak; and

WHEREAS, the Seattle City Council passed Ordinance No. 123087 in September 2009 attempting to address these issues, but the language of the ordinance was not effectual because the local Health Officer does not anticipate ever declaring a pandemic emergency, which was a condition for the use of sick leave and the modification of reporting requirements in Ord. No. 123087;

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 influenza ((emergency declared by the Local Health Officer or the Washington State Secretary of Health)). The Mayor shall consult with the local Health Officer or the Washington State Secretary of Health prior to implementing this provision. Sick leave used for such purpose shall only be authorized for the duration of the cancellation, and for the employee to care for a child who is under the age of eighteen and who is a foster, biological, adopted or step child of the employee or the employee's spouse or domestic partner, or a legal ward or a child for whom the employee or his or her spouse/domestic partner stands in loco parentis and whose school or daycare or childcare service has been cancelled due to public health reasons related to ((a)) pandemic influenza ((emergency)).

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

SMC 4.24.040 Sick Leave Reporting – Payment

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

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 by the Mayor on the advice of the local Health Officer for the duration of time that any schools, daycare programs, or other childcare services in King County are cancelled due to ((a)) pandemic influenza ((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 2nd day of November, 2009, and signed by me in open session in authentication of its passage this 2nd day of November, 2009.

Richard Conlin,

President of the City Council

Approved by me this 4th day of November, 2009.

Gregory J. Nickels,

Mayor

Filed by me this 4th day of November, 2009.

Publication ordered by the City Clerk

Date of publication in the Seattle Daily Journal of Commerce, November 9, 2009.

11/9(246893)