

Ordinance No. 123788

Council Bill No. 117368

AN ORDINANCE relating to City employment; adding a new section to Seattle Municipal Code Chapter 4.34 that authorizes eligible City of Seattle employees to convert accumulated and unused vacation to cash to benefit relief efforts on behalf of victims of natural disasters.

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: *James Golden*
Councilmember

Committee Action:

12/6
Do pass ~~as amended~~ = JG, M, O, B, N, L

CF No. _____

Date Introduced:	<u>Dec. 5, 2011</u>	
Date 1st Referred:	<u>Dec. 5, 2011</u>	To: (committee) <u>Finance and Budget</u>
Date Re - Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	<u>12.12.11</u>	Full Council Vote: <u>8-0</u>
Date Presented to Mayor:	<u>12.18.11</u>	Date Approved: <u>Dec. 19, 2011</u>
Date Returned to City Clerk:	<u>Dec. 19, 2011</u>	Date Published: _____ T.O. <input checked="" type="checkbox"/> F.T. _____
Date Vetoed by Mayor:		Date Veto Published: _____
Date Passed Over Veto:		Veto Sustained: _____

12.12.11 Passed 8-0 Excused: TR

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 123788

1
2 AN ORDINANCE relating to City employment; adding a new section to Seattle Municipal Code
3 Chapter 4.34 that authorizes eligible City of Seattle employees to convert accumulated
4 and unused vacation to cash to benefit relief efforts on behalf of victims of natural
5 disasters.

6 WHEREAS, natural hazards such as earthquakes, tsunamis, hurricanes and floods can result in
7 natural disasters that threaten life, property and critical systems; and

8 WHEREAS, natural disasters, whether they occur within the United States or other countries,
9 can leave individuals homeless or without food, clothing, water, or other basic necessities
10 for survival and overwhelm communities' capabilities to respond and recover; and

11 WHEREAS, the City of Seattle has examined opportunities for City employees with specific
12 skills to assist agencies or to provide personal financial contributions for disaster relief
13 efforts; and

14 WHEREAS, City of Seattle employees have supported disaster relief efforts in the past through
15 monetary contributions, volunteering their time, or donating the cash value of vacation
16 leave; and

17 WHEREAS, in response to previous humanitarian crises, the United States Internal Revenue
18 Service determined that it would not assert that donations of cash converted from
19 employee vacation leave balances constituted gross income or wages; and that such
20 donations did not result in constructive receipt of gross income or wages for employees;

21 NOW, THEREFORE,

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

23 Section 1. A new Section 4.34.075 is added to the Seattle Municipal Code as follows:

24 **4.34.075 Donation of Vacation Leave for Natural Disaster Relief Efforts**

25 A. Any employee who earns vacation under Seattle Municipal Code Chapter 4.34 and
26 who is otherwise eligible to use vacation may voluntarily authorize the conversion of
27 accumulated and unused vacation balances to cash for transmission by the City to a
28 designated agency for the purposes of funding natural disaster relief. An employee



1 may not convert more than 20 hours of his or her vacation time over the course of a
2 calendar year, and must convert vacation time in one-hour increments. An employee
3 may only convert vacation time for donation of funds to an agency designated under
4 the process and consistent with the criteria provided in Seattle Municipal Code
5 4.34.075(C) and for a natural disaster or disasters designated under the process and
6 consistent with the criteria provided in Seattle Municipal Code 4.34.075(B).
7

- 8 1. The Personnel Director shall provide and the donating employee shall sign a
9 form stating the employee's consent to and approval of conversion of vacation
10 hours. The employee shall state the number of vacation hours to be converted
11 to cash for donation, and shall identify the relief agency that shall receive the
12 funds.
13
- 14 2. The amount of vacation donated by any employee shall be converted to cash
15 at the straight-time base rate of pay in effect for the employee's regular
16 position title, exclusive of premium, shift differential or longevity payment at
17 the time of donation.
18
- 19 3. The cash resulting from the converted vacation hours shall be transmitted by
20 the Personnel Director to the designated agency or agencies specifically for
21 use in the relief efforts related to natural disasters authorized by Seattle
22 Municipal Code Section 4.34.075.
23
- 24 4. Participating employees' accumulated and unused vacation balances shall be
25 reduced by the number of hours designated for conversion to cash. The
26 Director of Department of Finance and Administrative Services will adjust the
27
28

1 accumulated and unused vacation balances for employees who select to
2 participate in the natural disaster giving opportunities. The Personnel
3 Department working with the Department of Finance and Administrative
4 Services may execute, deliver and perform program and administrative duties
5 to complete the transfers of cash donations from vacation leaves to relief
6 agencies.

7
8 B. For the purposes of administering Seattle Municipal Code 4.34.075, a natural disaster
9 is defined as the effect of a natural hazard (e.g. earthquake, flood, or landslide) on
10 human populations. The Personnel Director in consultation with the Director of the
11 Office of Emergency Management shall designate which natural disasters qualify for
12 employee donations via vacation conversion under Seattle Municipal Code
13 4.34.075(A), consistent with the following criteria:

- 14
15 1. The natural disaster affects a significant portion of the country or region's
16 population and/or results in significant damage to the affected country or region's
17 infrastructure; and
18
19 2. The natural disaster affects a country or region that lacks the ability and/or
20 resources to effectively respond to the disaster; and
21
22 3. The natural disaster is of a magnitude that only two to three such disasters occur
23 in a typical year.

24 C. The Personnel Director in consultation with the Director of the Office of Emergency
25 Management shall designate which agencies qualify for employee donations via
26
27
28



1 vacation conversion under Seattle Municipal Code 4.34.075(A), consistent with the
2 following criteria:

- 3 1. The agency is internationally recognized as a leader in disaster relief and as an
4 effective responder to natural disasters; and
5 2. The agency is a non-partisan, non-governmental entity.

6
7 D. The Personnel Director shall provide a report each year by December 31 to the Chair
8 of the Finance and Budget Committee listing the relief agencies and natural disasters
9 that qualified and received donations under SMC 4.34.075(A), as well as the number
10 of hours converted and total dollars donated for natural disaster relief.

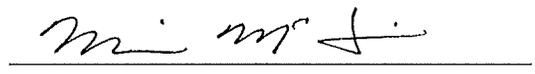
11
12 Section 2. This ordinance shall take effect and be in force 30 days after its approval by
13 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
14 shall take effect as provided by Seattle Municipal Code Section 1.04.020.



1 Passed by the City Council the 12th day of December, 2011, and signed by
2 me in open session in authentication of its passage this
3 12th day of December, 2011.

4 
5 _____
6 President _____ of the City Council

7
8 Approved by me this 9th day of December, 2011.

9
10 
11 _____
12 Michael McGinn, Mayor

13 Filed by me this 19th day of December, 2011.

14 
15 _____
16 Monica Martinez Simmons, City Clerk

17 (Seal)

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FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Personnel	Barbara Gangwer/3-9149	Greg Shiring/6-4085

Legislation Title:

AN ORDINANCE relating to City employment; adding a new section to Seattle Municipal Code Chapter 4.34 that authorizes eligible City of Seattle employees to convert accumulated and unused vacation to cash to benefit relief efforts on behalf of victims of natural disasters.

Summary of the Legislation: This legislation amends the Seattle Municipal Code to authorize City of Seattle employees to convert accrued and unused vacation hours and provide the cash value of their vacation donations to disaster relief agencies. The Personnel Director, in consultation with the Director of the Office of Emergency Management, shall identify which relief agencies shall be eligible to receive the employee donations and which natural disaster responses such donations shall fund, based on selection criteria provided in the legislation. Employees may donate up to 20 hours of vacation leave to relief efforts per year. The legislation authorizes the Personnel Department with the Department of Finance and Administrative Services to execute, deliver and perform program and administrative duties to complete the transfers of cash donations from vacation leaves. The legislation also requires the Personnel Director to annually provide a report to the Chair of the Finance and Budget Committee listing the relief agencies and natural disasters that qualified and received donations, as well as the number of hours converted and total dollars donated for disaster relief.

Background: The purpose of this legislation is to provide employee giving opportunities for employees for natural disaster relief efforts. The City through Ordinances 123252 and 121948 allowed one-time opportunities to employees to donate the cash value of accrued and unused vacation leave up to 40 hours. This proposed legislation allows the City to be responsive to employee interest in donating to future natural disaster relief without additional legislation. This legislation does not limit City employees' generosity to donate their non-City affiliated time or money to benefit any relief agency or specific hazard if they wish to do so.

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.)



Appropriations:

Fund Name and Number	Department	Budget Control Level*	2011 Appropriation	2012 Anticipated Appropriation
			0	0
TOTAL			0	0

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

Appropriations Notes: No additional appropriations will be required; departments will absorb the costs from their current appropriations.

Anticipated Revenue/Reimbursement: Resulting from this Legislation:

Fund Name and Number	Department	Revenue Source	2011 Revenue	2012 Revenue
			0	0
TOTAL			0	0

Revenue/Reimbursement Notes: N/A

Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:

Position Title and Department	Position # for Existing Positions	Fund Name & #	PT/FT	2011 Positions	2011 FTE	2012 Positions*	2012 FTE*
TOTAL				0	0	0	0

* 2012 positions and FTE are total 2012 position changes resulting from this legislation, not incremental changes. Therefore, under 2012, please be sure to include any continuing positions from 2011.

Position Notes: N/A

Do positions sunset in the future? N/A

Spending/Cash Flow:

Fund Name & #	Department	Budget Control Level*	2011 Expenditures	2012 Anticipated Expenditures
TOTAL				

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

Spending/Cash Flow Notes: This legislation will draw down unfunded liability (vacation pay) that would have otherwise remained in employee leave balances.



Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**

No.

- b) **What is the financial cost of not implementing the legislation?**

There may be financial costs associated with drafting multiple pieces of future legislation to meet the same goals of this legislation.

- c) **Does this legislation affect any departments besides the originating department?**

Yes, potentially all departments, depending on the level of vacation donations from each department.

- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**

None.

- e) **Is a public hearing required for this legislation?**

No.

- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No.

- g) **Does this legislation affect a piece of property?**

No.

- h) **Other Issues:**

The past two vacation donation giving opportunities resulted in \$90K for Katrina relief and \$40K for Haiti and Chile relief across the City. In order to mitigate the potential financial impact to the City, the legislation limits the vacation donations up to 40 hours a year.

List attachments to the fiscal note below:

None.

Other Issues: (Include long-term implications of the legislation.)

List attachments to the fiscal note below:





City of Seattle
Office of the Mayor

May 31, 2011

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

Dear Council President Conlin:

I am transmitting the attached proposed Council Bill that allows City employees to donate the cash value of their accrued and unused vacation leaves up to 40 hours each year. The donations are proposed for natural disaster relief efforts. This proposed legislation authorizes the Personnel Director to identify natural disaster giving opportunities and select charities that will receive the donations. Also, the Personnel Department and the Department of Financial and Administrative Services will have the authority to administer the giving opportunities consistent with past vacation donations.

The City Council authorized legislation in the recent past to support relief efforts associated with the effects and aftermath from Hurricane Katrina and earthquakes in Haiti and Chile. The cash value of vacation donations were given to organizations such as the American Red Cross, Habitat for Humanity, and Global Impact to name a few. These organizations provided medical care, food, water, clothing and other basic necessities through the funds received from City employees giving up their vacation hours. Approximately \$90,000 was provided for Hurricane Katrina relief and about \$40,000 was given for Haiti and Chile relief efforts.

In the wake of the New Zealand and Japan natural disasters, City employees expressed their desire to help devastated individuals and their communities. The current economic environment makes it more difficult for employees to donate from their pocketbooks and this legislation allows the employees to give in another way. Thank you for your consideration of this legislation. Should you have questions, please contact Barbara Gangwer at extension 3-9149.

Sincerely,



Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
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STATE OF WASHINGTON – KING COUNTY

--SS.

279522
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:123776-789 TITLE ONLY

was published on

12/30/11

The amount of the fee charged for the foregoing publication is the sum of \$ 204.75, which amount has been paid in full.



[Handwritten signature]

Subscribed and sworn to before me on

12/30/11

[Handwritten signature]

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on December 12, 2011, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 123776

AN ORDINANCE relating to land use and zoning; amending Sections 22.900G.010, 22.900G.015, 23.41.012, 23.47A.012, 23.73.009, 23.73.010, and 23.84A.038, and adding new Sections 23.73.005, 23.73.012, 23.73.014, 23.73.016, 23.73.018, and 23.73.024 to the Seattle Municipal Code, and amending the fee schedules for the Department of Neighborhoods and Office of Housing, in order to designate a Conservation Core area within the Pike/Pine Conservation Overlay District and to establish and administer a transfer of development potential program for the Conservation Overlay District to better preserve and enhance the character of the Pike/Pine neighborhood.

ORDINANCE NO. 123777

AN ORDINANCE relating to the City Light Department; authorizing the execution of a confirmation agreement with J.P. Morgan Ventures Energy Corporation for the purchase of environmental attributes from a 10 MW share of the Stateline Wind Project in the form of renewable energy certificates that are necessary or convenient for meeting the requirements of the Washington State Energy Independence Act; and further authorizing the execution of other necessary and convenient agreements for the receipt, tracking, transferring, management, and sale of the environmental attributes.

ORDINANCE NO. 123778

AN ORDINANCE relating to the City Light Department; authorizing the execution of two confirmation agreements with Power County Wind Park North, LLC and Power County Wind Park South, LLC for the purchase of environmental attributes in the form of renewable energy certificates that are necessary or convenient for meeting the requirements of the Washington State Energy Independence Act; and further authorizing the execution of other necessary and convenient agreements for the receipt, tracking, transferring, management, and sale of the environmental attributes.

ORDINANCE NO. 123779

AN ORDINANCE relating to the City Light Department; authorizing the Superintendent of Seattle City Light to execute an agreement with Bonneville Power Administration and Puget Sound Energy Corporation for the Preferred Puget Sound Area Plan of Service Projects and Cost

Allocation; and ratifying and confirming certain prior acts.

ORDINANCE NO. 123780

AN ORDINANCE relating to indigent public defense services; authorizing the City Budget Director to execute a contract for services with a third public defense agency.

ORDINANCE NO. 123781

AN ORDINANCE authorizing, in 2011, acceptance of funding from non-City sources; authorizing the heads of the Seattle Fire Department, Seattle Police Department, Department of Information Technology, Department of Parks and Recreation, the Office for Civil Rights, Human Services Department, Seattle City Light, Seattle Department of Transportation and Seattle Public Utilities to accept specified grants and private funding and to execute, deliver, and perform corresponding agreements; and ratifying and confirming certain prior acts.

ORDINANCE NO. 123782

AN ORDINANCE related to the 2011 Budget; amending Ordinance 123442, which adopted the 2011 Budget, including the 2011-2016 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; making cash transfers between various City funds; revising project allocations for certain projects in the 2011-2016 CIP; creating exempt positions; creating new positions; authorizing expenditures; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

ORDINANCE NO. 123783

AN ORDINANCE relating to the regulation of limousines; authorizing the Director of Finance and Administrative Services to enforce state limousine laws; adopting local laws regulating limousines consistent with state limousine laws; authorizing a cooperative agreement with the Washington Department of Licensing for the enforcement of limousine laws and regulations; creating a new Chapter 6.320 in the Seattle Municipal Code; amending the 2012 budget; and ratifying and confirming certain prior acts; all by a three-fourths vote of the City Council.

ORDINANCE NO. 123784

AN ORDINANCE, relating to City employment, to be known as the 2012 Pay Zone Ordinance; adjusting the pay zone structures for the City's discretionary pay programs for the year 2012.

ORDINANCE NO. 123785

AN ORDINANCE relating to City employment commonly referred to as the Fourth Quarter 2011 Employment Ordinance; establishing new titles and/or salaries; designating positions as exempt from Civil Service status; and ratifying and confirming prior acts; all by a 2/3 vote of the City Council.

ORDINANCE NO. 123786

AN ORDINANCE relating to economic development; creating an Economic Development Commission to advise and make recommendations to the Mayor and City Council; and establishing a new Chapter 3.15 of the Seattle Municipal Code.

ORDINANCE NO. 123787

AN ORDINANCE relating to the Seattle Ethics and Elections Commission; authorizing the Executive Director to execute an agreement with the City of Kirkland for implementing an ongoing independent ethics program for the City of Kirkland and ratifying and confirming certain prior acts.

ORDINANCE NO. 123788

AN ORDINANCE relating to City employment; adding a new section to Seattle Municipal Code Chapter 4.34 that authorizes eligible City of Seattle employees to convert accumulated and unused vacation to cash to benefit relief efforts on behalf of victims of natural disasters.

ORDINANCE NO. 123789

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Publication ordered by the City Clerk
Date of publication in the Seattle Daily Journal of Commerce, December 30, 2011.
12/30(279522)