



SEATTLE CITY COUNCIL

Legislative Summary

CB 118811

Record No.: CB 118811

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125148

In Control: City Clerk

File Created: 09/07/2016

Final Action: 09/29/2016

Title: AN ORDINANCE relating to City employment; amending Section 4.04.030 of the Seattle Municipal Code; authorizing a Memorandum of Understanding between The City of Seattle and certain City unions; and ratifying and confirming certain prior acts.

Notes:

Date
Filed with City Clerk: 9/29/2016

Mayor's Signature: 9/29/2016

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Sponsors: Burgess

Attachments: Att 1 - MOU with Unions

Drafter: sarah.butler@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	09/13/2016	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	09/13/2016	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office Notes:						
1	Council President's Office	09/15/2016	sent for review	Full Council			
	Action Text: The Council Bill (CB) was sent for review. to the Full Council Notes:						
1	Full Council	09/19/2016	referred	Full Council			
	Action Text: The Council Bill (CB) was referred. to the Full Council Notes:						
1	Full Council	09/26/2016	passed				Pass

Action Text: The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:

Notes: Motion was made and duly seconded to pass Council Bill 118811.

In Favor: 9 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien, Councilmember Sawant

Opposed: 0

1 City Clerk 09/28/2016 submitted for Mayor
Mayor's signature

1 Mayor 09/29/2016 Signed
Action Text: The Council Bill (CB) was Signed.
Notes:

1 Mayor 09/29/2016 returned City Clerk
Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:

1 City Clerk 09/29/2016 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:

CITY OF SEATTLE

ORDINANCE 125148

COUNCIL BILL 118811

AN ORDINANCE relating to City employment; amending Section 4.04.030 of the Seattle Municipal Code; authorizing a Memorandum of Understanding between The City of Seattle and certain City unions; and ratifying and confirming certain prior acts.

WHEREAS, The City is currently engaged in several large projects such as the Summit Re-Implementation project in multiple City departments, and the New Customer Information System at City Light and Seattle Public Utilities; and

WHEREAS, regularly appointed employees need to be and have been assigned to these projects for continuity of operations after the projects complete; and

WHEREAS, term-limited temporary workers are performing the “regular” body of work of regularly appointed employees who are assigned to these projects; and

WHEREAS, the Seattle Municipal Code and many collective bargaining agreements with City labor unions limit the conditions under which term-limited temporary work may be assigned; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code Section 4.04.030, last amended by Ordinance 124567, is amended as follows:

* * *

35. “Temporary worker” includes both temporary and less than half time employees and means a person who is employed in:

a. an interim assignment of up to one year to a vacant regular position to perform work associated with a regularly budgeted position that is temporarily vacant and has no incumbent; or

b. an interim assignment for short-term replacement of a regular employee of up to one year when the incumbent is temporarily absent; or

c. a short-term assignment of up to one year, which may be extended beyond one year only while the assignment is in the process of being converted to a regular position, to perform work that is not ongoing regular work and for which there is no regularly budgeted position; or

d. a less than half-time assignment for seasonal, on-call, intermittent or regularly scheduled work that normally does not exceed 1,040 hours in a year, but may be extended up to 1,300 hours once every three years and may also be extended while the assignment is in the process of being converted to a regular position; or

e. a term-limited assignment for a period of more than one but less than three years for time-limited work related to a specific project, grant or other non-routine substantial body of work((; or)); for the replacement of a regularly appointed employee when that employee is absent on long-term disability time loss, medical or military leave of absence; or for the replacement of a regularly appointed employee who is assigned to special time-limited project work.

For purposes of administering temporary assignments, one year shall be equivalent to 26 consecutive pay periods. The Seattle Human Resources Director may promulgate rules that direct departments to limit temporary assignments to fewer hours than this ordinance provides for.

Except as may be provided by ordinance or labor contract, temporary workers shall be exempt from the provisions of this ((title)) Title 4.

* * *

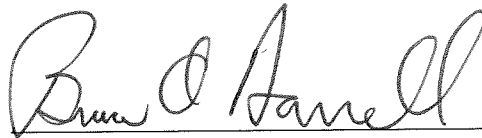
Section 2. The Mayor is authorized on behalf of The City of Seattle ("City") to execute a Memorandum of Understanding between the City and certain City labor unions, substantially in

1 the form attached to this ordinance as Attachment 1 and identified as “Memorandum of
2 Understanding By and Between City of Seattle And Certain City Unions.” The Memorandum of
3 Understanding between the City and those labor unions amends existing collective bargaining
4 agreements to make them consistent with Seattle Municipal Code subsection 4.04.030.35.

5 Section 3. Any act consistent with the authority and prior to the effective date of this
6 ordinance is ratified and confirmed.
7

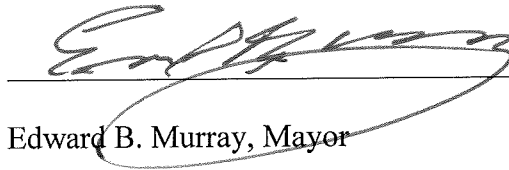
Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 26th day of September, 2016,
and signed by me in open session in authentication of its passage this 26th day of
September, 2016.

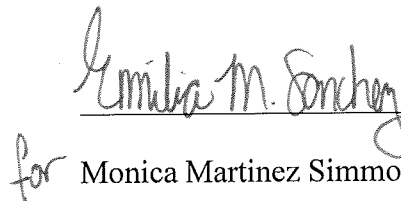


President _____ of the City Council

Approved by me this 29th day of September, 2016.


Edward B. Murray, Mayor

Filed by me this 29th day of September, 2016.


for Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment 1: Memorandum of Understanding By and Between City of Seattle And Certain City Unions

MEMORANDUM OF UNDERSTANDING

By and Between

CITY OF SEATTLE

And

CERTAIN CITY UNIONS

This Memorandum of Understanding (“MOU”) is entered into between the City of Seattle (“City”) and the unions signatory to this MOU (“Unions”). Collectively, the City and the Unions shall be known as “the Parties.”

1. Most collective bargaining agreements contain provisions defining a temporary worker and limiting the conditions under which temporary work may be assigned. For “term-limited” temporary assignments, the parties agree to amend their collective bargaining agreements to remove the existing provision describing the conditions under which term-limited work may be assigned and replace it with the language in Section 2 of this MOU.

The terms temporary employee and temporary worker shall be defined to include both temporary and less than half time employees and means a person who is employed in: ...

2. *a term-limited assignment for a period of more than one but less than three years for time-limited work related to a specific project, grant or other non-routine substantial body of work; for the replacement of a regularly appointed employee when that employee is absent on long-term disability time loss, medical or military leave of absence; or for the replacement of a regularly appointed employee who is assigned to special time-limited project work.*
3. Unions signatory to this MOU whose collective bargaining agreements do not contain provisions related to term-limited temporary work but who represent temporary workers agree to the conditions of assigning term-limited temporary work provided in Section 2 of this MOU.

SIGNED this _____ day of _____ 2016.

Executed under the Authority

of Ordinance No. _____

FOR THE CITY OF SEATTLE

Edward B. Murray,
Mayor

Susan L. Coskey,
Seattle Human Resources Director

David Bracilano,
Labor Relations Director

FOR THE CITY UNIONS

Fernando Arevalo,
Business Representative
I.U. Painters and Allied Trades, District
Council #5

Erik Van Rossum, Business Representative
H.E.R.E., Local 8

Mylor Treneer, Business Representative
I.A.T.S.E., Local 15

Guadalupe Perez, Union Representative
P.T.E., Local 17 PTA

Ray Sugarman, Union Representative
P.T.E., Local 17, PTA

Shaun Van Eyk, Union Representative
P.T.E., Local 17 PTA, Probation Counselors

Audrey Eide, General Counsel
Council 2, W.S.C.C.C.E., Local 21PA

Mark Watson, Staff Representative
W.S.C.C.C.E., Council 2, Local 21, 21C, and
L21Z

Kurt Swanson, Business Representative
U.A. Plumbers and Pipefitters, & Waterworks,
Local 32

Janet Lewis, Business Representative
I.B.E.W., Local 46

Kal Rohde, Business Representative
Sheet Metal Workers, Local 66

Steve Cant, Business Representative
IBEW, Local 77 CMEU Unit

John Cunningham, Business Representative
IBEW, Local 77 Material Controllers Unit

Steve Kovac, Business Representative
IBEW, Local 77 City Light, and
Transportation Unit

Joe Simpson, Business Representative
IBEW, Local 77, Power Marketers Unit, and
Transportation Unit

Melody Coffman, Business Representative
IAMAW, District Lodge 160, Local 79 & 289

Dan Morgan, Directing Business
Representative, IAMAW District Lodge 160,
Local 79 & 289

Brian Self, Business Representative
Boilermakers Union, Local 104

John Searcy, Secretary-Treasurer
Local 117 Teamsters, JCC Unit, Guest
Services, Evidence Warehouse Unit

Mike Bolling, Business Representative
I.U. Operating Engineers, Local 286

Scott Fuquay, President
Seattle Municipal Court Marshals' Guild
I.U.P.A., Local 600

Scott A. Sullivan, Business Agent
Teamsters, Local 763 (JCC) and Municipal
Court units

Ian Gordon, Business Manager
P.S.I.E., Local 1239 and Local 1239 Security
Officers (JCC); Local 1239 Recreation Unit

Peter Hart, Regional Director
Inland Boatmen's Union of the Pacific

Jeff Skillman, Business Representative
Pacific Northwest Regional Council of
Carpenters

Nanette Toyoshima, President
Seattle Parking Enforcement Officers Guild

Brian Smith, President
Seattle Police Dispatchers' Guild

SUMMARY and FISCAL NOTE*

Department:	Contact Person/Phone:	Executive Contact/Phone:
Seattle Department of Human Resources	David Bracilano/206-684-7874	Jessica Wang/206-685-1759

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to City employment; amending Section 4.04.030 of the Seattle Municipal Code; authorizing a Memorandum of Understanding between The City of Seattle and certain City unions; and ratifying and confirming certain prior acts.

Summary and background of the Legislation:

The City is currently engaged in several large projects, such as the Summit Re-Implementation project and the New Customer Information System. Regularly appointed employees need to be and have been assigned to these projects for continuity of operations after the projects complete. Term-limited temporary workers are performing the “regular” body of work of regularly appointed employees who are assigned to these projects. This legislation authorizes a revision to the Seattle Municipal Code to permit such use of term-limited temporary workers, and authorizes a memorandum of understanding (“MOU”) between the City and certain labor unions to do the same.

2. SUMMARY OF FINANCIAL IMPLICATIONS

X **This legislation does not have direct financial implications.**

3. OTHER IMPLICATIONS

- a) **Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?**
No.
- b) **Is there financial cost or other impacts of not implementing the legislation?**
Unless this legislation is passed, the City cannot backfill regular employees who are working on special projects with temporary workers.
- c) **Does this legislation affect any departments besides the originating department?**
Yes, this legislation impacts all departments’ ability to backfill regular employees who are working on special projects with temporary workers. Seattle Public Utilities, City Light, Finance & Administrative Services, and Seattle Information Technology departments will most be impacted by this legislation.
- d) **Is a public hearing required for this legislation?**
No.

- e) **Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**
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) **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?**
N/A.
- i) **If this legislation includes a new initiative or a major programmatic expansion: What are the long-term and measurable goals of the program? Please describe how this legislation would help achieve the program's desired goals.**
N/A
- j) **Other Issues:** None

List attachments/exhibits below: None

STATE OF WASHINGTON -- KING COUNTY

--SS.

342660

No. TITLE ONLY

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.

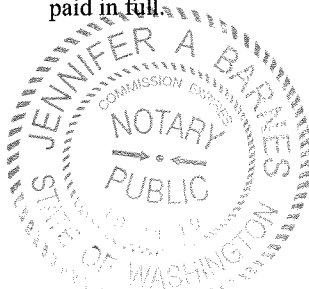
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125134,38-50 & 125169

was published on

10/20/16

The amount of the fee charged for the foregoing publication is the sum of \$223.30 which amount has been paid in full.



Affidavit of Publication

10/20/2016

Subscribed and sworn to before me on

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 September 26, 2016, and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Ordinance 125134

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 112 of the Official Land Use Map to rezone property located at 2220 East Union Street from Neighborhood Commercial 2-40 (NC2-40) to Neighborhood Commercial 2-65 (NC2-65) and from Neighborhood Commercial 2-40 with a pedestrian designation (NC2P-40) to Neighborhood Commercial 2-65 with a pedestrian designation (NC2P-65); and accepting a Property Use and Development Agreement as a condition of rezoning approval (Petition by East Union 22, LLC, C.F. 314312, SDCI Project 3019001)

Ordinance 125138

AN ORDINANCE relating to the Seattle Fire Code, adopting as the Seattle Fire Code the 2015 edition of the International Fire Code with some exceptions, amending and adding various provisions to that code; amending Section 22.600.020 of the Seattle Municipal Code; and repealing Sections 2 through 44 of Ordinance 124288.

Ordinance 125139

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to accept on behalf of The City of Seattle the transfer of approximately 165 acres of forest land in the North Fork Tolt River Watershed from Forterra and to acquire approximately 100 acres of forest land located adjacent to the Forterra property and the South Fork Tolt Municipal Watershed owned by the City.

Ordinance 125140

AN ORDINANCE related to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to enter into an Interlocal Agreement with the Port of Seattle to serve as an operating agreement between Seattle Public Utilities and the Port of Seattle Drainage Utility including code modifications to exclude all Port-owned properties from the requirement to pay City stormwater and drainage fees; terminating the 1997 stormwater credit from the City to the Port; accepting a settlement payment from the Port of Seattle; containing details related to ownership and maintenance of infrastructure, authorities and responsibilities, system interconnections, access, coordination and dispute resolution; amending Section 21.38.030 of the Seattle Municipal Code; and ratifying and confirming certain prior acts

Ordinance 125141

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to accept a loan from the Washington State Public Works Board and to execute, deliver, and perform corresponding agreements; and ratifying and confirming certain prior acts.

Ordinance 125142

AN ORDINANCE granting Swedish Health Services permission to construct, maintain, and operate a pedestrian skybridge over and across Minor Avenue, between Columbia Street and Cherry Street, for a ten-year term, renewable for two successive ten-year terms; specifying the conditions under which this permit is granted; and providing for the acceptance of the permit and conditions.

Ordinance 125143

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acceptance of a donation of real

property in Seattle from the Madison Valley Park Foundation for open space, park, and recreation purposes.

Ordinance 125144

AN ORDINANCE relating to City employment; authorizing the execution of a collective bargaining agreement between The City of Seattle and the International Brotherhood of Electrical Workers Local No. 77 Information Technology Professionals Unit; and ratifying and confirming certain prior acts.

Ordinance 125145

AN ORDINANCE relating to City employment; adjusting the pay zones for certain job titles in the City's Information Technology Professional discretionary pay program; and ratifying and confirming certain prior acts.

Ordinance 125146

AN ORDINANCE relating to City employment; authorizing the execution of a collective bargaining agreement between The City of Seattle and the International Brotherhood of Electrical Workers Local No. 77, Construction Maintenance Equipment Operator Unit; and ratifying and confirming certain prior acts.

Ordinance 125147

AN ORDINANCE relating to City employment; authorizing the execution of a collective bargaining agreement between The City of Seattle and the International Brotherhood of Electrical Workers Local No. 77, Material Controllers Unit; and ratifying and confirming certain prior acts.

Ordinance 125148

AN ORDINANCE relating to City employment; amending Section 4.04.030 of the Seattle Municipal Code; authorizing a Memorandum of Understanding between The City of Seattle and certain City unions; and ratifying and confirming certain prior acts.

Ordinance 125149

AN ORDINANCE relating to utility permits and regulations; amending Sections 15.32.050 and 15.32.160 of the Seattle Municipal Code.

Ordinance 125150

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

Ordinance 125169

AN ORDINANCE relating to arterial and non-arterial speed limits; amending Sections 11.52.060 and 11.52.080 of the Seattle Municipal Code.

Date of publication in the Seattle Daily Journal of Commerce, October 20, 2016.

10/20(342660)