



SEATTLE CITY COUNCIL

Legislative Summary

CB 119513

Record No.: CB 119513

Type: Ordinance (Ord)

Status: Passed

Version: 2

Ord. no: Ord 125834

In Control: City Clerk

File Created: 04/30/2019

Final Action: 06/17/2019

Title: AN ORDINANCE relating to the City of Seattle's Paid Family Care Leave program; amending Sections 4.29.010, 4.29.020, 4.29.030, and 4.29.070 of the Seattle Municipal Code.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: González ,Mosqueda

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: adam.schaefer@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	05/01/2019	Mayor's leg transmitted to Council	City Clerk			
	Action Text: The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk						
	Notes:						
1	City Clerk	05/01/2019	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	05/03/2019	sent for review	Gender Equity, Safe Communities, New Americans, and Education Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Gender Equity, Safe Communities, New Americans, and Education Committee						

Notes:

- | | | | | | |
|---|--|------------|------------------------------------|--|------|
| 1 | City Council | 05/06/2019 | referred | Gender Equity,
Safe
Communities,
New Americans,
and Education
Committee | |
| 1 | Gender Equity, Safe
Communities, New
Americans, and
Education Committee | 05/22/2019 | pass as amended | | Pass |
| Action Text: The Committee recommends that City Council pass as amended the Council Bill (CB). | | | | | |
| In Favor: 3 Chair González , Vice Chair Mosqueda, Member Pacheco | | | | | |
| Opposed: 0 | | | | | |
| 2 | City Council | 06/03/2019 | passed | | Pass |
| Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill: | | | | | |
| In Favor: 9 Councilmember Bagshaw, Councilmember González , Council
President Harrell, Councilmember Herbold, Councilmember Juarez,
Councilmember Mosqueda, Councilmember O'Brien, Councilmember
Pacheco, Councilmember Sawant | | | | | |
| Opposed: 0 | | | | | |
| 2 | City Clerk | 06/07/2019 | submitted for
Mayor's signature | Mayor | |
| 2 | Mayor | 06/17/2019 | Signed | | |
| 2 | Mayor | 06/17/2019 | returned | City Clerk | |
| 2 | City Clerk | 06/17/2019 | attested by City Clerk | | |
| Action Text: The Ordinance (Ord) was attested by City Clerk. | | | | | |
-

CITY OF SEATTLE

ORDINANCE 125834

COUNCIL BILL 119513

AN ORDINANCE relating to the City of Seattle's Paid Family Care Leave program; amending Sections 4.29.010, 4.29.020, 4.29.030, and 4.29.070 of the Seattle Municipal Code.

WHEREAS, The City of Seattle (City) provides Paid Family Care Leave for the care of family members; and

WHEREAS, the City values all City employees and recognizes that the loss of a child at any age is devastating; and

WHEREAS, City employees who lose a child are currently ineligible for both paid family care leave and paid parental leave; and

WHEREAS, the change proposed below was first considered following the experience of City employee Rachel Alder, and her wife Erin Alder, whose daughter, Beatrice "Bea" Kathryn Alder passed away 36 hours after birth due to medical issues; and

WHEREAS, under the City's current policy, Rachel Alder did not qualify for more than three days of leave; and

WHEREAS, when an employee has lost a child, the City wants to provide access to Paid Family Care Leave; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 4.29.010 of the Seattle Municipal Code, enacted by Ordinance 125260, is amended as follows:

4.29.010 Definitions

Unless another meaning is clearly indicated from the context, as used in this Chapter 4.29:

“Child” means a biological, adopted, or foster child, a step child, a legal ward, or a child of a person standing in loco parentis, who is:

1. Under 18 years of age; or
2. 18 years of age or older and incapable of self-care because of a mental or
- physical disability.

* * *

"Parent" means the parent of an employee or the parent of the employee's spouse/domestic partner, or an individual who stood in loco parentis to an employee or the employee's spouse/domestic partner when the employee or the employee's spouse/domestic partner was a ~~((son or a daughter))~~ child.

“Qualifying death” means either (a) the death of a child or (b) the death of a domestic partner or spouse either from childbirth or from complications related to childbirth.

* * *

~~((“Son or daughter” means a biological, adopted, or foster child, a step child, a legal ward, or a child of a person standing in loco parentis, who is:~~

- ~~1. Under 18 years of age; or~~
- ~~2. 18 years of age or older and incapable of self-care because of a mental or physical disability.))~~

* * *

Section 2. Section 4.29.020 of the Seattle Municipal Code, enacted by Ordinance 125260, is amended as follows:

4.29.020 Leave provisions

A. Eligible employees are entitled to up to four weeks of paid family care leave in a rolling 12-month period, in addition to any paid leave to which they may otherwise be entitled, to care for a spouse/domestic partner, or a ~~((son or daughter))~~ child, or parent of the employee or spouse/domestic partner, if such spouse/domestic partner, ~~((son, daughter))~~ child, or parent has a serious health condition, or for the employee in the event of a qualifying death. Paid family care leave in the event of a qualifying death must be taken within 12 months of the qualifying death. Except in the event of a qualifying death, paid~~((Paid))~~ family care leave under this Chapter 4.29 runs concurrently with the eligible employee's family medical leave entitlement under Chapter 4.26, such that an employee who has exhausted ~~((his or her))~~ the employee's family medical leave entitlement is not eligible to take paid family care leave. Except in the event of a qualifying death, to ~~((To))~~ become eligible for paid family care leave, an employee must reduce ~~((his or her))~~ the employee's paid leave balances as proscribed by Section 4.29.050. Except in the event of a qualifying death, to become eligible for paid family care leave, an employee must ~~((and))~~ have the serious health condition certified by the health care provider of the ~~((son, daughter))~~ child, spouse/domestic partner, or parent of the employee or spouse/domestic partner. In the event of a qualifying death, an employee must have the death certified.

* * *

Section 3. Section 4.29.030 of the Seattle Municipal Code, enacted by Ordinance 125260, is amended as follows:

4.29.030 Notice

A. In any case in which the necessity for paid family care leave is foreseeable based on planned medical treatment, the employee shall:

1. Make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the City, subject to the approval of the health care provider of the ((son, daughter,)) child, spouse/domestic partner, or parent, as appropriate; and

2. Provide the City with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take paid family care leave, except that if the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

* * *

Section 4. Section 4.29.070 of the Seattle Municipal Code, enacted by Ordinance 125260, is amended as follows:

4.29.070 Medical certification requirement

Except in the event of a qualifying death, medical ((Medical)) certification is required for paid family care leave. The medical certification must be issued by the health care provider of the eligible ((son, daughter)) child, spouse/domestic partner, or parent, of the employee.

Certification should include:

- A. The date on which the serious health condition commenced;
- B. The probable duration of the condition;
- C. The appropriate medical facts within the knowledge of the health care provider regarding the condition; and

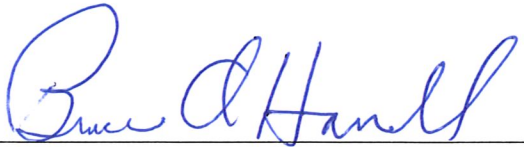
D. A statement that the eligible employee is needed to care for the ((son, daughter,)) child, spouse/domestic partner, or parent.

Except in the event of a qualifying death, the ((The)) City may require, at the expense of the City, that the eligible employee obtain the opinion of a second health care provider designated or

1 approved by the City concerning any information certified as provided in this Section 4.29.070.
2 When the second opinion differs from the opinion in the original certification, the City may
3 require, at the expense of the City, that the employee obtain the opinion of a third care provider
4 designated or approved jointly by the City and the employee. The opinion of the third health care
5 provider concerning the information certified as provided in this Section 4.29.070 shall be
6 considered to be final and shall be binding on the City and the employee. The City may require
7 that the eligible employee obtain subsequent recertification on a reasonable basis.

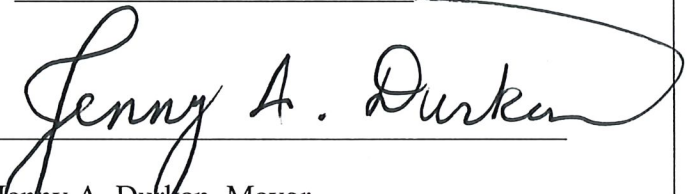
Section 5. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 3rd day of June, 2019,
and signed by me in open session in authentication of its passage this 3rd day of
June, 2019.

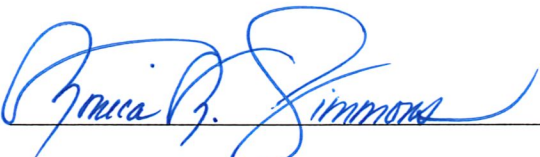


President _____ of the City Council

Approved by me this 17th day of June, 2019.


Jenny A. Durkan, Mayor

Filed by me this 17th day of June, 2019.


Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Mayor's Office	Adrienne Thompson/615-0753	Jessica Wang/615-1759

** 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 the City of Seattle's Paid Family Care Leave program; amending Sections 4.29.010, 4.29.020, 4.29.030, and 4.29.070 of the Seattle Municipal Code.

Summary and background of the Legislation: Currently, the City of Seattle provides Paid Family Care Leave for the care city employee family members up to four weeks and does not provide for self-care. The City of Seattle also provides Paid Parental Leave for the purposes of bonding with a new child for city employees up to twelve weeks. A recent experience by a City employee discovered that when a death of their child occurred within 36 hours of delivery, the employee was unable to access Paid Family Care Leave or Paid Parental Leave. This legislation would provide Paid Family Care Leave to City employees who have had a death of a child under the definition of the ordinance.

The City Budget Office anticipates no significant cost to the City as a result of this legislation.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes **X** No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes **X** No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?
No.

Is there financial cost or other impacts of *not* implementing the legislation?
No.

4. OTHER IMPLICATIONS

- a. Does this legislation affect any departments besides the originating department?
The Seattle Department of Human Resources administers the City's Paid Family Care Leave program.

- b. Is a public hearing required for this legislation?**
No.
- c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**
No.
- d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No.
- e. Does this legislation affect a piece of property?**
No.
- f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?**
No perceived impacts.
- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**
N/A

List attachments/exhibits below:

STATE OF WASHINGTON -- KING COUNTY

--SS.

375354

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.

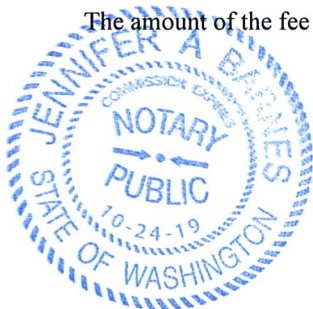
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125833-838 TITLE ONLY

was published on

06/27/19

The amount of the fee charged for the foregoing publication is the sum of \$114.71.



Affidavit of Publication

A handwritten signature in blue ink, likely of the subscriber, written over a horizontal line.

Subscribed and sworn to before me on

06/27/2019

A handwritten signature in blue ink, likely of the notary, written over a horizontal line.

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 June 03, 2019, 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 125833

Council Bill 119536

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

Ordinance 125834

Council Bill 119513

AN ORDINANCE relating to the City of Seattle's Paid Family Care Leave program; amending Sections 4.29.010, 4.29.020, 4.29.030, and 4.29.070 of the Seattle Municipal Code.

Ordinance 125835

Council Bill 119500

AN ORDINANCE related to land use and zoning; amending Ordinance 125791 to correct map errors contained in Map A for 23.58B.050 (Section 94), Map A for 23.58C.050 (Section 97), and Attachment 1 to Ordinance 125791.

Ordinance 125836

Council Bill 119528

AN ORDINANCE relating to historic preservation; imposing controls upon the Seattle Tower, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

Ordinance 125837

Council Bill 119529

AN ORDINANCE relating to historic preservation; imposing controls upon the Mount Baker Community Club Clubhouse, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

Ordinance 125838

Council Bill 119530

AN ORDINANCE relating to historic preservation; imposing controls upon the University of Washington Parrington Hall, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

Date of publication in the Seattle Daily Journal of Commerce, June 27, 2019.

6/27(375354)