



SEATTLE CITY COUNCIL

Legislative Summary

CB 119715

Record No.: CB 119715

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 126010

In Control: City Clerk

File Created: 11/01/2019

Final Action: 12/13/2019

Title: AN ORDINANCE relating to compensation and benefits for certain City employees; authorizing a language premium and authorizing pay for certain scheduling changes; setting certain employee parking rates; amending Sections 4.20.055, 4.20.325, 4.28.010, 4.28.020, and 4.34.065 of the Seattle Municipal Code (SMC); adding new Sections 4.20.360 and 4.20.365 to the SMC; repealing Section 4.34.045 of the SMC; amending Ordinance 119758, last amended by Ordinance 124052; and ratifying and confirming certain prior acts.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Bagshaw

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Uploaded By: 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	11/19/2019	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	11/19/2019	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
1	Council President's Office	11/25/2019	sent for review	City Council			
	Action Text: The Council Bill (CB) was sent for review. to the City Council						
1	City Council	12/02/2019	referred	City Council			
1	City Council	12/09/2019	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 119715.

In Favor: 8 Councilmember Bagshaw, Councilmember González , Council
President Harrell, Councilmember Herbold, Councilmember Juarez,
Councilmember O'Brien, Member Pedersen, Councilmember Sawant

Opposed: 0

1	City Clerk	12/13/2019	submitted for Mayor's signature	Mayor
1	Mayor	12/13/2019	Signed	
1	Mayor	12/13/2019	returned	City Clerk
1	City Clerk	12/13/2019	attested by City Clerk	

Action Text: The Ordinance (Ord) was attested by City Clerk.

CITY OF SEATTLE

ORDINANCE 126010

COUNCIL BILL 119715

AN ORDINANCE relating to compensation and benefits for certain City employees; authorizing a language premium and authorizing pay for certain scheduling changes; setting certain employee parking rates; amending Sections 4.20.055, 4.20.325, 4.28.010, 4.28.020, and 4.34.065 of the Seattle Municipal Code (SMC); adding new Sections 4.20.360 and 4.20.365 to the SMC; repealing Section 4.34.045 of the SMC; amending Ordinance 119758, last amended by Ordinance 124052; and ratifying and confirming certain prior acts.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 4.20.055 of the Seattle Municipal Code, last amended by Ordinance 125260, is amended as follows:

4.20.055 Premium pay, compensation, and benefits for temporary workers((=))

* * *

B. Except as provided in subsection 4.20.325.C and in Subsection C below, the City will pay all temporary workers the following premium pay rates in lieu of paid leave and benefits, based on cumulative non-overtime hours worked by each employee:

1. Hour 1 through hour 520: five (5) percent premium pay;
2. Hour 521 through hour 1,040: ten (10) percent premium pay;
3. Hour 1,041 through hour 2,080: fifteen (15) percent premium pay; however, if an employee worked eight hundred (800) hours or more in the previous twelve (12) months, premium pay shall instead be twenty (20) percent;
4. Hour 2,081 and up: twenty (20) percent premium pay; however, if an employee worked eight hundred (800) hours or more in the previous twelve (12) months, premium pay shall instead be twenty-five (25) percent.

1 Once a temporary worker has attained a premium pay level, (~~his or her~~) that worker's
2 premium pay level shall not be reduced, whether or not (~~he or she~~) that worker is in a
3 temporary assignment that is eligible for premium pay, unless (~~he or she~~) that worker
4 voluntarily separates from temporary employment with the City or does not work in any of
5 twenty-six (26) consecutive pay periods. A temporary worker who returns to City service after
6 a voluntary separation or failure to work for more than twenty-six (26) consecutive pay periods
7 shall begin at Hour 1 for purposes of accumulating time toward increases in premium pay
8 levels.

9 C. Temporary workers in the following types of assignments shall cease receiving
10 premium pay at the time indicated and begin receiving wage progression and benefits as
11 provided at Subsection D:

12 1. Temporary workers in interim and short-term assignments after 1,040 regular
13 straight-time hours, for the remainder of the assignment, provided that the Seattle Human
14 Resources Director may promulgate rules to provide for the continuation of premium pay in
15 lieu of wage progression and benefits when (~~he or she~~) the Director determines that the
16 assignment will terminate so imminently that the benefits package would be of minimal value
17 to the worker; and

18 2. Temporary workers in term-limited assignments starting with the first day and
19 for the duration of their assignments.

20 3. Temporary workers in any assignment that the appointing authority has
21 proposed be converted to regular position authority, regardless of the number of hours
22 accumulated in the assignment to date.

1 D. Temporary workers in assignments identified in subsection 4.20.055.C as eligible
2 for benefits shall receive the following benefits and wage progression at the same level and
3 under the same conditions as regularly appointed employees as well as any other benefits that
4 the City agrees to provide to temporary workers pursuant to an authorized collective
5 bargaining agreement:

6 1. Participation in the City's medical, dental, vision, basic long-term disability,
7 and basic group term life insurance coverage;

8 2. Accrual and accumulation of paid sick leave as provided in Chapter 4.24;

9 3. Accrual and accumulation of paid vacation as provided in Chapter 4.34;

10 4. Paid funeral leave as provided in Chapter 4.28;

11 5. Paid holidays as provided in Section 4.20.190;

12 6. Time off for jury duty or witness testimony without loss of pay or paid leave
13 as provided in Section 4.20.220;

14 7. Wage progression as provided in Section 4.20.040 for assignments to job
15 titles that correspond to regular titles associated with the Step Progression Pay Program; and,
16 for assignments to job titles that correspond to regular titles associated with any of the City's
17 discretionary pay programs, such pay adjustments or consideration for pay adjustments as may
18 be provided for in the employing unit's internal policies and procedures, if any;

19 8. Paid parental leave as provided in Chapter 4.27; ~~((and))~~

20 9. Paid family care leave as provided in Chapter 4.29((-)) ; and

21 10. Overtime meal-related compensation as provided in Section 4.20.325.

22 * * *

Section 2. Section 4.20.325 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

4.20.325 Overtime-related meal compensation((:))

A. Any full-time City officer or employee who, pursuant to specific directions of the head of the employing unit to which such worker is assigned, or of such head's designee, works for a total of two or more consecutive overtime hours beyond either (1) such worker's normal working hours, or (2) a reasonably continuous period of overtime equal to the length of such worker's normal shift, shall be compensated as specified in subsection B, hereof, for one meal that such worker purchased reasonably contemporaneously with such overtime. In the event the head of the employing unit to which such worker is assigned, or ~~((his or her))~~ the head's designee, has certified in writing, to the Director of Finance and Administrative Services, that because of emergency circumstances, the worker was required to work overtime on an immediate and continuous basis without the opportunity to plan and take normal meal breaks, then such worker shall be compensated as specified in subsection B hereof, for such additional number of meals as are indicated in such certification.

B. If such worker provides the purchased meal receipt(s) to ~~((his/her))~~ the worker's supervisor~~((:))~~ no later than the beginning of ~~((such))~~ the worker's next regular shift, ~~((the purchased meal receipt(s)))~~, ~~((such))~~ the worker shall be eligible for the reimbursement of the actual cost of the meal(s), but not more than the average cost for ~~((such))~~ the meal(s) as reflected in a national comparative cost index such as the Runzheimer Meal—Lodging Cost Index; but if such receipt(s) are not provided as specified herein, then such worker shall be eligible only for meal compensation in the sum of ~~(((\$5))~~ \$20 per meal for which compensation has been authorized as provided ~~((herein))~~ in this Chapter 4.20.

1 C. Temporary employees identified in subsection 4.20.055.A shall be eligible for the
2 overtime meal compensation provided in this Section 4.20.325.

3 Section 3. A new Section 4.20.360 is added to the Seattle Municipal Code as follows:

4 **4.20.360 Language premium pay**

5 A. Employees assigned to perform bilingual, interpretive, and/or translation services for
6 the City shall receive a \$200 per month premium pay.

7 B. Department Directors or their designee(s), under the direction of the Seattle Human
8 Resources Director, shall ensure employees providing language access services are
9 independently evaluated and approved.

10 C. Department Directors or their designee(s) may review and terminate the assignment at
11 any time.

12 Section 4. A new Section 4.20.365 is added to the Seattle Municipal Code as follows:

13 **4.20.365 Notice and pay for scheduling changes**

14 A. Definitions. For the purposes of this Section 4.20.365:

15 “Days off” means an employee’s assigned non-working days.

16 “Workday” means an employee’s assigned day(s) of work.

17 “Work schedule” means an employee’s assigned workdays, work shift, and days
18 off.

19 “Work shift” means an employee’s assigned hours of work in a workday.

20 B. Extended notice work schedule change. At least 14 calendar days’ advance
21 notification shall be afforded affected employees when work schedule changes lasting longer
22 than 30 calendar days are required by the City. The notification may be waived by mutual
23 agreement of the employee and the designated management representative.

C. Short notice work schedule or work shift change. At least 48 hours' advance notification shall be afforded affected employees when work schedule or work shift changes lasting fewer than 30 calendar days are required by the City. In instances where 48 hours' advance notification is not provided to an employee, the employee shall be compensated at the overtime rate of pay for the first work shift worked under the new schedule.

D. This Section 4.20.365 does not apply to salaried employees eligible for executive and merit leave as identified in Section 4.20.320.

Section 5. Section 4.28.010 of the Seattle Municipal Code, last amended by Ordinance 122063, is amended as follows:

4.28.010 Granting of ~~((funeral leave.))~~ bereavement leave

All City ~~((officers and))~~ employees ~~((over whom the legislative authority has jurisdiction in this respect))~~, including temporary workers who qualify pursuant to Seattle Municipal Code Section 4.20.055(C), and ~~((except))~~ excluding employees covered by that certain collective bargaining agreement entered into between the City and Seattle Police Officers' Guild, shall be allowed ~~((one (1) day))~~ five days off without salary reduction for ~~((the))~~ bereavement purposes ~~((of attendance at the funeral))~~ in the event of a death of any close relative of such officer or employee, ~~((; provided, that where such attendance requires total travel time of two hundred (200) miles or more, one (1) additional day with pay shall be allowed; provided further, that department heads may when circumstances require and upon application stating the reasons therefor authorize for such purpose not to exceed an additional four (4) days chargeable to the sick leave account of any such officer or employee, but no combination of paid absence under this section shall exceed five (5) days for any one (1) period of absence. In like circumstances and upon like application department))~~ In the event of a death of relative other than a close

1 relative, department heads or a designated management representative may authorize ~~((for the~~
2 ~~purpose of attending the funeral of a relative other than a close relative,))~~ bereavement leave not
3 to exceed five ~~((5))~~ days off work, chargeable to the sick leave account of ~~((any such))~~ the
4 officer or employee.

5 Section 6. Section 4.28.020 of the Seattle Municipal Code, last amended by Ordinance
6 124567, is amended as follows:

7 **4.28.020 Definitions**

8 For the purposes of this Chapter 4.28:

9 ~~((A. — For the purpose of this chapter, the term “close relative”))~~ "Close relative" means
10 the following relatives of the employee or the employee's spouse or domestic partner:

- 11 1. ~~((The-s))~~Spouse or domestic partner,
- 12 2. ~~((e))~~Child,
- 13 3. Parent,
- 14 4. Sibling, ~~((mother, father, brother, sister,))~~
- 15 5. G~~((g))~~randchild,
- 16 6. Grandparent, or ~~((grandfather or grandmother))~~
- 17 7. Legal guardian, ward, or any person over whom the employee or the
18 employee's spouse or domestic partner has legal custody. ~~((of an officer or employee or of the~~
19 spouse or domestic partner of such officer or employee.))

20 "Domestic partner," when used in reference to a person other than the domestic partner of
21 an officer or employee, means a person identified by the officer or employee as the relative's
22 domestic partner in an affidavit or declaration of domestic partnership in form prescribed
23 therefor by the Seattle Human Resources Director.

"Relative other than a close relative" means the following relatives of the employee or the employee's spouse or domestic partner: ~~((uncle, aunt,))~~

1. ((e))Cousin,

2. Parent's sibling,

3. Parent's sibling's child, ((niece, or nephew of such officer or employee;)) or
~~((the spouse))~~

4. Spouse or domestic partner of ((the brother or sister of such officer or
~~employee; or the uncle, aunt, parent's sibling's child, cousin, niece, nephew, spouse or domestic~~
~~partner of the brother or sister of the spouse or domestic partner of such officer or employee.)) a~~
sibling, child, or grandchild.

~~((B. For the purpose of this chapter, the term "domestic partner," when used in reference~~
~~to a person other than the domestic partner of an officer or employee, means a person identified~~
~~by the officer or employee as the relative's domestic partner in an affidavit or declaration of~~
~~domestic partnership in form prescribed therefor by the Seattle Human Resources Director.))~~

Section 7. Section 4.34.045 of the Seattle Municipal Code, last amended by Ordinance
121771, is repealed:

~~((4.34.045 Eligibility for use of accrued vacation credit.~~

~~A. Except as provided in SMC Section 4.34.065 B, upon attaining eligibility for the~~
~~same, a City employee or temporary worker who has qualified pursuant to SMC 4.20.055(B)~~
~~may use accrued vacation credit, with approval of the head of the employing unit. An~~
~~employee or qualified temporary worker shall be eligible to use accumulated and unused~~
~~vacation credit by completing more than one thousand forty (1040) hours of work or more than~~

1 ~~six (6) months of continuous service, whichever is earlier, each on regular pay status with the~~
2 ~~City.~~

3 ~~B. The hours of work and continuous service requirements of SMC Section 4.34.045 A,~~
4 ~~shall be measured from (1) the date of a regularly appointed full-time or part-time employee's~~
5 ~~initial regular appointment unless a break in service occurs prior to the attainment of~~
6 ~~eligibility, in which case such measurement shall be from such employee's most recent regular~~
7 ~~appointment; and (2) the date of a qualified temporary worker's most recent temporary~~
8 ~~appointment. In measuring six (6) months of continuous service, no credit shall be given an~~
9 ~~employee for any single period of fifteen (15) days or more during which he or she was~~
10 ~~excused from work by an unpaid leave of absence or was suspended from work for disciplinary~~
11 ~~purposes.))~~

12 Section 8. Section 4.34.065 of the Seattle Municipal Code, last amended by Ordinance
13 121771, is amended as follows:

14 **4.34.065 Payment in lieu of use of vacation credit.**

15 A. An employee who assumes an elective office in the City, accepts appointment as a
16 head of an employing unit, or transfers from a position in which ~~((he or she))~~ the employee
17 receives vacation benefits to a position in City employment in which ~~((he or she))~~ the employee
18 is not entitled to accrue annual vacation credit, shall be paid in a lump sum for any unused
19 vacation credit balance upon leaving or transferring from ~~((his or her))~~ the employee's regular
20 position.

21 B. Except as provided in subsection C, an employee who is separated from the payroll
22 shall be paid in a lump sum for all of ~~((his/her))~~ the employee's accrued vacation credit. ~~((even~~
23 ~~though such employee may not have been able eligible to use such vacation credit because of~~

1 ~~his/her ineligibility to do so pursuant to SMC Section 4.34.045; provided, that in the event such~~
2 ~~separation occurs as a consequence of the death of the employee, such payment shall be made to~~
3 ~~the employee's beneficiary.))~~

4 C. Any accumulated and unused vacation balance remaining at the end of an assignment
5 in which a temporary worker receives fringe benefits in lieu of premium pay shall be cashed out
6 by the employing unit at the straight-time rate of pay received by the worker on his or her last
7 work day in the assignment; provided, that if the worker is appointed to a regularly budgeted
8 position eligible for vacation accrual and use within one (1) pay period of the last day worked in
9 the assignment, ~~((he or she))~~ the worker may carry forward ~~((his or her))~~ unused vacation
10 balance.

11 Section 9. Section 2 of Ordinance 119758, last amended by Ordinance 124052, is further
12 amended as follows:

13 * * *

14 Section 2. The Director of Transportation is authorized to continue the program
15 originally established by Ordinance 117298 to provide parking spaces in the Seapark
16 Garage and Seattle Municipal Tower Garage for registered participants in the City's
17 Commute Trip Reduction Program's Guaranteed Ride Home Program on days they need
18 their private vehicles at work. The Director of Finance and Administrative Services shall
19 charge each participant a parking rate of \$10 per day under this program, and each
20 participant may choose this parking rate for no more than two days each calendar month.

21 ~~((The Director is authorized to issue reduced fee coupons for parking spaces in these~~
22 ~~garages to said participants. Said participants may use these reduced fee coupons no more~~
23 ~~than two times per month. The Director of Finance and Administrative Services shall~~

1 ~~adjust parking fees from time to time, and shall consult with the Director of~~
2 ~~Transportation on the cost of parking associated with the reduced fee coupons of the~~
3 ~~Guaranteed Ride Home Program, provided however, that the cost of parking associated~~
4 ~~with the reduced fee coupons shall not exceed 50 percent of the cost of 10 hours of~~
5 ~~parking available to the general public in the garages, or 50 percent of the early bird rate,~~
6 ~~whichever is lower.))~~

7 * * *

8 Section 10. Sections 3 and 7 of this ordinance shall take effect and be in force retroactive
9 to December 25, 2019.

10 Section 11. To create a single implementation date, Section 9 of this ordinance shall take
11 effect and be in force upon the Seattle Human Resources Director providing, by filing with the
12 City Clerk, written notice of the Director's determination that the City and all unions affected by
13 Section 9 have completed bargaining pertinent to Section 9's implementation.

14 Section 12. This ordinance shall only apply to non-represented employees, unless
15 otherwise provided by collective bargaining agreement.

16 Section 13. Any act consistent with the authority of this ordinance taken prior to its
17 effective date is ratified and confirmed.

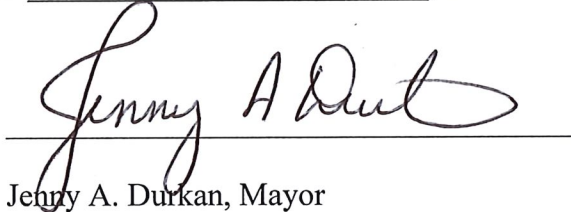
Section 14. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 9th day of December, 2019,
and signed by me in open session in authentication of its passage this 9th day of
December, 2019.



President _____ of the City Council

Approved by me this 13th day of December, 2019.


Jenny A. Durkan, Mayor

Filed by me this 13th day of December, 2019.



Monica Martinez Simmons, City Clerk

(Seal)

STATE OF WASHINGTON -- KING COUNTY

--SS.

380596

No. 126005,06,07,08,09,10,11

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:TITLE ONLY ORDINANCES

was published on

12/26/19

The amount of the fee charged for the foregoing publication is the sum of \$146.63.



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

12/26/2019

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 December 09, 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 126005

Council Bill 119723

AN ORDINANCE appropriating money to pay certain audited claims for the week of November 25, 2019 through November 29, 2019 and ordering the payment thereof.

Ordinance 126006

Council Bill 119696

AN ORDINANCE relating to land use and zoning; extending for six months a moratorium established by Ordinance 125764 on the filing, acceptance, processing, and/or approval of any application to establish a new principal or accessory use, or change a principal or accessory use, for any site currently used as a mobile home park, as defined in Section 23.84A.032 of the Seattle Municipal Code.

Ordinance 126007

Council Bill 119718

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

Ordinance 126008

Council Bill 119714

AN ORDINANCE relating to City employment; providing salary increases for 2019, 2020 and 2021 for certain non-represented City job titles; and ratifying and confirming certain prior acts.

Ordinance 126009

Council Bill 119713

AN ORDINANCE relating to City employment, to be known as the Pay Zone Ordinance; adjusting the pay zone structures for 2019 and 2020 for the City's discretionary pay programs; and ratifying and confirming certain prior acts.

Ordinance 126010

Council Bill 119715

AN ORDINANCE relating to compensation and benefits for certain City employees; authorizing a language premium and authorizing pay for certain scheduling changes; setting certain employee parking rates; amending Sections 4.20.055, 4.20.325, 4.28.010, 4.28.020, and 4.34.065 of the Seattle Municipal Code (SMC); adding new Sections 4.20.360 and 4.20.365 to the SMC; repealing Section 4.34.045 of the SMC; amending Ordinance 119758, last amended by Ordinance 124052; and ratifying and confirming certain prior acts.

Ordinance 126011

Council Bill 119717

AN ORDINANCE relating to City employment; amending Seattle Municipal Code Sections 4.26.005, 4.26.010, 4.26.020, 4.26.040, 4.26.070, 4.27.010, 4.27.020, 4.27.050, 4.29.010, 4.29.030, 4.29.050, and 4.29.070 to harmonize with the Washington State Paid Family and Medical Leave program and provide additional related enhancements to City employees for paid and unpaid leave benefits; and ratifying and confirming certain prior acts.

Date of publication in the Seattle Daily Journal of Commerce, December 26, 2019.

12/26(380596)