SEATTLE CITY COUNCIL

Legislative Summary

CB 118910

Record No.: CB 118910 **Type:** Ordinance (Ord) **Status:** Passed

Version: 1 **Ord. no:** ORD 125260 **In Control:** City Clerk

File Created: 01/12/2017

Final Action: 02/17/2017

Title: AN ORDINANCE relating to City employment; amending Sections 4.20.055, 4.26.010, 4.27.010, 4.27.020, and 4.27.100 of the Seattle Municipal Code and adding a new Chapter 4.29 to the Seattle Municipal Code, consisting of Sections 4.29.010, 4.29.020, 4.29.030, 4.29.040, 4.29.050, 4.29.060, 4.29.070, 4.29.080, 4.29.090, and 4.29.100, all to provide additional Paid Parental Leave and a new Paid Family Care Leave benefit to eligible city employees; establishing other conditions of implementing the new leave benefits; and ratifying and confirming certain prior acts.

Notes:

Sponsors: González , Bagshaw, Burgess, Harrell, Herbold, Johnson, Juarez, O'Brien,Sawant

Attachments:

Drafter: sarah.butler@seattle.gov

Date

Filed with City Clerk:

Mayor's Signature:

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Filing Requirements/Dept Action:

History of Legislative File **Legal Notice Published:** ☐ Yes ☐ No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	01/31/2017	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	01/31/2017	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	02/02/2017	sent for review	Full Council			
	Action Text: The Council Bill (CB) was sent for review. to the Full Council						
1	Full Council	02/07/2017	referred	Full Council			

1	Full Council	02/13/2017	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 118910.			
		In Favor: 8	Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember O'Brien, Councilmember Sawant		
		Opposed: 0			
1	City Clerk	02/14/2017	submitted for Mayor's signature	Mayor	
1	Mayor	02/17/2017	Signed		
1	Mayor	02/17/2017	returned	City Clerk	
1	City Clerk	02/17/2017	attested by City Clerk		
	Action Text:	The Ordinance (Ord) was attested by City Clerk.			
	Notes:				

CITY OF SEATTLE

ORDINANCE 125260

COUNCIL BILL 118910

AN ORDINANCE relating to City employment; amending Sections 4.20.055, 4.26.010, 4.27.010, 4.27.020, and 4.27.100 of the Seattle Municipal Code and adding a new Chapter 4.29 to the Seattle Municipal Code, consisting of Sections 4.29.010, 4.29.020, 4.29.030, 4.29.040, 4.29.050, 4.29.060, 4.29.070, 4.29.080, 4.29.090, and 4.29.100, all to provide additional Paid Parental Leave and a new Paid Family Care Leave benefit to eligible city employees; establishing other conditions of implementing the new leave benefits; and ratifying and confirming certain prior acts.

WHEREAS, in 2004, The City of Seattle (City) began its Race and Social Justice Initiative to end institutionalized racism and race-based discrimination, and achieve equity in opportunity for all employees in City government; and

WHEREAS, in 2015, Seattle City Council passed Ordinance 124753, authorizing four weeks of paid parental leave, making Seattle the first municipality in the region to offer such leave and serving as a model to other employers in the region; and

WHEREAS, Ordinance 124753 also required City departments to track employee use and backfill costs of the paid parental leave, which enabled the City to determine if future expansion of the program is appropriate; and

WHEREAS, in 2016, a Workforce Equity Strategic Plan and Action Plan were developed, as requested by the Mayor and City Council, recommending strategies for eliminating barriers to workforce equity; and

WHEREAS, the Strategic Plan's recommended strategies included paid family leave with a paid parental leave component; and

WHEREAS, the City believes that providing paid time off for working parents to care for a new child allows time to create and strengthen bonds between the child and parents and foster stronger families, and contributes to the social and emotional health of children; and

WHEREAS, the City believes that providing paid time off for employees with ill family members reduces the tension between their workplace and employee care-giving responsibilities, and better supports all City employees in the workplace; and

WHEREAS, the City believes that providing paid time off to bond with a new child or care for an ill family member helps employees to become more productive and effective at their work, helps the City retain and recruit talent, and helps employees to balance their responsibilities between work and home; and

WHEREAS, when men and women are equally incentivized to take parental and family care leave, the perception of women as the sole family caregiver is diminished, minimizing bias against mothers and women in the workplace; and

WHEREAS, the City recognizes that some number of employees come to parenthood via legal guardianship, and that time for those employees to bond with such new children assists the family's transition process; and

WHEREAS, the City Council appropriated an additional $1.5 million in General Fund resources in the 2017 Adopted Budget to support the costs of a new paid family care leave and enhanced paid parental leave benefit, while acknowledging that the terms and costs of these benefits were still under negotiation, and that any additional costs would need to be addressed in future supplemental appropriations; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection 4.20.055.D of the Seattle Municipal Code, which section was last amended by Ordinance 124753, is amended as follows:

4.20.055 Premium pay, compensation and benefits for temporary workers.

* * *

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

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

2. Accrual and accumulation of paid sick leave as provided ((~~at Seattle Municipal Code~~)) in Chapter 4.24;

3. Accrual and accumulation of paid vacation as provided ((~~at Seattle Municipal Code~~)) in Chapter 4.34;

4. Paid funeral leave as provided ((~~at Seattle Municipal Code~~)) in Chapter 4.28;

5. Paid holidays as provided ((~~at Seattle Municipal Code~~)) in Section 4.20.190;

6. Time off for jury duty or witness testimony without loss of pay or paid leave as provided ((~~at Seattle Municipal Code~~)) in Section 4.20.220 ((~~.~~)) ;

7. Wage progression as provided ((~~at Seattle Municipal Code~~)) in Section 4.20.040 for assignments to job titles that correspond to regular titles associated with the Step Progression Pay Program; and, for assignments to job titles that correspond to regular titles associated with any of the City's discretionary pay programs, such pay adjustments or consideration for pay

adjustments as may be provided for in the employing unit's internal policies and procedures, if any ((.)) ;

8. Paid ((P))parental ((L))leave as provided in ((~~Seattle Municipal Code~~)) Chapter 4.27 ((.)) ; and

9. Paid family care leave as provided in Chapter 4.29.

Section 2. Section 4.26.010 of the Seattle Municipal Code, which section was last amended by Ordinance 122968, is amended as follows:

4.26.010 Leave provisions ((.))

A. Except as provided by Seattle Municipal Code subsection 4.29.020.A, ((E))eligible employees are entitled to up to ((~~ninety (~~))90((~~)~~)) calendar days of unpaid leave in addition to any paid leave to which they may otherwise be entitled during any ((~~twelve (~~))12((~~)~~)) month period for one or more of the following:

1. The birth of a son or daughter of the employee and in order to care for such son or daughter.

2. The placement of a son or daughter with the employee for adoption, ((~~or~~)) foster care, or legal guardianship.

3. The care of a spouse/domestic partner, or a son or daughter, or parent, of the employee or spouse/domestic partner, if such spouse/domestic partner, son, daughter, or parent has a serious health condition.

4. A serious health condition that makes the employee unable to perform the functions of the position of such employee.

5. A qualifying military exigency for the spouse /domestic partner, son, daughter or parent of the employee.

Expiration of entitlement. The entitlement to leave under subsections ((~~A(1) and A(2) above~~)) 4.26.010.A.1 and 4.26.010.A.2 for birth or placement of a son or daughter shall expire at the end of the ((~~twelve (~~))12((~~)~~)) month period beginning on the date of such birth or placement.

B. Except as provided by Seattle Municipal Code subsection 4.29.020 A, ((~~E~~))eligible employees are entitled to up to ((~~twenty-six (~~))26((~~)~~)) workweeks of unpaid leave during any ((~~twelve (~~))12((~~)~~)) month period for the care of a covered service member who is the spouse/domestic partner, parent, son, daughter, or next of kin of the employee.

C. Except as provided by Seattle Municipal Code subsection 4.29.020.A, ((~~E~~))eligible employees may take both types of family medical leave described in subsections ((~~A and B above~~)) 4.26.010.A and 4.26.010.B during the same ((~~twelve (~~))12((~~)~~)) month period, provided that the combined leave taken in that ((~~twelve (~~))12((~~)~~)) month period does not exceed a total of ((~~twenty-six (~~))26((~~)~~)) workweeks.

Section 3. Section 4.27.010 of the Seattle Municipal Code, enacted by Ordinance 124753, is amended as follows:

4.27.010((~~.~~)) Definitions((~~.~~))

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

"City" means the City of Seattle.

"Eligible employee" means an individual who has completed ((~~6~~)) six months of City employment as an employee, as defined in ((~~the Seattle Municipal Code Subsection~~)) Section 4.04.030, or as a temporary worker eligible for benefits under ((~~Seattle Municipal Code Subsection 4.20.055(C)~~))) subsection 4.20.055.C.

"Reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

"Single 12-month period" shall mean a 12-month period measured forward from the date of birth of a child, or placement of a child for adoption, ((~~or~~)) foster care, or legal guardianship.

"Son or daughter" means a biological, adopted, or foster child, a stepchild, 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.

"Week" shall mean 40 hours, pro((-))rated for part-time employees.

Section 4. Section 4.27.020 of the Seattle Municipal Code, enacted by Ordinance 124753, is amended as follows:

4.27.020((~~.~~)) Leave ((~~Provisions.~~)) provisions

A. Eligible employees are entitled to up to ((~~four~~)) a total of 12 weeks of paid leave in addition to any paid and unpaid leave to which they may otherwise be entitled, except as provided in subsection 4.27.020.B, during any single 12 month period for one or more of the following:

1. The birth of a son or daughter of the employee and in order to care for such son or daughter.

2. The placement of a son or daughter with the employee for adoption, ((~~or~~)) foster care, or legal guardianship.

((~~Expiration of entitlement.~~))

B. It is the intent of this Chapter 4.27 that all eligible employees have access to at least 12 weeks of paid leave for the non-medical care of a new son or daughter, without having to exhaust all of their accrued vacation and sick leave balances. To meet that intent, in addition to the paid vacation leave accrued pursuant to Chapter 4.34 and paid sick leave accrued pursuant to Chapter 4.24, paid parental leave is provided to eligible City employees as follows:

1. Upon the qualifying birth or placement of a son or daughter, the City shall provide eight weeks of paid parental leave to be used for the non-medical care of that child within 12 months of the qualifying event.

2. For eligible employees whose combined eight weeks of paid parental leave provided in subsection 4.27.020.B.1 and accrued vacation and sick leave, as accounted for in subsection 4.27.020.B.3, amounts to less than 12 weeks on the date of the qualifying birth or placement, the City shall provide whatever additional paid parental leave is needed to reach a total of 12 weeks.

3. When determining what, if any, additional paid parental leave to provide in subsection 4.27.020.B.2, the City shall not count one week of an eligible employee's accrued vacation leave and two weeks of an employee's accrued sick leave towards the 12 week benefit, with the intent that the employees retain such vacation leave and sick leave to use in accordance with existing City policy regarding such leave usage.

C. The entitlement to paid leave under subsections ((~~A(1) and A(2)~~)) 4.27.020.A.1 and 4.27.020.A.2 for birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement.

Section 5. Section 4.27.100 of the Seattle Municipal Code, enacted by Ordinance 124753, is amended as follows:

4.27.100 Data ((~~Collection and Reporting.~~)) collection and reporting

City departments, via the City's payroll system, shall track data related to employees who utilize the ((~~Paid Parental Leave~~)) paid parental leave provided in this ((~~ordinance~~)) Chapter 4.27. The data should include employee gender, tenure with the city, hours of ((~~Paid Parental Leave~~)) paid parental leave used, job title, and employing City department at the time the leave was used. In addition, information on the approximate backfill cost to the City, by department, should be identified.

An annual report containing the ((~~above~~)) information in the immediately preceding paragraph shall be submitted by the Seattle Department of Human Resources to the Mayor and City Council in the annual Workforce Equity Accountability Report. The first report is due ((~~on July 1, 2016~~)) by the end of the second quarter of 2018, and shall be submitted every year thereafter unless the Mayor and Chair of the City Council's ((~~Parks, Seattle Center, Libraries and Gender Pay Equity~~)) Gender Equity, Safe Communities and New Americans committee, or its successor, agree an annual report is no longer necessary. Such agreement shall be in writing and filed with the City Clerk.

Section 6. A new Chapter 4.29 is added to the Seattle Municipal Code as follows:

CHAPTER 4.29 PAID FAMILY CARE LEAVE

4.29.010 Definitions

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

"City" means The City of Seattle.

"Domestic partner" means an individual designated by a City officer or employee in an affidavit filed pursuant to Section 4.30.020 and qualified under Section 4.30.010.

"Eligible employee" means an individual who has completed six months of City employment as an employee, as defined in Section 4.04.030, or as a temporary worker eligible for benefits under subsection 4.20.055.C.

"Health care provider" means any provider included in subsection 4.24.005.B.

"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.

"Reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

"Rolling 12-month period" means a 12-month period measured backward from the day that the employee wants to use paid family care leave.

"Runs concurrently" means substitutes for or counts toward another leave entitlement.

"Serious health condition" means an injury, illness, impairment, or physical or mental condition that includes:

1. Inpatient care in a hospital, hospice, or residential, medical care facility; or

2. Continuing treatment by a health care provider.

"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.

"Spouse" means husband or wife.

"Week" means 40 hours, prorated for part-time employees.

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, or parent of the employee or spouse/domestic partner, if such spouse/domestic partner, son, daughter, or parent has a serious health condition. 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 family medical leave entitlement is not eligible to take paid family care leave. To become eligible for paid family care leave, an employee must reduce his or her paid leave balances as proscribed by Section 4.29.050 and have the serious health condition certified by the health care provider of the son, daughter, spouse/domestic partner, or parent of the employee or spouse/domestic partner.

B. Paid family care leave provided by the City to an employee under subsection 4.29.020.A but not used within a rolling 12-month period shall be forfeited and may not be retained for later use by the employee.

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, 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.

B. Failure to provide notice as proscribed in this Section 4.29.030 shall be grounds to deny the leave.

4.29.040 Leave taken intermittently or on a reduced schedule

A. Paid family care leave may be taken intermittently or on a reduced leave schedule when medically necessary. Medical necessity shall be determined and certified by a health care provider as provided in Section 4.29.070.

B. If an employee requests intermittent leave, or leave on a reduced leave schedule that is foreseeable based on planned medical treatment, the City may require such employee to transfer temporarily to an available alternative position offered by the City for which the employee is qualified and that:

1. Has equivalent base pay and benefits; and

2. Better accommodates recurring periods of leave than the regular employment position of the employee.

4.29.050 Exhaustion of other paid leave

An employee must reduce his or her accrued sick leave balances to a maximum of two weeks and his or her vacation leave balances to a maximum of one week in order to become eligible for the paid family care leave provided in this Chapter 4.29.

4.29.060 Employment and benefit protection

Eligible employees who have been granted leave under this Chapter 4.29 shall be entitled to the same employment and benefit protections consistent with the protections of the City's family and medical leave benefit in Section 4.26.050 and the rules promulgated pursuant thereto.

4.29.070 Medical certification requirement

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, 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, spouse/domestic partner, or parent.

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 approved by the City concerning any information certified as provided in this Section 4.29.070. When the second opinion differs from the opinion in the original certification, the City may require, at the expense of the City, that the employee obtain the opinion of a third care provider designated or approved jointly by the City and the employee. The opinion of the third health care provider concerning the information

certified as provided in this Section 4.29.070 shall be considered to be final and shall be binding on the City and the employee. The City may require that the eligible employee obtain subsequent recertification on a reasonable basis.

4.29.080 Failure to return to work

The City may recover the value of the paid family care leave from the employee if the employee fails to return to work following his or her leave of absence.

4.29.090 Rulemaking

The Seattle Human Resources Director is authorized and directed to promulgate rules consistent with this Chapter 4.29.

4.29.100 Data collection and reporting

City departments, via the City's payroll system, shall track data related to employees who utilize the paid family care leave provided in this Chapter 4.29. The data should include employee gender, tenure with the city, hours of paid family care leave used, job title, and employing City department at the time the leave was used. In addition, information on the approximate backfill cost to the City, by department, should be identified.

An annual report containing the information in the immediately preceding paragraph shall be submitted by the Seattle Department of Human Resources to the Mayor and City Council. The first report is due by the end of the second quarter of 2018 and shall be submitted every year thereafter unless the Mayor and Chair of the City Council's Gender Equity, Safe Communities and New Americans committee, or its successor, agree an annual report is no longer necessary. Such agreement shall be in writing and filed with the City Clerk.

Section 7. This ordinance shall apply to all eligible employees not represented by a union. Subject to collective bargaining, this ordinance shall also apply to those eligible employees who

are represented by a union that agree with the provisions as expressed herein. This ordinance applies to Seattle Public Library (SPL) employees, subject to the approval of the SPL Board of Trustees and the conditions and administration of SPL's personnel system.

Section 8. Any act consistent with the authority and prior to the effective date of this ordinance is ratified and confirmed.

Section 9. The additional paid parental leave employee benefits described in Sections 1, 3, 4, and 5 of this ordinance shall apply to the qualifying event of a birth or placement for adoption, foster care, or legal guardianship that occurs on or after January 1, 2017. The new paid family care leave benefits provided in Section 6 of this ordinance shall apply to employees who meet the eligibility criteria set forth in Section 4.29.020 of the Seattle Municipal Code on or after January 1, 2017.

Section 10. 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 13th day of February, 2017, and signed by me in open session in authentication of its passage this 13th day of February, 2017.

Bruce A Harrell

President _____ of the City Council

Approved by me this 17th day of February, 2017.

Edward B. Murray, Mayor

Filed by me this 17th day of February, 2017.

Monica Martinez Simmons, City Clerk

(Seal)