

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6391

AN ORDINANCE amending Human Resources Code Chapter 3.79 to align with the state's paid sick leave law (RCW 49.46.200 *et seq.*) which takes effect on January 1, 2018.

WHEREAS, Washington voters approved Initiative Measure No. 1433 (I-1433) on November 8, 2016 providing paid sick leave to employees working in Washington State at a minimum rate of one hour for every forty hours worked; and

WHEREAS, the legislation containing the terms of I-1433 related to sick leave is codified at RCW 49.46.200 *et seq.*; and

WHEREAS, the City of Bellevue's current Human Resources Code only provides paid sick leave to fully-benefited employees; and

WHEREAS, the Human Resources Code needs to be amended to align with I-433 to provide all City of Bellevue employees with at least the minimum paid sick leave; now therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 3.79.040 of the Bellevue Human Resources Code is hereby amended to read as follows:

. . . .

K. "Calendar month of service" means the minimum number of hours in a calendar month (e.g., January, February, etc.) for which a fully benefited employee must be in paid status (time worked, compensated leave, or sick leave) in order to earn and accrue sick leave (as provided in 3.79.130 G.4.a and 4.b) and/or vacation credit for that month.

. . . .

FF. "Partially benefited employee" means any employee other than a fully benefited employee. "Partially benefited employee" includes those employees who are appointed to serve in part-time, seasonal and variable employment positions and such other positions as from time to time the city council may designate as partially benefited positions. A partially benefited employee shall accrue no city benefits except those expressly provided herein, even if he/she works as a partially benefited employee in excess of any applicable limitations set forth in this code except as required by law.

(Ord. 6391 §1, 2017; Ord. [6153](#) § 1, 2014; Ord. [5744](#) § 1, 2007; Ord. [5694](#) § 1, 2006; Ord. [5263](#) § 1, 2000; Ord. [5228](#) § 1, 2000; Ord. [5187](#) § 1, 1999; Ord. [5094](#) § 2, 1998.)

Section 2. Section 3.79.100.A of the Bellevue Human Resources Code is amended to read as follows:

A. Policy. The successful and efficient operation of the city administration depends on prompt and reliable attendance of all employees. Therefore, the city shall have the right to require verification for absence from work due to illness or injury, as allowed by law. It is further the city's policy to provide appropriate levels of vital services to the community during unusual weather conditions and during emergencies while recognizing a concern for employees' safety. The city manager or his/her designee shall develop rules and procedures as necessary or appropriate regarding attendance, absence from work, tardiness, reporting to work in unusual weather conditions, and natural disasters.

(Ord. 6391 §2, 2017; Ord. [5263](#) § 1, 2000; Ord. [5094](#) § 2, 1998.)

Section 3. Section 3.79.130.G of the Bellevue Human Resources Code is amended to read as follows:

. . . .

4. Sick Leave Accruals for Fully Benefited Employees.

- a. Each fully benefited employee assigned to work a full-time equivalent of 1.0 or 40 hours a week will earn sick leave at the rate of eight hours for each calendar month of service completed since his/her most recent service credit date as a benefited employee. A full-time benefited employee working a 1.0 FTE/40 hours a week must be in paid status for at least 90 hours in a calendar month to earn 8 hours of sick leave for that month.
- b. A fully benefited employee assigned to work less than 40 hours a week will earn a prorated number of sick leave hours which reflects the proportion his/her regularly scheduled work week is to a full-time work week of 40 hours. A fully benefited employee working less than a 1.0 FTE/40 hours a week must be in paid status for at least 75 percent of his/her regularly scheduled work in a calendar month to earn the pro-rated number of hours of sick leave for that month.
- c. Provided however, any fully benefited employee who does not meet the eligibility criteria for earning sick leave hours under 4.a or 4.b shall be entitled to accrue sick leave at a rate of 1 hour per 40 hours of compensated time.
- d. The maximum amount of sick leave that may be accrued at any time shall be 1,440 hours, except as otherwise required by law.
- e. Payment for Sick Leave Accruals at Time of Retirement. With the employee's written consent, upon retirement or 20 or more years of service, a regular

status employee is entitled to receive a cash payment equal to 10 percent of his/her current total unused sick leave hours to a maximum of 144 hours (i.e. 10% of 1,440), multiplied by the employee's current base hourly rate.

- f. Bonus for Nonuse of Sick Leave. The city manager or his/her designee may develop and implement a bonus program for nonuse of sick leave within the city's budget constraints.

5. Sick Leave Accruals for Partially Benefited Employees.

- a. Partially benefited employees earn sick leave as provided by law as now or hereafter amended.

(Ord. 6391 §3, 2017); Ord. [6162](#) § 1, 2014; Ord. [6153](#) § 5, 2014; Ord. [5325](#) § 1, 2001; Ord. [5263](#) § 1, 2000; Ord. [5094](#) § 2, 1998.)

Section 4. This Ordinance shall take effect and be in force five (5) days after its passage and legal publication.

Passed by the City Council this _____ day of _____, 2017
and signed in authentication of its passage this _____ day of _____,
2017.

(SEAL)

John Stokes, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Cindy M. Lin, Assistant City Attorney

Attest:

Kyle Stannert, City Clerk

Published _____