

December 11, 2017

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

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.

FISCAL IMPACT

The amendment sets City policy and ensures City compliance with state law. Adoption of amendments does not obligate the City to spend. Implementation of the policy may influence future decision making and proposed investments. Investments outside the scope of the current biennial budget may be proposed in future budget processes for Council approval. For the general Ordinance, the action does not create a direct fiscal impact to the City.

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Human Resources

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City Attorney's Office

POLICY CONSIDERATION

Shall Council approve the changes to the Human Resources Code 3.79 to comply with state law?

BACKGROUND

On November 8, 2016, Washington voters approved Initiative Measure No. 1433 (I-1433), a ballot measure concerning labor standards. I-1433 was codified under chapter 49.46 RCW. I-1433, in part, requires employers to provide employees with paid sick leave at a minimum rate of one hour for every 40 hours worked. I-1433 also includes provisions addressing the accrual and carryover of paid sick leave, defines what paid sick leave can be used for and when, and prohibits employers from retaliating against employees for exercising any rights provided by chapter 49.46 RCW.

Initiative I-1433 requires employers to provide paid sick leave to employees beginning on January 1, 2018.

The City currently provides paid sick leave to full-time, fully benefited employees each month the employee has been in a paid status for at least 90 hours in that calendar month. Fully benefited employees normally scheduled to work less than 40 hours a week earn leave pro-rated on the number of hours normally assigned in the week. The current HR Code does not provide paid sick leave for partially-benefited employees (e.g. part-time, seasonal and variable employees). However, under I-1433, such employees would be eligible to accrue sick leave at the minimum rate set forth in the statute. Therefore, the City Human Resources Code needs to be amended to provide for at least the minimum sick leave accrual as required by law.

The primary purpose of this Amendment is to authorize the City to provide paid sick leave to employees appointed to serve in partially benefited positions consistent with law. Therefore, the City's Human Resources Code needs to be amended to provide sick leave accruals as provided by law as now or hereafter amended.

The Human Resources Policies and Procedures Manual will be revised to at least meet the minimum requirements in Chapter 49.46 RCW Minimum Wage Requirements and Labor Standards.

EFFECTIVE DATE

If approved, this Ordinance becomes effective on December 21, 2017.

OPTIONS

1. Adopt the 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.
2. Do not adopt the Ordinance and provide alternative direction to staff.

RECOMMENDATION

Option 1

MOTION

Move to adopt Ordinance No. 6391 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.

ATTACHMENTS

A. Ordinance - Redlined

Proposed Ordinance No. 6391

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

N/A