
Council Bill Number: 117147

Ordinance Number: 123590

AN ORDINANCE relating to City employment commonly referred to as the First Quarter 2011 Employment Ordinance; establishing new titles and/or salaries; designating positions as exempt from Civil Service status; amending Section 4.20.320 of the Seattle Municipal Code; and ratifying and confirming prior acts; all by a 2/3 vote of the City Council.

Status: Passed

Note: Originally referred to Seattle Public Utilities and Neighborhoods Committee on 1/18/11.

Vote: 9-0

Date filed with the City Clerk: 2011/05/03

Date of Mayor's signature: 2011/04/27 ([about the signature date](#))

Date introduced/referred to committee: 2011/04/11

Committee: Finance and Budget

Sponsor: GODDEN

Committee Recommendation: Pass

Date of Committee Recommendation: 2011/04/06

Committee Vote: 4-0, Harrell, Conlin, Licata, O'Brien

Index Terms: CITY-EMPLOYEES, WAGES-AND-SALARIES

Fiscal Note: [Fiscal Note to Council Bill No. 117147](#)

Electronic Copy: [PDF scan of Ordinance No. 123590](#)

Reference: Related: [Ordinance 123347](#)

Text:

AN ORDINANCE relating to City employment commonly referred to as the First Quarter 2011 Employment Ordinance; establishing new titles and/or salaries; designating positions as exempt from Civil Service status; amending Section 4.20.320 of the Seattle Municipal Code; and ratifying and confirming prior acts; all by a 2/3 vote of the City Council.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Establishing New Titles and/or Salaries. As recommended by the

Personnel Director, the following titles and/or salary rates are established as displayed

below, effective as of the dates shown and pay is authorized back to the effective dates:

| | |
|-------------------|--|
| Department: | Seattle Police Department |
| New Title: | Police Communications Dispatcher Supervisor |
| Old Title: | Police Communications Dispatcher-Acting Supervisor |
| New Salary Range: | \$33.70 - \$35.04 - \$36.33 - \$37.74 - \$39.22 |
| Old Salary Range: | \$33.70 - \$35.04 - \$36.33 - \$37.74 - \$39.22 |
| Report: | #10-11655 |
| Effective Date: | December 20, 2010 |

| | |
|-------------------|--|
| Department: | Personnel Department |
| Title: | Cooperative Intern |
| New Salary Range: | \$14.13 |
| Old Salary Range: | \$17.83 |
| Report: | #11-11740 |
| Effective Date: | Upon passage of enabling legislation, except Cooperative Interns who work for the City at the time of passage of this legislation shall receive the same salary rate the intern received immediately before this salary adjustment is effective. |

| | |
|-------------------|---|
| Department: | Personnel Department |
| Title: | Municipal Government Intern |
| New Salary Range: | \$17.31 |
| Old Salary Range: | \$25.91 |
| Report: | #11-11740 |
| Effective Date: | Upon passage of enabling legislation, except Municipal Government Interns who work for the City at the time of passage of this legislation shall receive the same salary rate the intern received immediately before this salary adjustment is effective. |

Section 2. Designating Two Positions as Exempt from Civil Service Status. As

recommended by the Personnel Director in the Classification Determination specified, these positions are designated as exempt from Civil Service as noted below, pursuant to SMC

4.13.010(1):

-- 1 position (#00017582) in the Department of Finance and Administrative Services;

Senior Accountant designated to Strategic Advisor 2, Exempt (Report #10-11658).

-- 1 position (#10003407) in Seattle City Light; IT Professional B designated to IT

Professional A, Exempt (Report #10-11707).

Section 3. Seattle Municipal Code 4.20.320 is amended as follows:

4.20.320 Executive and Merit leave for eligible employees

A. Definitions

1. "Eligible employee" is any regular, salaried, professional, administrative, or executive employee who is exempt from or not covered by the overtime pay provisions of the Fair Labor Standards Act or the Washington Minimum Wage Act, and not otherwise excluded by this section. Eligible employees are those assigned to a classification or position which receives a top salary step equal to or greater than the top salary step of pay range 36.5, and those assigned to the Accountability Pay for Executives Program, Manager Compensation Program, or Strategic Advisor Program, regardless of pay group or zone, and are not entitled to receive overtime compensation or compensatory time for hours worked in excess of 40 in one workweek. In the Executive Department, the Law Department, and the Legislative Branch an "eligible employee" is any regular, salaried employee who is not entitled to receive overtime compensation or compensatory time under state or federal law.

2. "Emergency response employee" shall be defined as an employee who occupies a position with a title that is exempt from the provisions of the Fair Labor Standards Act, is assigned to a classification which receives a top salary step that is equal to or greater than the top salary step of pay range 36.5, and is uniformly subject to call back to work to respond to emergency situations after completing the regular work shift. Only employees working in the position titles listed

below shall be designated as Emergency response employees:

Title

Electrical Construction and Maintenance Supervisor

Electrical Workload Supervisor

Generation Supervisor

Power Dispatcher Supervisor

Power Station Operations Supervisor

Power Supply Engineer

Power Supply Engineer, Assistant

Station Construction and Maintenance Supervisor I

Station Construction and Maintenance Supervisor II

Substation Operators Supervisor

Transmission/Distribution Services Supervisor

Water Maintenance Supervisor

Water Pipe District Supervisor

Water Quality Lab Supervisor

Water Transmission Supervisor

Water Treatment Supervisor

Water Supply Supervisor

3. "Executive leave" shall be defined as time off with pay and shall be in addition to earned vacation benefits. Eligible employees may not receive cash in lieu of executive leave.

4. "Merit leave" shall be defined as leave which may be awarded to an eligible employee for outstanding, meritorious and/or extraordinary work performance, which is in addition to executive leave.

B. Policy

1. Executive leave: Unless specifically excluded in subsection C of this Section 4.20.320 all eligible employees with the exception of the classification of Magistrate, shall receive four days of executive leave at the beginning of each calendar year. Executive leave must be used in the calendar year for which it is given.

2. Eligible employees are expected to fulfill their professional responsibilities with no receipt of overtime or compensatory time off in lieu of overtime, regardless of the actual time it takes to perform assigned tasks. Eligible employees should be allowed discretion in structuring their workday to ensure that assigned tasks are completed. Eligible employees are not required to use paid vacation or sick leave to cover occasional absences of less than four

hours during any one workday, and shall be paid their regular salary despite such absences. Eligible employees are expected to notify supervisors in advance of such absences and are expected to schedule such absences in a manner which will cause the least impact on work within their work unit.

3. Merit leave: An Appointing Authority may, at his or her discretion, award to eligible employees up to six days of merit leave during the month of December of each year. Eligible employees must use any awarded merit leave in the subsequent calendar year and may not receive cash in lieu of merit leave.
4. Out-of-class assignment: Employees who are otherwise eligible for overtime compensation who work out-of-class in an executive leave eligible position shall be eligible for executive and merit leave according to a minimum hour threshold and formula established and published by the Personnel Director and shall not receive overtime compensation when so assigned. This provision may apply to represented employees provided their bargaining agent has concurred in its application. Subsection B.2 of this Section 4.20.320 becomes applicable to employees who work out-of-class in an executive leave eligible position after a specified threshold is reached as defined by the Personnel Director.

C. Exclusions

1. Department Directors who receive vacation allowance pursuant to Section 4.34.030 shall be excluded from Section 4.20.315 and this Section 4.20.320. (~~((Officers and employees of the Seattle Municipal Court who are exempt from, or not otherwise covered by the Fair Labor Standards Act, and e))~~) Employees who are working pursuant to a collective bargaining agreement shall also be excluded from Section 4.20.315 and this Section 4.20.320 except as provided for in subsection B.4 of this Section 4.20.320. All employees employed by the Seattle Public Library are specifically excluded from all provisions of Section 4.20.315 and this Section 4.20.320.
2. Emergency Response Employees. In order to ensure continued effective response to public emergencies, all emergency response employees who work in position titles designated in subsection A.2. of this Section 4.20.320 shall be eligible for overtime or compensatory time at the rate of time-and-one-half for all hours worked in excess of 40 during one workweek. Emergency response employees shall not receive executive or merit leave benefits.
3. Class Series Exception. If at least one position title in a class series is below the 36.5 salary range, then all position titles in the class series up through and including the "senior" level will be eligible for overtime and shall not receive executive or merit leave benefits. This Section does not apply to eligible employees in the Executive Department, the Law Department and the Legislative Branch.

Section 4. Any act consistent with the authority of this ordinance taken after its passage and prior to its effective date is hereby ratified and confirmed.

Section 5. This ordinance shall take effect and be in force 30 days from and 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 a 2/3 vote of all the members of the City Council the ____ day of _____, 2011, and signed by me in open session in authentication of its passage this

____ day of _____, 2011.

President _____ of the City Council

Approved by me this ____ day of _____, 2011.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2011.

City Clerk

(Seal)